

**Reprint
as at 1 January 1971**



Tram-drivers Regulations 1947
(SR 1947/22)

B C Freyberg, Governor-General

Order in Council

At the Government House at Wellington, this 25th day of February
1947

Present:
His Excellency the Governor-General in Council

Pursuant to the provisions of section 75 of the Statutes Amendment Act 1946, His Excellency the Governor-General, acting by and with the advice of the Executive Council, doth hereby make the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Transport.

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Regulations

1

These regulations may be cited as the Tram-drivers Regulations 1947.

2

These regulations shall come into force on the day following notification in the *Gazette* of the making thereof.

3

In these regulations—

Board means the Board of Examiners appointed under the Boilers, Lifts, and Cranes Act 1950

carriage means any carriage or other rolling stock which is used on any tramway and from which the driver controls the movement thereof; but does not include any carriage or other rolling stock of which the driver is required to be the holder of an electric tram driver's certificate issued under section 2 of the Tramways Amendment Act 1910, or of a locomotive engine driver's certificate issued under the Boilers, Lifts, and Cranes Act 1950, or any carriage or other rolling stock which is used on any tramway in any bush undertaking within the meaning of the Bush Workers Act 1945.

Regulation 3 **Board**: amended, on 1 January 1951, pursuant to section 60(4) of the Boilers, Lifts, and Cranes Act 1950 (1950 No 53).

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Regulation 3 **carriage**: amended, on 1 January 1951, pursuant to section 60(4) of the Boilers, Lifts, and Cranes Act 1950 (1950 No 53).

4 Application for examination

- (1) Application for examination for a tram-driver's certificate is to be made in form 1 in the Schedule. Such forms may be obtained on application to the Inspector of Machinery at Auckland, Wellington, Christchurch, or Dunedin, or to the Secretary, Marine Department, Wellington.
- (2) Every such application when duly completed shall be forwarded to the Secretary, Marine Department, Wellington, so as to reach him at least 21 days before the first day of the month in which the examination is to be held.
- (3) Every such application shall be accompanied by—
 - (a) a certificate signed by the manager of a tramway on which are used carriages of the class to which the application relates, giving particulars of any experience the applicant has had that might fit him to perform the duties of a driver of carriages of that class:
 - (b) a certificate signed by the manager of the tramway upon which it is proposed to employ the applicant to the effect that in that manager's opinion the applicant is capable of performing the duties of and is suitable for appointment as such a driver:
 - (c) if the fact does not appear from the certificate furnished pursuant to paragraph (a), an additional certificate signed by the manager of a tramway stating that the applicant has undergone a course of training for a period of not less than 21 days for the position of driver of the class of carriage to which the application relates:
 - (d) a certificate signed by a registered medical practitioner stating that the applicant is physically fit to be such a driver, and in particular stating that the applicant's eyesight and hearing are satisfactory, that he is free from colour blindness, and that he is not subject to any infirmity likely to interfere with the proper performance of his duties as a tram-driver:
 - (e) the fee of £1 prescribed by regulation 10.

5 Examinations

- (1) Examinations for tram-drivers' certificates will be held at the offices of the Senior Inspector of Machinery at Auckland, Wellington, Christchurch, and Dunedin during the first week of the months of February, May, August, and November in each year, and at such other places and times as the Board may direct.
- (2) Such examinations may be written or oral, or partly written and partly oral, together with a practical test as the Board shall from time to time direct or authorise.
- (3) Every candidate for such examination shall be examined in the following subjects:
 - (a) a reading and writing test in the English language:
 - (b) an elementary knowledge of the construction of the prime mover and the application of the motive power used in connection with tramways:
 - (c) knowledge of brakes used on tramcars. A description of their construction, method of application, adjustment, and repairs necessary to keep them in good mechanical condition:
 - (d) in the case of cable tramways, a description of rope grippers, the method of application, adjustment, and repairs necessary to keep them in good mechanical condition:
 - (e) a description of the ordinary working of a tramway, including the remedy of simple defects occurring during the course of working:
 - (f) a description of the signalling system in use on the tramway, of the class to which the application refers, and a practical knowledge of the code of signals:
 - (g) a practical test in driving the class of carriage or rolling stock to which the application refers.
- (4) In the conduct of examinations the following provisions shall have effect:
 - (a) no person other than those whose duties require them to be present will be allowed in the examination room during the examination, and no instructors will be allowed on the premises:
 - (b) candidates shall be placed so as to prevent one copying from another, and no communication whatever between the candidates will be allowed:

