



ANALYSIS

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1975, No. 30

An Act to amend the Ministry of Transport Act 1968

[10 September 1975]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Ministry of Transport Amendment Act 1975, and shall be read together with and deemed part of the Ministry of Transport Act 1968 (hereinafter referred to as the principal Act).

2. New Zealand Urban Public Passenger Transport Council—Section 13A of the principal Act (as inserted by section 2 of the Ministry of Transport Amendment Act 1971) is hereby amended—

- (a) By omitting from subsection (2) (d) the words “Three members”, and substituting the words “Five members”;
- (b) By omitting from subsection (9) the words “Three members”, and substituting the words “Four members”.

3. Functions and powers of Council—Section 13c of the principal Act (as inserted by section 2 of the Ministry of Transport Amendment Act 1971) is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) Without limiting the general functions described in subsection (1) of this section, the Council shall have the following functions:

“(a) To advise the Minister on any matters concerning urban public passenger transport:

“(b) To determine priorities for Government assistance to the expenditure of persons or bodies which—

“(i) Provide (whether by road, water, or rail) urban public passenger transport services (other than taxicab services); or

“(ii) In any manner assist, complement, or facilitate the provision of such transport services—having regard to the extent of other assistance available and national, regional, and other factors:

“(c) To receive applications for assistance with expenditure from—

“(i) Any Regional Transport Authority; and

“(ii) Any person or body described in paragraph (b) of this subsection:

“(d) To make loans or grants in accordance with the priorities determined pursuant to paragraph (b) of this subsection, and, subject to section 80 of the Public Revenues Act 1953, to take in respect of any loan such security as the Council may determine under section 13E (2) (a) (v) of this Act:

“(e) To conduct research and experimental projects concerning urban passenger transport and associated matters and to encourage and assist, whether financially or otherwise, any research or project of such a nature:

“(f) To maintain such liaison with other national organisations as the Council considers beneficial:

“(g) To make proposals to the Local Government Commission pursuant to the Local Government Act 1974, as if the Council were a local authority within the meaning of that Act, for the preparation of schemes relating to Regional Transport Districts and Regional Transport Authorities, and to enter

into discussions with the Commission concerning any proposal which affects urban passenger transport.

“(2A) In subsection (2) of this section ‘expenditure’ means—

“(a) Capital expenditure; and

“(b) Interest on money borrowed, other than from the Council, after the commencement of that subsection.”

4. Applications to Council—Section 13D of the principal Act (as inserted by section 2 of the Ministry of Transport Amendment Act 1971) is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

“(1) Every Regional Transport Authority and every person or body described in paragraph (b) of section 13c (2) of this Act which proposes to borrow, or seek a grant of, money from the Council under paragraph (d) of the said section shall, where the transport services referred to in the said paragraph (b) are provided in an area other than a Regional Transport District, submit to the Council an application and statement giving such information and particulars as may be required by the Council, which information and particulars shall be verified in such manner as may be required by the Council.

“(2) Every person or body described in paragraph (b) of section 13c (2) of this Act which proposes to borrow, or seek a grant of, money from the Council under paragraph (d) of the said section shall, where the transport services referred to in the said paragraph (b) are provided in a Regional Transport District, submit to the Regional Transport Authority for that District an application and statement giving such information and particulars as may be required by the Council, which shall be forwarded forthwith by that Authority to the Council together with any recommendations or comments that the Authority may wish to make.”

5. Powers of Council in respect of applications—Section 13E (2) of the principal Act (as inserted by section 2 of the Ministry of Transport Amendment Act 1971) is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) From time to time, vary, modify, cancel, or add to any such determination—

“(i) With the approval of the Minister of Finance, if the determination relates to interest:

“(ii) In such manner and to such extent as it thinks fit in every other case.”

6. Amendment of First Schedule—The First Schedule to the principal Act (as substituted by section 3 (1) of the Ministry of Transport Amendment Act 1973) is hereby amended by inserting in Part I, after the item relating to the Carriage by Air Act 1940, the following item:

“1940, No. 31—The Sea Carriage of Goods Act 1940.”

7. Amendment to Local Government Act 1974—The Local Government Act 1974 is hereby amended by inserting in Part I of the First Schedule, after the item relating to Regional Councils, the following item:

“Regional Transport Authorities | 1968, No. 39—The Ministry
of Transport Act 1968.”

8. Securities taken by Council—Whereas the New Zealand Urban Public Passenger Transport Council has made loans in exercise of its powers under sections 13c (2) (c) and 13c (3) of the principal Act and securities taken for certain of those loans are expressed to have been taken in the name of the Council: And whereas it is doubtful whether the principal Act authorises securities to be taken in that form rather than in the name of Her Majesty the Queen pursuant to section 80 of the Public Revenues Act 1953: And whereas it is desired to provide that the said securities shall be treated as if they had been taken in conformity with that section: Be it therefore enacted as follows:

- (a) All securities expressed to have been taken by and given to the New Zealand Urban Public Passenger Transport Council before the commencement of this Act for loans made in exercise of its powers under sections 13c (2) (c) and 13c (3) of the principal Act shall be deemed to have been given to, and taken in the name of, Her Majesty the Queen pursuant to section 80 of the Public Revenues Act 1953, and no such security shall be held to be, or to have been, invalid or in any way prejudiced by reason of its being expressed to have been taken by and given to the Council:

- (b) Without limiting the general provisions of paragraph (a) of this section—
- (i) All rights, powers, discretions, and remedies expressed in the said securities to be conferred on, or vested in, the Council shall hereafter be exercised; and
 - (ii) All documents hereafter to be executed in connection with the said securities shall be executed—
as if the said securities were expressed to have been given to, and taken in the name of, Her Majesty the Queen pursuant to section 80 of the Public Revenues Act 1953.
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This Act is administered in the Ministry of Transport.
