



SUPPLEMENT

TO THE

NEW ZEALAND GAZETTE

OF

THURSDAY, DECEMBER 8, 1938.

Published by Authority.

WELLINGTON, FRIDAY, DECEMBER 9, 1938.

Control under Transport Licensing Act, 1931, of Motor-cabs in the Boroughs of Hamilton and Thames.

GALWAY, Governor-General.
ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 9th day of December, 1938.

Present:

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers and authorities conferred on him by the Transport Licensing Act, 1931, and of all other powers and authorities enabling him in that behalf, His Excellency the Governor-General acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations:—

REGULATIONS.

1. These regulations may be cited as the Motor-cab (Hamilton and Thames) Regulations, 1938.
2. These regulations shall come into force on the day following their publication in the *Gazette*.
3. In these regulations, unless inconsistent with the context—
 "The said Act" means the Transport Licensing Act, 1931;
 "The said declarations" mean the declarations signed by the Minister of Transport respectively on the 28th day of November, 1938, and the 7th day of December, 1938, declaring the carriage of passengers by motor-cab in the Borough of Hamilton and the Borough of Thames respectively to constitute passenger-services for the purposes of the said Act;

"Borough" in the case of a motor-cab for the time being used in a passenger-service declared to be such by the said declaration of date the 28th day of November, 1938, means the Borough of Hamilton; and in the case of a motor-cab for the time being used in a passenger-service declared to be such by the said declaration of date the 7th day of December, 1938, means the Borough of Thames;

"The said services" means the services described by the said declarations;

"Motor-cab" means any vehicle used in the said services;

"Inspector" means a traffic inspector appointed under and for the purposes of the said Act.

4. In their application to the said services and motor-cabs the undermentioned regulations shall be read subject to the express provisions of these regulations:—

The Transport (Passenger) Order, 1936; including
 The Transport Licensing Passenger Regulations, 1936;
 The Passenger-service Vehicle (Constructional) Regulations, 1936.

5. It shall be a condition of every license (whether inserted therein or not) issued for any of the said services that the special conditions set out in the First Schedule hereto shall apply to the services unless otherwise provided by the express terms of the license.

6. The provisions of the Fitness Certificate (Motor-cab) Exemption Order, 1937, shall not apply to the motor-cabs to the intent that by reason of such non-application the provisions of section 38 of the said Act shall accordingly apply to those motor-cabs according to the tenor thereof.

7. Together with every license there shall be issued by the Licensing Authority a Cab Authority or Cab Authorities in the form hereunder to the number authorized by the license:—

FORM OF CAB AUTHORITY.

TRANSPORT LICENSING ACT, 1931.—LICENSE REF.

No. / / .
 Cab Authority { Hamilton Borough
 or
 Thames Borough.

1. Name of licensee:.....
2. Business address of licensee:.....
3. Date of expiry of license:.....
4. For ^{private} hire (cross out whichever inapplicable).
5. Exempted from Special Conditions Nos. (if any):.....

Dated at _____, this _____ day of _____, 19____,
 Licensing Authority.

8. (1) Regulation 17 (relating to fees) of the Third Schedule to the Transport (Passenger) Order, 1936, shall not apply in respect to the said services, and the fees payable in respect thereto shall be the fees set out in the Second Schedule hereto.

(2) The prescribed fee if over £1 shall be paid on behalf of the person from whom it is due to the Reserve Bank of New Zealand or any branch of the Bank of New Zealand to the credit of the Public Account.

(3) In respect of every application for a license the bank receipt shall accompany the application.

FIRST SCHEDULE.

SPECIAL CONDITIONS OF LICENSES.

Analysis.

1. Carriage of passengers.
2. Disinfection of vehicles.
3. Cab-authorities.
4. Driver's duties.
5. Duty to carry out hiring.
6. Offences by driver.
7. Driver's attendance at stand.
8. Stands.
9. Permitted waiting-places of motor-cabs.
10. Touting.
11. Driving hours.
12. Wages.
13. Accounts and returns.
14. Taxi-meters.
15. General duty of compliance with statutory and other provisions.

1. Carriage of Passengers.

The driver of any motor-cab shall not carry thereon any passengers in excess of the authorized maximum number prescribed by the certificate of fitness or permit or otherwise than on the seats provided for the purpose.

2. Disinfection of Vehicles.

(1) The licensee of a motor-cab shall cause the same to be disinfected to the satisfaction of an inspector at such times and in such manner as an inspector may require.

