

Transport Services Licensing Regulations 1989

(SR 1989/313)

PURSUANT to section 66 of the Transport Services Licensing Act 1989, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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1 Title and commencement

- (1) These regulations may be cited as the Transport Services Licensing Regulations 1989.

Note

These regulations are administered in the Ministry of Transport.

- (2) These regulations shall come into force on the 1st day of November 1989.

2 Interpretation

In these regulations—

The Act means the Transport Services Licensing Act 1989

registered trader means a motor vehicle trader registered under the Motor Vehicle Sales Act 2003.

registered trader: this definition was inserted, as from 15 December 2003, by section 145 Motor Vehicle Sales Act 2003 (2003 No 12).

Small Passenger Service Rules means the rules set out in Part 1 of Schedule 3 to the Act

Vehicle Recovery Service Rules means the rules set out in Part 2 of Schedule 3 to the Act.

Terms defined in the Act have the meanings so defined.

2A Area knowledge tests

- (1) The Director may prescribe one or more tests for the purpose of the issue of an area knowledge certificate under section 18A of the Act (in this regulation referred to as a prescribed area knowledge test).
- (2) Where the Director believes on reasonable grounds that a taxi driver does not have an adequate knowledge of *the* any operating area of the approved taxi organisation for which he or she is driving, the Director may require the driver to undergo a prescribed area knowledge test for that area.
- (3) Every requirement made under subclause (2) of this regulation shall state—
- (a) The grounds on which the requirement is based; and
 - (b) The local authority area or areas to which the requirement relates; and
 - (c) The date by which—
 - (i) The prescribed area knowledge test must be satisfactorily completed; and
 - (ii) The driver must produce to the Director evidence of the satisfactory completion of the test; and

- (d) That failure to satisfactorily complete the test may result in revocation of the driver's area knowledge certificate under subclause (5) of this regulation.
- (4) A requirement may be issued under subclause (2) of this regulation in respect of any taxi driver, including a driver who has previously undertaken a prescribed area knowledge test on any occasion.
- (5) Where a taxi driver who holds an area knowledge certificate—
 - (a) Fails to comply with a requirement made in respect of the driver under subclause (2) of this regulation; or
 - (b) Fails to satisfactorily complete a prescribed area knowledge test by the specified date,—the person or organisation who issued the certificate to the driver under section 18A of the Act (being the Director or a person or organisation approved by the Director under that section) may revoke the certificate.

Regulation 2A was inserted by regulation 2 Transport Services Licensing Regulations 1989, Amendment No 1 (SR 1993/151) and amended by section 35(3) Land Transport Act 1993 (1993 No 88) by substituting the word "Director" for the word "Secretary" wherever it occurred, and by amending subcls (2) by substituting the words "any operating area" for the words "operating area or areas".

3 Matters to be entered in complaints registers

- (1) Every complaints register required to be maintained under section 36(4) of the Act, rule 11 of the Small Passenger Service Rules, or rule 13 of the Vehicle Recovery Service Rules shall, so far as possible, record the following matters:
 - (a) The name and position of the person taking the initial complaint:
 - (b) The name, address, and contact telephone number of the complainant:
 - (c) The date, time, and location of the event or matter complained of:
 - (d) The name or description of the person complained of:
 - (e) Details of the complaint:
 - (f) Details of the response to or action taken in respect of the complaint:

- (g) The method by which and date on which the complainant was notified of the response to or action taken in respect of the complaint:
 - (h) The name and position of the person actioning the complaint, if different from the person taking the initial complaint.
- (2) Where a complaint is in writing, the original written complaint shall be retained as part of or as an attachment to the complaints register.

