

Round-Trip Advance Purchase Excursion Tariffs From New Zealand to the Federal Republic of Germany Notice 1984

Pursuant to Section 29A(2) of the Civil Aviation Act 1964, the Minister of Civil Aviation and Meteorological Services hereby gives the following notice.

NOTICE

1. Title, commencement and application—(1) This notice may be cited as the Round-Trip Advance Purchase Excursion Tariffs from New Zealand to the Federal Republic of Germany Notice 1984.

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

(3) This notice shall apply to the airlines specified in the first column of the Second Schedule to this notice.

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

“The Act” means the Civil Aviation Act 1964;

“AP” means a route between Area 2 and Area 3 via—

(a) Area 1; or

(b) A polar service between Europe and Japan; or

(c) Both;

“AT” means a route between Area 1 and Area 2 via the Atlantic;

“Commission Regime” means the Civil Aviation (Passenger Agents' Commission Regime) Notice 1983*;

“EH” means any route—

(a) Within Area 2; or

(b) Within Area 3; or

(c) Between Area 2 and Area 3 other than AP;

“General Tariff Conditions” means the Civil Aviation (General Passenger Conditions) Order 1984 †;

“Involuntary cancellation”, in relation to any travel, means the cancellation of all or any part of that travel arising out of—

(a) Involuntary failure in respect of all or any part of that travel; or

(b) Where that passenger is refused all or any part of that travel for safety or legal reasons, or because of that passenger's condition or conduct; or

(c) The death of that passenger or a member of his immediate family;

“Involuntary failure”, in relation to any travel, means the inability of a carrier to provide the travel originally arranged because that carrier—

(a) Cancels a flight; or

(b) Fails to operate a flight reasonably to schedule; or

(c) Omits a scheduled stop that is a destination, stopover, or transfer point, of the passenger concerned; or

(d) Fails to provide travel previously confirmed by or on behalf of that carrier; or

(e) Causes the passenger concerned to miss a connecting flight in respect of which that passenger has a confirmed reservation;

“Involuntary rerouting”, in relation to any part of any travel, means rerouting of all or any part of that travel as a result of involuntary failure of that first-mentioned part;

“NZD” means New Zealand dollars;

“PA” means a route between Area 1 and Area 3 via the Pacific;

“Specified fare” means a fare specified in the First Schedule to this notice;

“Voluntary cancellation”, in relation to any travel, means cancellation of that travel that is not involuntary cancellation;

(2) Every expression defined in section 2 or section 29A(12) of the Act or in clause 2 of the General Tariff Conditions shall have the meaning so defined.

(3) This notice shall be read as if every clause of the General Tariff Conditions expressed in this notice to be imported into this notice forms part of this notice; and for the purposes of this notice every reference in any such clause so expressed to “this notice” shall be read as a reference to this notice.

(4) Where in any provision of this notice it is provided that a fare may apply, that provision shall be read as if it were provided in that provision that—

(a) Subject to subclause (5) of this clause, travel to which that fare relates may be arranged, provided, and sold, or any of them, at that fare; and

(b) Subject to subclause (5) of this clause, any person may undertake, or advertise his ability or willingness, to arrange, provide, and sell, or any of them, travel to which that fare relates;—

and “application” shall have a corresponding meaning.

(5) Where in any provision of this notice it is provided that a fare shall not apply, that provision shall be read as if it were provided in that provision that—

(a) No person shall arrange, provide, or sell, at that fare travel to which that fare relates; and

(b) No person shall undertake, or advertise his ability or willingness, to arrange, provide, or sell, at that fare travel to which that fare relates;—

and “application” shall have a corresponding meaning.

3. Fares—(1) A fare specified in the first column of the First Schedule to this notice may apply to economy class round-trip travel, via the route specified opposite that fare in the third column of that Schedule, from a point in New Zealand specified opposite that fare in the fourth column of that Schedule to and return from a point in to the Federal Republic of Germany specified opposite that fare in the fifth column of that Schedule.

(2) Where a fare specified in the First Schedule to this notice may apply to travel from and return to—

(a) Christchurch, that fare may also apply to economy class round-trip travel from and return to any other point in the South Island of New Zealand north of Christchurch; or

(b) Wellington, that fare may also apply to economy class round-trip travel from and return to any other point in the North Island of New Zealand south of Auckland;

to and return from a point in to the Federal Republic of Germany specified opposite that fare in that Schedule if air services operate to and from that other point in New Zealand and that travel is or is to be undertaken via Auckland.

(3) For the purposes of this notice, it is hereby declared that the travel for which it is stated in this notice that any specified fare may apply is the only travel to which that fare relates.

(4) A specified fare shall not apply unless all calculations relating to that fare and the adjustments, charges and surcharges (if any) payable in respect of the travel to which that fare relates, are made in accordance with clause 4(28) of this notice.

4. Conditions—The application of every specified fare shall be subject to the following provisions:

(1) **APPLICATION**—Except to the extent (if any) specified elsewhere in this notice, a specified fare shall not apply except for economy class round-trip travel, or around the world travel where that travel is or is to be undertaken via the EH route in one direction and via the AP route in the other:

(2) **PERIOD OF APPLICATION**—Of the specified fares—

(a) A fare specified in the second column of the First Schedule to this notice as a peak season fare shall not apply unless travel on the first outbound international sector of the travel to which it relates commences in May, June or July;

(b) A fare specified in the second column of that Schedule as a shoulder season fare shall not apply unless travel on the first outbound international sector of the travel to which it relates commences in April, August, September, or December;

(c) A fare specified in the second column of that Schedule as an off-peak season fare shall not apply unless travel on the first outbound international sector of the travel to which it relates commences in March or October;

(d) A fare specified in the second column of that Schedule as a basic season fare shall not apply unless travel on the first outbound international sector of the travel to which it relates commences in January, February, or November;

(3) **FARES**—Clause 6 of the General Tariff Conditions shall be imported into this notice; but after the commencement of any travel for which any other fare has been paid, a specified fare shall not apply—

(a) To any rerouting of that travel; or

(b) For the purposes of calculating any refund in relation to any rerouting of that travel, or the cancellation of any unused portion of that travel;

(4) **VALIDITY**—The clauses (except clauses 16 and 18(3)) comprising Part IV of the General Tariff Conditions shall be imported into this notice; but a specified fare shall not apply if—

(a) The ticket issued for the travel to which that fare relates, has no minimum validity, or a minimum validity of less than 21 days after the date of arrival in the country of turnaround;

(b) Except as provided in clause 14 of the General Tariff Conditions (as imported into this notice), travel on that return portion of that ticket is so arranged that it is capable of commencing within the minimum validity of that ticket;

(c) That ticket has no maximum validity, or a maximum validity of more than 180 days after the date of arrival in the country of turnaround;

(d) Except as provided in subclauses (1), (2), (4) and (5) of clause 18 of the General Tariff Conditions (as imported into this notice), travel on the return portion of that ticket is so arranged that it is capable of commencing after the expiration of the maximum validity of that ticket;

* Gazette, 1983 p. 3043

† Gazette, 1984 p. 1021