(2) If any person suffering from an infectious or contagious disease or illness or the body of any person deceased is carried in a motor-cab then:—

- (a) The licensee shall forthwith give notice of the fact in writing to the Town Clerk of the borough and cause the motor-cab to be disinfected to the satisfaction of the said Town Clerk or an inspector.
- (b) Until such motor-cab shall have been so disinfected as aforesaid the licensee shall not carry any person or allow any person to be carried therein or thereon.
- (c) The licensee shall not be bound to carry in a motor-cab any person suffering from any infectious or contagious disease or the body of any person deceased until such licensee has been tendered or paid a sum sufficient to cover any loss or expense which may be incurred by him in carrying into effect this condition with respect to disinfecting such motor-cab.

3. Cab-authorities.

Within every motor-cab while used in terms of the license the licensee shall cause to be carried the cab-authority or one of the cab-authorities issued with the license and such cab-authority shall be produced by the person for the time being in charge of the vehicle on demand by an inspector.

4. Driver's Duties.

Every driver of a motor-cab shall—

(1) If on duty and disengaged accept any offer made to him for the hire of the motor-cab and accept as a passenger the hirer and any person the hirer may require him so to accept up to the seating capacity of the motor-cab and the prescribed maximum number:

Provided first that he may refuse to accept as a passenger any person who is drunk or is in a filthy condition or is noisy or violent or disturbing the public peace or is accompanied by a dog which is not suitably confined or covered to protect such motor-cab from defilement or contamination:

Provided secondly that he may require prepayment in the case of any contract of hire extending for more than twenty-five miles in distance or three hours in time.

(2) At all times while engaged in his employment be clean and tidy and wear clean and respectable clothes and conduct himself in an orderly and civil manner.

(3) Immediately on the termination of any hiring carefully search the motor-cab for any property which may have been left therein by any one.

(4) Forthwith deliver at the office of the Council of the borough any lost property found by him in the motor-cab.

(5) At the end of every hiring demand the exact amount of fare payable under the license for such hiring.

(6) Afford all reasonable assistance in loading and in removing luggage of the hirer to or from any door, station, wharf, or place and take proper care of such luggage.

(7) When payment is to be made for excess luggage, expressly state the separate amount due for the excess.

(8) Upon being asked by an intending hirer a question as to the scale or basis of fare chargeable for any specified hiring, state the correct scale or basis of fare for the time being in force applicable to the case.

5. Duty to carry out Hiring.

Neither the licensee nor the driver of a motor-cab shall neglect, fail, or refuse to carry out punctually any contract of hire into which he has entered.

6. Offences by Driver.

The driver of a motor-cab shall not—

(1) To the annoyance of any person importune any person to hire the motor-cab.

(2) Leave his motor-cab to tout for passengers or fares.

(3) Sleep or lounge in his motor-cab or smoke whilst conveying a passenger, or endeavour to attract attention by shouting, whistling, calling, or sounding a horn or other instrument except as permitted under the Traffic Regulations, 1936.

(4) Permit the motor-cab when in any street or other public place within the borough to stand at any place other than a stand duly appointed for that purpose. Provided that it shall not be a breach of this condition if the motor-cab be permitted to stand as aforesaid but within the limits of time and place created by any by-law or regulation of the Council of the borough whilst loading or unloading goods or taking up or setting down passengers or whilst hired or whilst any private business of its driver is being transacted as if such vehicle were a private vehicle.

(5) Loiter with the motor-cab. Any such driver who shall in the opinion of any constable or inspector drive his vehicle along a street or thoroughfare at a speed of less than six miles an hour shall *prima facie* be deemed to be loitering with his motor-cab contrary to this provision. Provided that nothing in this paragraph shall apply—

(a) In a place where by any statute, regulation, by-law, or resolution of any competent local authority, a motor-cab is required to proceed at a slower pace than six miles an hour.

(b) At funeral processions.

(8) Cause his motor-cab to be drawn up on a stand which is already occupied by the full number of vehicles which the stand is intended to accommodate.

(7) Allow any person but the hirer and such person or persons as the hirer will admit to ride in or on the motor-cab.

(8) Place or carry or allow to be placed or carried in or upon the motor-cab any substance of offensive character.

7. Driver's Attendance at Stand.

The driver of a motor-cab shall whilst the motor-cab is waiting on a stand remain constantly either on the driving-seat of the motor-cab or in immediate attendance thereupon, unless absent for some reasonable cause, and, in case of such absence, he shall leave some competent person in charge of the motor-cab, but such person shall in no case act as driver thereof unless he is himself licensed to drive it.

8. Stands.

The driver of a motor-cab when the motor-cab is in any street or other public place within the borough and is not engaged shall take up his station on some stand and shall there wait his turn for hiring and otherwise conduct himself and his vehicle as may be from time to time prescribed under by-laws as to the use of such stand.