4 Replacement of licences and other documents

- (1) For the purposes of this regulation, the term **licence or other document** means any transport service licence or other document issued by the Director under the Act.
- (2) The Director may, on payment of the prescribed fee (if any), issue a duplicate licence or other document to any person whose licence or other document has been lost, destroyed, stolen, defaced, or mutilated, or has become illegible.
- (3) The Director shall not issue a duplicate licence or other document unless—
 - (a) The previous licence or document is surrendered to the Director; or
 - (b) The Director is satisfied, by the production of such evidence as the Director may require, that the licence or document has been lost, destroyed, or stolen.
- (4) Any licence or other document in respect of which a duplicate has been issued under this section shall, if subsequently found by the licensee or person to whom the duplicate was issued, be returned forthwith to the Director.

Regulation 4 was amended by section 35(3) Land Transport Act 1993 (1993 No 88) by substituting the word “Director” for the word “Secretary” wherever it occurred.

5 Surrender of licence

- (1) The holder of any transport service licence that is amended, revoked, or surrendered shall, within 7 days after a request to that effect from the Director, return the licence to the Director.
- (2) Revoked by s 35(3) Land Transport Act 1993 (1993 No 88)

- (3) Where a licence is amended and the appropriate fee (if any) paid, a new licence incorporating the amendment shall be issued.

Regulation 5(1) was amended by section 35(3) Land Transport Act 1993 (1993 No 88) by substituting the word “Director” for the word “Secretary” wherever it occurred.

6 Fees

- (1) There shall be paid to the Director in respect of the matters specified in the second column of the Schedule to these regulations the appropriate fees specified in the third column of that Schedule. Any such fees shall be payable by the appropriate persons specified in the fourth column of that Schedule.
- (2) The fees payable in respect of any application for a driver identification card shall be the appropriate fee specified in the Transport (Drivers Licensing) Regulations 1987¹.
- (3) The Director may remit or refund the whole or part of any fee payable under this regulation (including a fee referred to in subclause (2) of this regulation) on any of the following grounds:
- (a) That the application or matter in respect of which the fee has been paid has been withdrawn or nullified:
 - (b) That the application or other matter is of a minor nature and that the work and expense of the Authority is reduced to an extent that justifies the remission or refund:
 - (c) In respect of a vetting fee, that the applicant has undergone vetting within the previous 12 months in relation to any other application or matter under the Act:
 - (d) That in all the circumstances of the case it would be inappropriate to require the fee, or the full fee, to be paid.

Regulation 6 was amended by section 35(3) Land Transport Act 1993 (1993 No 88) by substituting the word “Director” for the word “Secretary” wherever it occurred, and by substituting the word “Authority” for the words “Ministry, or of the Transitional Licensing Authority,”.

¹ SR 1987/205

7 Annual licence fee

- (1) Subject to the provisions of this regulation, on and after the first day of November 1989 there shall be payable to the Director in respect of each transport service licence an annual licence fee at the rate of \$24 for each motor vehicle and each heavy trailer (as defined in regulation 2 of the Transport (Drivers Licensing) Regulations 1987²) operated under the licence.
- (2) Any such fee shall be paid to the Registrar of Motor Vehicles when application is made for an annual licence for the vehicle under Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986.
- (3) The Director may remit or refund the whole or part of any fee payable under this regulation to the extent that the Director is satisfied that any vehicle has not been operated under the transport service licence for a full 12 months.
- (4)

Regulation 7 was amended by section 35(3) Land Transport Act 1993 (1993 No 88) by substituting the word “Director” for the word “Secretary” wherever it occurred.

Subclause (1) was amended, as from 4 August 1997, by regulation 2 Transport Services Licensing Amendment Regulations 1997 (SR 1997/120) by substituting the expression “\$24” for the expression “\$10”.

7A Annual licence monitoring fees

- (1) Each holder of a rail service licence must pay to the Director the appropriate annual licence monitoring fee set out in Schedule 2.
- (2) For the purposes of Schedule 2, the **route kilometres** in relation to a railway network is the total length in kilometres of the railway lines that comprise the network, measured from terminus to terminus, including branch lines, but not including passing loops or sidings.
- (3) The annual licence monitoring fees prescribed by this regulation are due and payable on 31 March each year in respect of the following 12-month period.

