

*The Civil Aviation (Passenger Agents' Commission Regime)
Notice 1983*

PURSUANT to section 29A (6) of the Civil Aviation Act 1964, the Minister of Civil Aviation and Meteorological Services hereby gives the following notice.

ANALYSIS

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NOTICE

1. Title and commencement—(1) This notice may be cited as the Civil Aviation (Passenger Agents' Commission Regime) Notice 1983.

(2) This notice shall come into force on the day after the date of its publication in the *Gazette*.

2. Interpretation—(1) In this notice, unless the context otherwise requires,—

“The Act” means the Civil Aviation Act 1964;

“Approved agent” means a person who or which is an approved general sales agent or an approved passenger agent;

“Approved cargo agent” and “approved cargo location” have the meanings assigned to them by clause 2 (1) of the Civil Aviation (Cargo Agents' Commission Regime) Notice 1983;

“Approved general sales agent” means a person—

(a) Whose name (whether or not it appears on any other such list) for the time being appears (whether as a direct agent or as a subcontracted agent of a direct agent) on a single list of agents and locations maintained by a carrier within New Zealand for the purpose (in this notice referred to as an approved general sales agents' names and locations list); and

(b) Who or which is not an unsuitable person; and

(c) Who or which is not an approved cargo agent or an approved passenger agent; and

(d) Who or which does not occupy any premises that are, or are part of, or contain, an approved location of any approved passenger agent, an approved cargo location, or an approved tour location; and

(e) Who or which neither has, nor has any right to, 30 percent or more of the ownership, property, management, or profits of an approved cargo agent or approved passenger agent; and

(f) Of whose ownership, property, management, or profits, no approved cargo agent or approved passenger agent has, or has a right to, 30 percent or more; and

(g) Of whose ownership, property, management, or profits, no person or group of persons (being a person or group of persons, in the opinion of that carrier having, or having a right to, 30 percent or more of the ownership, property, management, or profits of an approved cargo agent or approved passenger agent, whether directly or indirectly), in the opinion of that carrier, has, or has a right to, 30 percent or more, whether directly or indirectly; and

(h) Who or which is neither employed by nor associated with any other person (not being a person engaged directly in the provision of transportation of some kind) who or which is, in the opinion of that carrier, likely to generate or control more than one quarter of the total sales of travel in the defined territory or proposed defined territory concerned; and

(i) Who or which has a current general sales agency agreement with that carrier;—

and, in relation to any carrier, means an approved general sales agent of that carrier:

“Approved location”,—

(a) In relation to any approved general sales agent and any principal of that agent, means a location occupied by that agent—

(i) The address of which for the time being appears on the approved general sales agents' names and locations list of that principal; and

(ii) Where there are employed at least 2 qualified persons; and

(b) In relation to any approved passenger agent and any principal of that agent, means a suitable location occupied by that agent and open to the general public during normal business hours, the address of which for the time being appears on the approved passenger agents' names and locations list of that principal:

“Approved passenger agent” means a person—

(a) Whose name (whether or not it appears on any other such list) for the time being appears on a single list of agents and locations maintained by a carrier within New Zealand for the purpose (in this notice referred to as an approved passenger agents' names and locations list); and

(b) Who or which is not an unsuitable person; and

(c) Who or which is not an approved general sales agent; and

(d) Who or which neither has, nor has any right to, 30 percent or more of the ownership, property, management, or profits, of an approved general sales agent; and

(e) Of whose ownership, property, management, or profits, no approved general sales agent has, or has a right to, 30 percent or more; and

(f) Of whose ownership, property, management, or profits, no person or group of persons (being a person or group of persons, in the opinion of that carrier having, or having a right to, 30 percent or more of the ownership, property, management, or profits of an approved general sales agent, whether directly or indirectly), in the opinion of that carrier, has, or has a right to, 30 percent or more, whether directly or indirectly; and

(g) Who or which has a current passenger sales agency agreement with that carrier;—

and, in relation to any carrier, means an approved passenger agent of that carrier:

“Approved tour location”, in relation to any approved passenger agent and any principal of that agent, means a suitable location occupied by that agent, used exclusively for the sale of tours arranged by that agent and not open to the general public during normal business hours, whose address for the time being appears on the approved passenger agents' names and locations list of that principal:

“Arrangement”, in relation to any travel and any approved agent, means—

(a) The sale of that travel by that agent; and

(b) The making of reservations in relation to that travel,—

(i) By that agent; or

(ii) By means of some electronic equipment that is, with the consent and under the control of a carrier, connected directly to the reservations system of that carrier, by some other approved agent at the request of that agent; and

(c) The issue of traffic documents relating to that travel,—

(i) By that agent; or

(ii) By a carrier on whose services that travel or any part of it is to take place, at the request of that agent; or

(iii) By means of some electronic equipment as aforesaid, by some other approved agent at the request of that agent; and

(d) The retention by that agent of all accounting documents relating to that travel;—

and “to arrange” has a corresponding meaning:

“Carriage” means international carriage by air:

“Carrier” means any person whose business it is, whether or not in conjunction with any other business, to provide travel on its own services:

“Carrier identification plate” means a plate, or other device,—

(a) Issued by a carrier to an agent; and

(b) Used, or intended to be used, by that agent for printing or otherwise indicating on traffic documents issued by that agent in respect of travel on the services of that carrier the name or identity of that carrier:

“Commission” means agency commission:

“Employee”, in relation to any other person, means a person—

(a) Who is a director of or employed by that other person; and

(b) Who devotes all or nearly all his working time to the business of that other person; and

(c) Who (in addition to any commission) is paid a director's fees or salary or wages by that other person; and

(d) Whose name is carried continuously on the payroll or other disbursement records of that other person:

“Excess baggage”, in relation to the travel of any passenger, means the extent to which that passenger's baggage exceeds the amount that may be carried free by the carrier on whose services that travel takes place or is intended to take place;

“Excess baggage charge” means a charge made by a carrier in respect of excess baggage: