

Reprint  
as at 1 October 2017



## Transport Services Licensing Regulations 1989 (SR 1989/313)

Paul Reeves, Governor-General

### Order in Council

At Wellington this 30th day of October 1989

Present:

His Excellency the Governor-General in Council

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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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Transport.**

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**Annual licence monitoring fees for rail service licences**

*[Revoked]*

## Regulations

### 1 Title and commencement

- (1) These regulations may be cited as the Transport Services Licensing Regulations 1989.
- (2) These regulations shall come into force on 1 November 1989.

### 2 Interpretation

In these regulations—

**Act** means the Land Transport Act 1998

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

Terms defined in the Act have the meanings so defined.

Regulation 2 **Act**: amended, on 1 October 2017, by regulation 4(1) of the Transport Services Licensing Amendment Regulations (No 2) 2017 (LI 2017/253).

Regulation 2 **registered trader**: inserted, on 15 December 2003, by section 145 of the Motor Vehicle Sales Act 2003 (2003 No 12).

Regulation 2 **Small Passenger Service Rules**: revoked, on 1 October 2017, by regulation 4(2) of the Transport Services Licensing Amendment Regulations (No 2) 2017 (LI 2017/253).

Regulation 2 **Vehicle Recovery Service Rules**: revoked, on 1 October 2017, by regulation 4(2) of the Transport Services Licensing Amendment Regulations (No 2) 2017 (LI 2017/253).

### 2A Area knowledge tests

*[Revoked]*

Regulation 2A: revoked, on 1 October 2007, by regulation 6 of the Transport Services Licensing Amendment Regulations 2007 (SR 2007/233).

### 3 Matters to be entered in complaints registers

*[Revoked]*

Regulation 3: revoked, on 1 October 2007, by regulation 6 of the Transport Services Licensing Amendment Regulations 2007 (SR 2007/233).

#### **4 Replacement of licences and other documents**

*[Revoked]*

Regulation 4: revoked, on 1 October 2007, by regulation 6 of the Transport Services Licensing Amendment Regulations 2007 (SR 2007/233).

#### **5 Surrender of licence**

*[Revoked]*

Regulation 5: revoked, on 1 October 2007, by regulation 6 of the Transport Services Licensing Amendment Regulations 2007 (SR 2007/233).

#### **6 Fees**

- (1) There shall be paid to the Agency in respect of the matters specified in the second column of Schedule 1 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 regulation 8 of the Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999.
- (3) The Agency may remit or refund the whole or part of any fee payable under this regulation (including a fee referred to in subclause (2)) 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(1): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Regulation 6(1): amended, on 1 October 2007, by regulation 4(1) of the Transport Services Licensing Amendment Regulations 2007 (SR 2007/233).

Regulation 6(2): amended, on 1 October 2007, by regulation 4(2) of the Transport Services Licensing Amendment Regulations 2007 (SR 2007/233).

Regulation 6(3): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Regulation 6(3)(b): amended, on 20 August 1993, by section 35(3) of the Land Transport Act 1993 (1993 No 88).

**7 Annual licence fee**

- (1) Subject to the provisions of this regulation, on and after 1 November 1989 there shall be payable to the Agency in respect of each transport service licence an annual licence fee at the rate of \$55 for each motor vehicle and each trailer, other than a light trailer, 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 17 of the Act.
- (3) The Agency may remit or refund the whole or part of any fee payable under this regulation to the extent that the Agency is satisfied that any vehicle has not been operated under the transport service licence for a full 12 months.
- (4) For the purposes of this regulation,—

**light trailer** has the same meaning as in clause 2(1) of the Land Transport (Driver Licensing) Rule 1999

**trailer** has the same meaning as in clause 2(1) of the Land Transport (Driver Licensing) Rule 1999.

Regulation 7(1): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Regulation 7(1): amended, on 1 October 2007, by regulation 5(1) of the Transport Services Licensing Amendment Regulations 2007 (SR 2007/233).

Regulation 7(1): amended, on 1 October 2007, by regulation 5(2) of the Transport Services Licensing Amendment Regulations 2007 (SR 2007/233).

Regulation 7(2): amended, on 1 October 2017, by regulation 5 of the Transport Services Licensing Amendment Regulations (No 2) 2017 (LI 2017/253).

Regulation 7(2): amended, on 1 May 2011, by section 35(5) of the Land Transport Amendment Act 2009 (2009 No 17).

Regulation 7(3): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Regulation 7(4): added, on 1 October 2007, by regulation 5(3) of the Transport Services Licensing Amendment Regulations 2007 (SR 2007/233).

**7A Annual licence monitoring fees**

*[Revoked]*

Regulation 7A: revoked, on 22 May 2008, by regulation 5 of the Transport Services Licensing Amendment Regulations 2008 (SR 2008/109).