- (c) candidates are not permitted to take into the examination room any books, papers, or memoranda of any kind whatever:
 - (d) in the event of any candidate being discovered referring to any book or paper, or copying from another, or affording any assistance or giving any information to another, or communicating in any way with another during the examination, he shall be deemed to have failed in the examination:
 - (e) if a candidate leaves the room before answering any question he shall not be allowed to answer that question on his return, but the examiner may substitute other data or another question:
 - (f) perfect silence is to be observed in the examination room during the progress of the examination:
 - (g) any candidate violating any of the foregoing regulations, or being guilty of insolence to the examiner or behaving in a disorderly or improper manner in or about the examination room, will render himself liable to the postponement of his examination or, in the event of his having passed, to the detention of his certificate for such period as the Board may direct.
- (5) No candidate who fails to satisfy the Board in such examination shall be eligible for re-examination until after the expiration of 3 calendar months from the date of the examination at which he so failed.

6 Certificate by examination

Subject to the provisions of regulation 9 as to age, every candidate who satisfies the Board at an examination in the subjects prescribed in regulation 5 shall be entitled to receive a certificate by examination in form 2 in the Schedule.

Application for certificates of service

7

- (1) Application for a certificate of service as a tram-driver is to be made in form 3 in the Schedule. Such forms may be obtained on application to the Inspector of Machinery at Auck-

land, Wellington, Christchurch, or Dunedin, or to the Secretary, Marine Department, Wellington.

- (2) Every such application, when duly completed, should be forwarded to the Secretary, Marine Department, Wellington, so as to reach him not later than 1 February 1947.
- (3) Every such application shall be accompanied by—
 - (a) a certificate signed by the manager of a tramway on which are used carriages of the class to which the application relates and on which the applicant has been employed, giving particulars of the length and periods of service of the applicant as a driver of carriages of that class and certifying that the applicant is of good repute and conduct and is of sober habits and in that manager's opinion is capable of performing the duties of and is suitable for employment as such a driver:
 - (b) if the fact does not appear from the certificate furnished pursuant to paragraph (a), proof that he has for a period of not less than 1 year been employed as a driver of carriages of the class to which the application relates:
 - (c) a certificate signed by a registered medical practitioner stating that the applicant is physically fit to be a driver of the class of carriage to which the application relates, and in particular stating that the applicant's eyesight and hearing are satisfactory, that he is free from colour blindness, and that he is not subject to any infirmity likely to interfere with the proper performance of his duties as a tram-driver:
 - (d) the fee of £1 prescribed by regulation 10.

8 Certificates of service

Subject to the provisions of regulation 9 as to age, every applicant who satisfies the Board of the matters upon which it is required to be satisfied by subsection (8) of section 75 of the Statutes Amendment Act 1946 shall be entitled to receive a certificate of service in form 4 in the Schedule.

9 Age

No tram-driver's certificate by examination or certificate of service shall be granted to any person who is under the age of

20 years and should the Board be in any doubt as to the age of the applicant he will be required to produce a birth certificate.

Regulation 9: amended, on 1 January 1971, by section 7(1) of the Age of Majority Act 1970 (1970 No 137).

10 Fees

(1) The following fees shall be payable:

	£	s	d
(a) Upon application for examination	1	0	0
(b) Upon application for certificate of service	1	0	0
(c) Upon application for replacement of certificate lost or destroyed	0	5	0

(2) If an applicant for examination is not, in the opinion of the Board, qualified to be examined, the fee which accompanied his application may either be returned to him or placed to his credit until he is qualified, and where a candidate having qualified for examination becomes incapacitated or dies before having been examined, the fee may be refunded. No return, crediting, or refund of a fee shall be made or effected except upon the recommendation of the Board and with the approval of the Secretary of Marine.