This regulation was inserted, as from 4 August 1997, by regulation 3 Transport Services Licensing Amendment Regulations 1997 (SR 1997/120).

² SR 1987/205

Regulation 7A was substituted, and regulation 7B was inserted, as from 15 January 1998, by regulation 2 Transport Services Licensing Amendment Regulations (No 2) 1997 (SR 1997/365).

7B Fees inclusive of goods and services tax

The fees prescribed by these regulations are inclusive of goods and services tax.

Regulation 7A was substituted, and regulation 7B was inserted, as from 15 January 1998, by regulation 2 Transport Services Licensing Amendment Regulations (No 2) 1997 (SR 1997/365).

8 Rail services

- (1) The Driving Creek Railway of Coromandel is hereby declared to be a rail service.
- (2) The Whangaparaoa Narrow Gauge Railroad of Auckland is hereby declared to be a rail service.

Regulations 8 and 9 were inserted by regulation 3 Transport Services Licensing Regulations 1989, Amendment No 1 (SR 1993/151).

9 Exempt services

For the purposes of clause 5 of Part 1 of Schedule 1 to the Act, the following services are exempt services:

- (a) Private ambulance services provided by organisations primarily for their employees, being ambulance services that are available to the general public in an emergency only when public ambulance services cannot provide a service:
- (b) The transporting of school children by parents in return for a Ministry of Education private transport allowance, including cases where such allowances are pooled and paid to the conveying parent:
- (c) The use of vehicles principally designed as places of abode that are also able to carry horses and other livestock and are used in a private or sporting capacity:
- (d) The delivery of newspapers, telephone directories, or other printed material in private motorcars, or in other vehicles for not more than a total of 7 days in any 12-month period:
- (e) The use of trucks by registered traders to carry goods for demonstration and sale purposes:

- (f) The use of vintage vehicles to carry goods for display purposes:
- (g) The use of trailers towed by small passenger service vehicles to carry passengers luggage:
- (h) The towing of disabled vehicles using a rope tow or a flat tow by—
 - (i) Any person employed by the New Zealand Automobile Association Incorporated or any constituent member association thereof; or
 - (ii) The owner of a garage or workshop at which repairs to such vehicles will be undertaken or any employee of the owner:
- (i) The removal of vehicles by New Zealand Defence Force tow trucks at the request of an officer of the Ministry of Transport or a constable or a traffic officer who is a non-sworn member of the Police:
- (j) Routine towing services by New Zealand Defence Force tow trucks in areas where there is no commercial tow operator nearby:
- (k) The hiring of light trailers:
- (l) Any rail service operated by a mining or forestry business and used in the course of mining or forestry operations that—
 - (i) Carries employees or freight but does not carry members of the public; and
 - (ii) Is subject to any regulations made under the Health and Safety in Employment Act 1992.
- (m) Fast food outlet delivery services using any private motorcar or private motorcycle

Regulations 8 and 9 were inserted by regulation 3 Transport Services Licensing Regulations 1989, Amendment No 1 (SR 1993/151).

Paragraph (e) was amended, as 15 December 2003, by section 145 Motor Vehicle Sales Act 2003 (2003 No 12) by substituting the words “registered traders” for the words “licensed motor vehicle dealers”.

Regulation 9(m) was inserted, as from 27 April 1995, by regulation 2 Transport Services Licensing Regulations 1989, Amendment No 2 (SR 1995/67).

Schedule 1

Reg 6

Fees

The original Schedule was amended, as from 20 August 1993, by section 35(3) Land Transport Act 1993 (1993 No 88) by revoking Item 4 (relating to a fee for each application to the Transport Licensing Authority).

The original Schedule was substituted, as from 15 January 1998, by regulation 3 Transport Services Licensing Amendment Regulations (No 2) 1997 (SR 1997/365).

