



SUPPLEMENT

TO THE

NEW ZEALAND GAZETTE

OF

THURSDAY, JUNE 17, 1926.

Published by Authority.

WELLINGTON, TUESDAY, JUNE 22, 1926.

Board of Trade Regulations.—Amending Motor-omnibus Regulations.

CHARLES FERGUSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of June, 1926.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred by section twenty-six of the Board of Trade Act, 1919, as amended by the Board of Trade Amendment Act, 1923, and of every other power and authority in anywise enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby, on the recommendation of the Minister of Industries and Commerce, amend the Motor-omnibus Regulations, 1926, in the manner hereinafter set forth; and doth hereby direct that this Order in Council shall come into force on the date of the publication hereof in the *Gazette*, and shall be read together with and shall be deemed to form part of the Motor-omnibus Regulations, 1926.

REGULATIONS.

1. THESE regulations may be cited as "The Motor-omnibus Regulations Amendment No. 1."

2. The Motor-omnibus Regulations, 1926, are amended by revoking Regulation 10 thereof, and substituting the following:—

"10. MOTOR-OMNIBUS FARES AND TRAM FARES.

"(1.) In determining the fares to be charged in respect of the carriage of passengers on any motor-omnibus as provided in paragraph (c) of clause (3) of Regulation 3 hereof, the licensing authority shall, save as hereinafter provided, fix the fare in respect of any passenger carried between any place served by a tramway or trackless trolley at not less than 2d. more than the corresponding tramway or trolley fare.

"(2.) Where the corresponding tramway or trolley fare is fixed by reference to a concession, commutation, or other ticket (whether issued generally or for special classes of passengers, or for travelling at special or limited times, or under any other limitation as to use), or in any other way fixed otherwise than by reference to a single trip, then the motor-omnibus fare may be fixed in a similar manner, but so that the motor-omnibus fare so fixed shall always be at least twopence more per trip than the corresponding tramway or trolley fare.

"(3.) The omnibus fare in respect of a passenger carried to or from a place not served by a tramway or trackless trolley shall be not less than the tramway or trolley fare corresponding as aforesaid for any portion of the journey on which such passenger might have been carried by such tramway or trolley.

"(4.) No person shall convey a passenger for hire in a motor-omnibus upon a consideration fixed otherwise than by reference to the trip or defined number of trips upon which a passenger may be carried, or otherwise than at the fares determined by the licensing authority as hereinbefore in these regulations provided.

"(5.) In the event of any dispute or difference arising between the owner of a motor-omnibus and the proprietor of any tramway or trackless trolley as to the applicability of this regulation, such dispute or difference shall be referred to and determined by the Transport Appeal Board of the district within which the same arises.

"(6.) If the owner of any licensed motor-omnibus or the applicant for a license for any motor-omnibus considers that the fare to be charged in respect of any passenger carried on such motor-omnibus between any places served by a tramway or trackless trolley should not be more than the corresponding tramway or trolley fare, such owner or applicant may make application in writing to the licensing authority to exempt such motor-omnibus from the requirements of clauses (1) and (2) of this regulation.

"(7.) Such application may be made upon the grounds—

"(a.) That on account of the insufficient other provision for the transport of passengers the facilities for conveyance of passengers to be afforded by such motor-omnibus are desirable in the public interest; or

"(b.) That motor-omnibuses are in use or are proposed to be used under Regulation 16 hereof to carry passengers at a fare lower than the fare which such owner or applicant would by virtue of clause (1) or clause (2) hereof be compelled to charge; or

"(c.) That such exemption will not conduce to any method of competition, trading, or business which would be unfair or prejudicial to any transport undertaking (including the business of the owner or applicant himself) or to the public welfare; or

"(d.) Upon any other relevant ground; and every such ground shall be set out in the application.

"(8.) Upon the hearing of such application the licensing authority may in its discretion determine that the provisions of clauses (1) and (2) of this regulation shall not apply to such motor-omnibus in respect of any particular route or routes to be followed by such motor-omnibus, and if the licensing authority so determines then the license shall be endorsed with a memorandum of such exemption signed by a person authorized to sign a license pursuant to Regulation 5 hereof.

"(9.) The person making any such application for exemption or any person or body affected thereby (including any person or body upon whom a right of appeal is conferred by clause (1) of Regulation 13 hereof) may appeal to the Transport Appeal Board of the district from the determination of the licensing authority upon any such application for exemption."

F. D. THOMSON,
Clerk of the Executive Council.