11 Replacement of certificates lost or destroyed

Any person who proves to the satisfaction of the Board that a tram-driver's certificate by examination or a certificate of service of which he is the rightful holder has been lost or destroyed may obtain a fresh certificate in lieu of that which is lost or destroyed on application to the Board and upon payment of the replacement fee of 5 shillings prescribed in regulation 10.

Schedule**Forms**

Form 1

Application for examination for a tram-driver's
certificate*Section 75, Statutes Amendment Act 1946*

To the Secretary
Marine Department
Wellington C 1.

- 1 I, [*full name*], of [*full postal address*], hereby make application to the Board of Examiners to be examined for a tram-driver's certificate at the examinations to be held at [*place*] in the first week of [*month*] next.
- 2 I was born at [*place and country*] on [*date*].
- 3 I have not sat for this examination previously. (I sat for this examination in [*month, year*], but was not successful.)
- 4 Accompanying this application are—
 - (a) a certificate as to my previous experience:
 - (b) a certificate of fitness from the manager of the [*specify*] Tramway upon which it is proposed that I be employed:
 - (c) a certificate as to course of training. (Not required if this clearly appears from the certificate mentioned in paragraph (a)):
 - (d) a medical certificate:
 - (e) the prescribed fee of £1.
- 5 I declare that the particulars furnished above are to the best of my knowledge and belief true and correct.

Signature of applicant:

Date:

Form 2

Tram-driver's certificate by examination

Section 75, Statutes Amendment Act 1946

This is to certify that *[full name]*, born at *[place]* on *[date]*, has passed the examination for a tram-driver's certificate prescribed by regulations under section 75 of the Statutes Amendment Act 1946.

This certificate entitles the above-named person to act as the driver of any carriage or other rolling stock of *[specify]* Tramway, of which *[specify]* is the motive power.

Issued at Wellington, *[date]*.

By direction of the Board of Examiners:

Signature:
Chairman

Signature:
Secretary

Form 3
Application for certificate of service as a
tram-driver

Section 75, Statutes Amendment Act 1946

To the Secretary
Marine Department
Wellington C 1.

- 1 I, [*full name*], of [*full postal address*], hereby make application to the Board of Examiners for a certificate of service as a tram-driver in respect of [*class or classes of tram or carriage concerned*].
- 2 I was born at [*place and country*] on [*date*].
- 3 Accompanying this application are—
 - (a) certificate as to my previous service, character, and fitness:
 - (b) proof that I have been employed as a driver of a tram or carriage of the class referred to above for not less than 1 year. (Not required if this appears from the certificate mentioned in the last preceding paragraph):
 - (c) a medical certificate:
 - (d) the prescribed fee of £1.
- 4 I declare that the particulars furnished above are, to the best of my knowledge and belief, true and correct.

Signature of applicant:

Date:

Form 4

Tram-driver's certificate of service

Section 75, Statutes Amendment Act 1946

This is to certify that *[full name]*, born at *[place]* on *[date]*, has satisfied the Board of Examiners that he is entitled to a certificate of service as tram-driver in pursuance of section 75 of the Statutes Amendment Act 1946.

This certificate entitles the above-named person to act as the driver of any carriage or other rolling stock of *[specify]* Tramway, of which *[specify]* is the motive power.

Issued at Wellington, *[date]*.

By direction of the Board of Examiners:

Signature:
Chairman

Signature:
Secretary

W O Harvey,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 27 February 1947.

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Notes**1 *General***

This is a reprint of the Tram-drivers Regulations 1947. The reprint incorporates all the amendments to the regulations as at 1 January 1971, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Age of Majority Act 1970 (1970 No 137): section 7(1)

Boilers, Lifts, and Cranes Act 1950 (1950 No 53): section 60(4)