Schedule 1 was amended, as from 3 May 1999, by regulation 2 Transport Services Licensing Amendment Regulations 1999 (SR 1999/98) by substituting in column 3 the figure “28.20” for the figure “80”.

Schedule 1 was amended, as from 19 August 2002, by regulation 3 Transport Services Licensing Amendment Regulations 2002 (SR 2002/220) by substituting in column 3 the expression “\$50,000” for the expression “\$10,000” in both places.

Relevant Section of Act	Matter in Respect of Which Fee Payable	Fee \$	Person by Whom Fee Payable
6	1. For every application for a transport service licence (other than a rail service licence) —		Applicant
	(a) Processing fee	30	
	(b) Vetting fee payable for each person specified in application as person to have control of service	28.20	
6	2. For every application for a rail service licence	117	Applicant
6D	3. For approval of a safety system	117 per hour, up to a maximum of 50,000	Applicant

Relevant Section of Act	Matter in Respect of Which Fee Payable	Fee \$	Person by Whom Fee Payable
6E	4. For consideration of application for variation of approved safety system where consideration takes 3 hours or longer	117 per hour for every hour spent, up to a maximum of 50,000	Applicant
21	5. For every application for approval of a taxi organisation —		Applicant
	(a) Processing fee	30	
	(b) Vetting fee payable for each person specified in application as a responsible officer or person to have control of the organisation	28.20	
22, 30	6. For every notified change in persons having control of a transport service, or in responsible officers of an approved taxi organisation —		Licence holder, or taxi organisation
	(a) Processing fee	6	
	(b) Vetting fee payable for each new person notified	28.20	

Relevant Section of Act	Matter in Respect of Which Fee Payable	Fee \$	Person by Whom Fee Payable
39G(1)	7. For every application for appointment as a rail safety auditor	468	Auditor
39G(3)	8. For every proposal for appointment of a rail safety auditor specified by an operator	468	Operator

Schedule 2

Reg 7A

Annual licence monitoring fees for rail service licences

The original Schedule was substituted, and Schedule 2 was inserted, as from 15 January 1998, by regulation 3 Transport Services Licensing Amendment Regulations (No 2) 1997 (SR 1997/365).

Rail service operated under rail service licences	Annual Licence Monitoring Fee \$
1. Carrying 30 001 or more passengers per annum using motorised power on a railway network of less than 40 route kilometres	2,269
2. Carrying at least 10 001 but not more than 30 000 passengers per annum using motorised power on a railway network of less than 40 route kilometres	1,119
3. Carrying at least 1 but not more than 10 000 passengers per annum using motorised power on a railway network of less than 40 route kilometres	596

Rail service operated under rail service licences		Annual Licence Monitoring Fee \$
4.	Carrying passengers using motorised power on a railway network of 40 route kilometres or more where the licensee's approved safety system relates only to the rail service vehicles operated	1,119
5.	Carrying passengers using un-motorised power	233
6.	Operating a rail service vehicle or vehicles carrying no passengers (except an operation referred to in item 7, 8, 9, 10, or 11)	233
7.	Operating a rail service vehicle or vehicles from 3 or more industrial sites	2,269
8.	Operating a rail service vehicle or vehicles from 2 industrial sites	1,119
9.	Operating a rail service vehicle or vehicles from 1 industrial site	596
10.	Operating a rail service vehicle exceeding 500 hp at an industrial site	2,269
11.	Operating a rail service or rail services on a railway network of 40 route kilometres or more where the licensee's approved safety system relates to the rail service vehicles operated and the operation of a network of railway lines	57.50 per route kilometre, up to a maximum of 300,000

MARIE SHROFF,
Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on 1 November 1989, are made under the Transport Services Licensing Act 1989 and make provision for the following matters:

- (a) The matters to be entered in complaints registers required to be kept under the Act:
- (b) The issue of replacement licences and other documents:
- (c) The return of licences to the Secretary or the Transitional Licensing Authority in appropriate circumstances:
- (d) The setting of fees for applications and other matters under the Act.

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