

“Excess value charge” means a charge made by a carrier in respect of the extent to which the declared value of any baggage exceeds—

- (a) A sum calculated at the rate of 250 French gold francs per kilogram, in the case of checked baggage; or
- (b) A sum equivalent to 5000 French gold francs per passenger in the case of unchecked baggage:

“General sales agency agreement” means a sales agency agreement delegating to the agent concerned exclusively general authority to represent the carrier concerned in a defined territory in respect of the arrangement of travel on the services of that carrier, and containing (*inter alia*) provisions to the effect that—

(a) The agent is to solicit and promote travel on the services of the carrier; and

(b) The agent is, at one or more locations he or it occupies, to provide and maintain a suitable area to be used exclusively for, and is to use it exclusively for, the transaction of business relating to travel on the services of the carrier; and

(c) The agent is to service and supervise, in relation to the arrangement of travel on the services of the carrier, all approved passenger agents who or which have an approved location or approved tour location in that defined territory,—

and, if that agreement contains any provision to the effect that the agent is to, or is employed to, arrange travel on the services of the carrier, containing also provisions to the effect specified in paragraphs (a) to (g) in the definition in this subclause of the expression “passenger sales agency agreement”, and provisions to the effect that—

(d) The agent is, at every approved location, to arrange travel on the services of the carrier; and

(e) The agent is, at every approved location, to retain copies of all receipts issued in respect of fares collected in respect of travel on those services so arranged; and

(f) The agent is to account to the carrier for all money collected in respect of travel on those services so arranged:

“Inclusive tour” means a combination of travel and some other service or services (not comprising solely surface transportation on a public transport service):

“Interline agreement” means an agreement between 2 or more carriers authorising each of them to arrange travel over the services of the other or others:

“Involuntary change of routing”, in relation to any travel, means the failure of the carrier on whose services that travel was arranged to provide that travel in accordance with the ticket of the passenger concerned if, and only if, there is substituted for that travel on those services—

- (a) Travel on the services of some other carrier; or
- (b) Some other travel; or
- (c) Some form of surface transportation:

“Miscellaneous charges order” means a document (whether described as a miscellaneous charges order or as an exchange order), issued by or on behalf of a carrier, requesting the issue of a passenger ticket or the provision of some other service, to a person specified in that document:

“Passenger sales agency agreement” means a sales agency agreement relating to the arrangement by the agent concerned of travel on the services of the carrier concerned, and containing (*inter alia*) provisions to the effect that—

(a) The agent is at all times to maintain a bond, guarantee, or other such device, that, in the opinion of the carrier, adequately protects the carrier and the agent’s customers against the insolvency of the agent; and

(b) Until any traffic documents supplied to the agent by or on behalf of the carrier or the management of a standard bank plan are issued to a customer in respect of travel that has been sold by the agent to that customer,—

- (i) Those documents are to remain the property of the carrier or, as the case requires, the management of the standard bank plan; and
- (ii) The agent is to have no proprietary rights in respect of those documents; and

(c) All carrier identification plates supplied by the carrier to the agent are to remain the property of the carrier and the agent is to have no proprietary rights in respect of those plates; and

(d) The agent is to take such steps as the carrier specifies in respect of the safekeeping of traffic documents and carrier identification plates so supplied; and

(e) The agent is to verify every ticket issued by the agent in respect of the travel on the services of the carrier with a stamp bearing a numerical code that identifies both the agent and the location at which that travel was arranged; and

(f) The agent is not to pay money received in respect of travel arranged by the agent into any bank account into which there is at any time paid any money that is not received in respect of travel arranged by the agent; and

(g) All money received by the agent in respect of travel on the services of the carrier, or in respect of any related services (including any commission withheld by the agent in accordance with a manner of transacting business on behalf of the carrier agreed with the carrier) shall, as soon as is practicable after its receipt, be paid into a bank account, and shall—

- (i) Remain the property of the carrier; and
- (ii) Be held in trust for the carrier,—

until it has been satisfactorily accounted for to the carrier; and

(h) The agent is to notify the carrier, as soon as is practicable after a location of that agent ceases to be an approved location or approved tour location, of the fact that it has ceased to be an approved location or approved tour location, and the date upon which it ceased to be an approved location or approved tour location, and the reasons for its ceasing to be an approved location or approved tour location; and

(i) The agent is, at every approved location and approved tour location, to arrange travel on the services of the carrier; and

(j) The agent is, at every approved passenger location and approved tour location, to retain copies of all receipts issued in respect of fares collected in respect of travel on those services so arranged; and

(k) The agent is to account to the carrier for all money collected in respect of the travel on those services so arranged:

“Person” includes a body of persons and a body corporate:

“Prepaid ticket advice” means a notification to a carrier or an agent of a carrier in one place that the lawful fare or other payment for the arrangement by that carrier or agent of some travel specified in that advice has been paid at some other place:

“Principal”,—

(a) In relation to any approved general sales agent, means a carrier on whose approved general sales agents’ names and locations list that agent’s name for the time being appears; and

(b) In relation to any approved passenger agent, means a carrier on whose approved passenger agents’ names and locations list that agent’s name for the time being appears:

“Qualified person”, in relation to any location, means a person employed full-time at that location who—

(a) Is qualified under the New Zealand Aviation and Travel Industry Training Board Structured Travel Industry Training Programme to level 2 (Advanced Certificate of Travel Competency); or

(b) Is a member of the New Zealand Institute of Travel:

“Qualifying inclusive tour” means an inclusive tour all the travel component of which is provided, or intended to be provided, either—

(a) At a fare lawfully available only in respect of travel that is an integral component of an inclusive tour, and which—

- (i) Unless provision to the contrary is made in the appropriate relevant tariff, covers a route that returns to the point at which it commenced; and
- (ii) Includes, for a duration specified in that relevant tariff in that behalf, sleeping accommodation of a kind provided to members of the public generally at commercial rates; and
- (iii) Includes one or more additional attractions or facilities such as sightseeing, coach tours, entertainment, admission to any place or event, or the provision of a guide or equipment; and
- (iv) Is described in literature, published by the person who arranged or intends to arrange the tour, that is available to the public generally; and
- (v) Is sold as an indivisible product to members of the public generally; or

(b) At a fare lawfully available to members of the public generally, and not restricted to travel that is an integral component of an inclusive tour, and which—

- (i) Includes, at the beginning, the end, or any intermediate point, of its route, either sleeping accommodation of a kind provided to members of the public generally at commercial rates, or one or more additional attractions or facilities such as those described in paragraph (a) (iii) of this definition; and
- (ii) Is described in literature published by the person who arranged or intends to arrange the tour, that is available to members of the public generally:

“Sales agency agreement” means a written agreement between a carrier and any other person (whether prepared and executed by that carrier or by some other person on that