9. Permitted Waiting-places of Motor-cabs.

Except in cases mentioned in paragraph (4) of Condition No. 6 hereof and in the following cases no driver of a motor-cab shall when in any street or public place within the borough stand with his motor-cab or permit the same to stand elsewhere than a stand :—

- (1) A driver may wait at any place then open for public amusement or for public assemblance, provided that he waits with his motor-cab as near to the chief entrance to such place as possible (but not nearer than 10 yards) and takes his turn to the front of such place to pick up any passenger who may hail or desire to engage him; but any inspector or any police officer may order any such driver to alter his position and take up such other position as such inspector or police officer may think convenient for the traffic, provided always that this subsection shall not apply to places where stands are provided.
- (2) No such driver shall by virtue of this provision permit his motor-cab to remain on the said street longer than ten minutes after such place of amusement or public assemblance shall have closed, unless he is hired so to remain.
- (3) A driver of a motor-cab who is hired may within the limits of time and place created by any condition of his license wait for his hirer wherever such hirer may direct, but any police constable or other officer or any inspector may direct such driver to move forward or backward to prevent obstruction, and such driver shall obey such direction.
- (4) The proof that he was hired and was asked by his hirer to remain in any place of waiting shall in all cases rest on the driver.

Provided that the foregoing paragraphs (1) to (4) of this condition shall be read subject to any existing by-law or regulation which may be in force affecting the roads or the use thereof and affecting motor-cabs.

10. Touting.

(1) Neither the licensee nor the driver, nor any other person shall, in connection with a motor-cab in any street or public place or other locality except in manner authorized by these conditions endeavour to induce a person to hire or to ride in such motor-cab.

(2) Neither the licensee nor driver of a motor-cab nor any other person shall in any street or public place :—

- (a) In the course of any employment or occupation connected with the business of the hiring out of such motor-cab, by act, words or conduct tout for, solicit, or hold himself out as available for the carriage of luggage of any person to such motor-cab: Provided that nothing in this condition shall affect the duty of a driver as defined in Condition 4 hereof; or
- (b) Summon or call up any motor-cab by horn, musical instrument, gong, drum, bell, gramophone, megaphone, loud-speaker, or other noisy means whatsoever; or
- (c) By act, words, or conduct tout for or solicit fares or hirings for any motor-cab: Provided that nothing herein shall be deemed to render it unlawful for the driver while in or within three feet of the motor-cab which he is in charge of and which is standing as a disengaged motor-cab on a duly appointed stand, by gesture or in a moderate voice, to call attention to the fact that such motor-cab is available to be hired.

11. Driving Hours.

The licensee shall not drive or cause or permit any person employed by him or subject to his orders to drive any motor-cab :—

- (1) For any continuous period of more than five and one-half hours; or
- (2) So that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours; or
- (3) So that the driver would be unable to have for rest the complete twenty-four hours commencing at 1 a.m. on every other Sunday.

For the purposes of this condition :—

- (a) Any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshments;
- (b) Any time spent by a driver on other work in connection with a motor-cab or in driving or other work in connection with any passenger-service or goods-service vehicle or the load carried thereby shall be reckoned as time spent in driving a motor-cab:

Provided that a licensee shall not be liable to be convicted for breach of this condition if he proves to the Court that the contravention was due to unavoidable delay in the completion of any journey arising out of circumstances which he could not reasonably have foreseen.

12. Wages.

(1) The licensee shall pay every person employed by him to drive a motor-cab not less than the wages prescribed for such employees in any award or awards from time to time in force and made by order of the Arbitration Court under the Industrial Conciliation and Arbitration Act, 1925, whether the licensee or his employees are parties to the said award or awards or not.

(2) During such time as there may not be in force any award so made, the licensee shall pay every person employed by him to drive a motor-cab, wages at the rate of not less than £4 10s. per week plus an additional 2s. for every hour in excess of ten hours spent in driving a motor-cab within any period of twenty-four hours during that week, but shall not pay such person any additional amount by way of commission on earnings.

(3) For the purposes of this condition any time spent by a driver on other work in connection with a motor-cab or the load carried thereby shall be reckoned as time spent in driving.

(4) When the licensee himself drives the motor-cab the Licensing Authority may review the license in terms of section 8 of the Transport Licensing Amendment Act, 1936, if the Authority is satisfied that the licensee has failed to earn an amount corresponding to the wages hereinbefore set out.

13. Accounts and Returns.

The licensee shall keep such records and maintain such an accounting system as will enable him to make on request of the Commissioner of Transport or the Licensing Authority the statistical and financial returns described in Form T.L. 17 of the Transport Licensing Passenger Regulations, 1936, and shall provide such returns relating to the same as may from time to time be required by the said Commissioner.

14. Taxi-meters.

(1) With the exceptions hereinafter described the licensee shall cause an efficient taxi-meter of a make and type approved by the Licensing Authority to be fitted to and used on every motor-cab subject to the license under such conditions as may be prescribed by the Authority. In the case of any motor-cab not fitted with a taxi-meter at the date of issue of the license the taxi-meter shall be fitted not later than six months from such date. The taxi-meter shall be so constructed, fitted, maintained, and lighted as readily to indicate to any passenger the correct hiring-mileage charges as they accrue at the rates fixed in the license.

(2) If the licensee uses or permits to be used a taxi-meter with intent to deceive he shall be deemed to have committed a breach of the license.

(3) In the case of a motor-cab which is hired by time only or is kept for private hire only, exemption from this requirement may be granted in writing to the licensee by the Licensing Authority under the hand of the secretary.

15. *General Duty of Compliance with Statutory and other Provisions.*

The licensee and the driver of a motor-cab shall comply with the provisions and requirements of every statute, regulation, or by-law regulating, controlling, or affecting the use of motor-vehicles in so far as such provision and requirements relate to motor-cabs and to the rights, duties, and obligations of such licensee or driver.

SECOND SCHEDULE.

FEEs.

	£	s.	d.
(i) Accompanying an application for a license or renewal of a license :—			
For every cab authority applied for	2	0	0
Provided that the sum of one pound (£1) for every such cab authority shall be refunded to the applicant if the application is withdrawn or refused.			
(ii) At the expiration of one year from the date of issue of the license :—			
For every cab authority issued and in force under the license	2	0	0
(iii) At the expiration of two years from the date of issue of the license :—			
For every cab authority issued and in force under the license	2	0	0
(iv) On the issue of every temporary license :—			
For every cab authority	0	2	0
(v) Accompanying every application for an amendment to a license under section 34 of the said Act	0	10	0
(vi) Accompanying every application for transfer of a license	3	0	0
(vii) Accompanying every application for an extract from the register of licenses	0	1	0

FEEs FOR DUPLICATES OF DOCUMENTS.

(viii) Accompanying every application for the duplicate of any document	0	2	6
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FEEs RELATING TO APPEALS.

(ix) Accompanying every appeal lodged with the Commissioner of Transport	3	0	0
(x) For every copy of the Licensing Authority's entry in the minute-book in terms of section 3 of the Transport Licensing Amendment Act, 1936	0	1	0

C. A. JEFFERY,
Clerk of the Executive Council.

(TT. 19/15/2.)

Declaring the Carriage of Passengers by Motor-cab in the Borough of Hamilton to constitute a Passenger-service.

PURSUANT to section 16 of the Transport Licensing Amendment Act, 1936, I, Robert Semple, Minister of Transport, do hereby declare that any service as described in the Schedule hereto shall be deemed for the purposes of the Transport Licensing Act, 1931, to be a passenger-service within the meaning of the said Act.

SCHEDULE.

ANY service for the carriage for hire or reward by means of a motor-vehicle or motor-vehicles of a passenger or passengers whose journey begins within the Borough of Hamilton, and who is or who are carried under a contract for hire or reward initiated within the said borough notwithstanding that any such motor-vehicle may not be a passenger-service vehicle within the meaning of section 2 of the Transport Licensing Act, 1931, and whether such service comprises a single trip or a series of trips.

Dated at Wellington, this 28th day of November, 1938.

R. SEMPLE, Minister of Transport.

Declaring the Carriage of Passengers by Motor-cab in the Borough of Thames to constitute a Passenger-service.

PURSUANT to section 16 of the Transport Licensing Amendment Act, 1936, I, Robert Semple, Minister of Transport, do hereby declare that any service as described in the Schedule hereto shall be deemed for the purposes of the Transport Licensing Act, 1931, to be a passenger-service within the meaning of the said Act.

SCHEDULE.

ANY service for the carriage for hire or reward by means of a motor-vehicle or motor-vehicles of a passenger or passengers whose journey begins within the Borough of Thames, and who is or who are carried under a contract for hire or reward initiated within the said borough, notwithstanding that any such motor-vehicle may not be a passenger-service vehicle within the meaning of section 2 of the Transport Licensing Act, 1931, and whether such service comprises a single trip or a series of trips.

Dated at Wellington, this 7th day of December, 1938.

R. SEMPLE, Minister of Transport.

(TT. 19/15/2.)