

1959/164



## THE TRANSPORT LICENSING REGULATIONS 1950, AMENDMENT NO. 12

COBHAM, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 21st day of October 1959

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Transport Act 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

1. These regulations may be cited as the Transport Licensing Regulations 1950, Amendment No. 12, and shall be read together with and deemed part of the Transport Licensing Regulations 1950\* (hereinafter referred to as the principal regulations).

2. Regulation 4 of the principal regulations is hereby amended by inserting, after the definition of the term "licensed goods-service vehicle", the following definition:

" 'Licensing year' means a period of 12 months commencing (in the case of a passenger-service vehicle other than a taxicab) on the 1st day of March, and (in the case of a taxicab) on the 1st day of June, and (in the case of a goods-service vehicle) on the 1st day of September: ".

3. (1) The principal regulations are hereby amended by inserting, after regulation 30, the following regulation:

"SPECIAL CONDITIONS RELATING TO PASSENGER SERVICES BY TRACKLESS-TROLLEY OMNIBUS (DRIVING HOURS)

"30A. (1) The provisions of regulation 30 hereof (except clause (5)) shall apply to the driving of any trackless-trolley omnibus used in a passenger service as if that service were operated under the terms of a passenger-service licence, but those provisions shall apply as an obligation by the owner in the operation of the service instead of as a condition of a passenger-service licence.

\*S.R. 1950/28

Reprinted with Amendments Nos. 1 to 9, S.R. 1954/131

Amendment No. 10: S.R. 1955/188

Amendment No. 11: S.R. 1957/91

“(2) The appropriate Licensing Authority may on application by the owner of any trackless-trolley omnibus service exempt that service, either wholly or in part, from all or any of the requirements of clause (1) of this regulation. For the purpose of this clause, and so far as may be applicable,—

“(a) The appropriate Licensing Authority shall be deemed to be the Authority by which the service would be licensed if it were liable to be licensed under Part VI of the said Act; and

“(b) The application for exemption shall be advertised and notified as if it were an application for an amendment to a licence pursuant to section 114 of the said Act; and

“(c) A notification in writing of the date and terms of the decision of the Licensing Authority signed by the secretary of the Authority shall be sufficient evidence of the decision and its date.

“(3) Section 144, and sections 146 to 150 of the said Act relating to appeals to the Transport Licensing Appeal Authority, as far as they are applicable and with the necessary modifications, shall apply to any decision of the Licensing Authority under this regulation as if the decision were one given concerning an application for an amendment to a licence, and as if the owner of the service were the holder of a licence.

“(4) Regulations 12, 15, and 33 hereof and the Sixth Schedule hereto, as far as they are applicable and with the necessary modifications, shall apply to any application or appeal under this regulation, as if the application or appeal were one relating to an amendment of a licence, and as if the owner of the service were the holder of a licence.

“(5) The owner of any trackless-trolley omnibus service commits an offence against these regulations, if he—

“(a) Drives, or causes or permits any person employed by him or subject to his orders to drive, any trackless-trolley omnibus in breach of the provisions of this regulation; or

“(b) Fails to keep any time book as required by this regulation.”

(2) This regulation shall come into force three months after the date of the notification of these regulations in the *Gazette*.

4. Regulation 33 of the principal regulations, as substituted by regulation 2 (1) of the Transport Licensing Regulations 1950, Amendment No. 9, is hereby amended by revoking subclause (3), and substituting the following subclause:

“(3) There shall be payable in advance the appropriate annual fee prescribed in the Sixth Schedule to these regulations:

“Provided that in the case of a vehicle authority, cab authority, or certificate of fitness granted after the commencement of any licensing year the fee shall be reduced by one quarter thereof for every complete period of three calendar months between the commencement of that licensing year and the date of the licensing authority's decision or, as the case may be, the date of issue of the certificate of fitness.”

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

Regulations 2 and 4 provide for payment in advance of annual fees due under the regulations, but they are to be assessed on a proportionate quarterly basis in respect of the first licensing year.

Regulation 3 regulates the hours of driving of drivers of trackless-trolley omnibuses. This regulation is to come into force three months after the date of the notification of the regulations in the *Gazette*.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 October 1959.

These regulations are administered in the Transport Department.