**7B Fees inclusive of goods and services tax**

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

Regulation 7B: inserted, on 15 January 1998, by regulation 2 of the Transport Services Licensing Amendment Regulations (No 2) 1997 (SR 1997/365).

## 8 Rail services

*[Revoked]*

Regulation 8: revoked, on 22 May 2008, by regulation 5 of the Transport Services Licensing Amendment Regulations 2008 (SR 2008/109).

## 9 Exempt services

The following services are exempted from being transport services for the purposes of Parts 4A and 6A of the Act:

- (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) *[Revoked]*
- (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 Police employee who is not a constable:
- (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) *[Revoked]*
- (m) fast food outlet delivery services using any private motorcar or private motorcycle.

Regulation 9: added, on 1 July 1993, by regulation 3 of the Transport Services Licensing Regulations 1989, Amendment No 1 (SR 1993/151).

Regulation 9: amended, on 1 October 2017, by regulation 6 of the Transport Services Licensing Amendment Regulations (No 2) 2017 (LI 2017/253).

Regulation 9(b): revoked, on 1 October 2007, by regulation 6 of the Transport Services Licensing Amendment Regulations 2007 (SR 2007/233).

Regulation 9(e): amended, on 15 December 2003, pursuant to section 145 of the Motor Vehicle Sales Act 2003 (2003 No 12).

Regulation 9(i): amended, on 1 October 2008, pursuant to section 116(d) of the Policing Act 2008 (2008 No 72).

Regulation 9(l): revoked, on 22 May 2008, by regulation 5 of the Transport Services Licensing Amendment Regulations 2008 (SR 2008/109).

Regulation 9(m): added, on 27 April 1995, by regulation 2 of the Transport Services Licensing Regulations 1989, Amendment No 2 (SR 1995/67).

## Schedule 1

### Fees

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Schedule 1: substituted, on 1 October 2007, by regulation 7 of the Transport Services Licensing Amendment Regulations 2007 (SR 2007/233).

Provision	Matter in respect of which fee payable	Fee (\$)	Person by whom fee payable
Land Transport Act 1998, s 30K	For every application for a transport service licence (other than a rail service licence)—		Applicant
	(a) processing fee	449.80	
	(b) vetting fee payable for each person specified in application as person to have control of service	9.78	
Land Transport Act 1998, s 167(1)(j)	For every notified change in persons having control of a transport service—		Licence holder
	(a) processing fee	No fee	
	(b) vetting fee payable for each new person notified	9.78	
Land Transport Act 1998, s 167(1)(j)	For every non-standard approval required under a rule, where a fixed fee is not appropriate due to the size or variability of the matter in respect of which approval is sought	115.73 per hour	Applicant

Schedule 1: amended, on 1 October 2017, by regulation 7(1) of the Transport Services Licensing Amendment Regulations (No 2) 2017 (LI 2017/253).

Schedule 1: amended, on 1 October 2017, by regulation 7(2)(a) of the Transport Services Licensing Amendment Regulations (No 2) 2017 (LI 2017/253).

Schedule 1: amended, on 1 October 2017, by regulation 7(2)(b) of the Transport Services Licensing Amendment Regulations (No 2) 2017 (LI 2017/253).

Schedule 1: amended, on 1 July 2017, by regulation 4 of the Transport Services Licensing Amendment Regulations 2017 (LI 2017/91).

Schedule 1: amended, on 1 October 2010, by regulation 4 of the Transport Services Licensing Amendment Regulations 2010 (SR 2010/283).

Schedule 1: amended, on 22 May 2008, by regulation 4 of the Transport Services Licensing Amendment Regulations 2008 (SR 2008/109).

## **Schedule 2**

### **Annual licence monitoring fees for rail service licences**

*[Revoked]*

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Schedule 2: revoked, on 22 May 2008, by regulation 5 of the Transport Services Licensing Amendment Regulations 2008 (SR 2008/109).

Marie Shroff,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 31 October 1989.

## Reprints notes

### 1 *General*

This is a reprint of the Transport Services Licensing Regulations 1989 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### 2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### 3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### 4 *Amendments incorporated in this reprint*

Transport Services Licensing Amendment Regulations (No 2) 2017 (LI 2017/253)

Transport Services Licensing Amendment Regulations 2017 (LI 2017/91)

Transport Services Licensing Amendment Regulations 2010 (SR 2010/283)

Land Transport Amendment Act 2009 (2009 No 17): section 35(5)

Policing Act 2008 (2008 No 72): section 116(d)

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(2)

Transport Services Licensing Amendment Regulations 2008 (SR 2008/109)

Transport Services Licensing Amendment Regulations 2007 (SR 2007/233)

Motor Vehicle Sales Act 2003 (2003 No 12): section 145

Transport Services Licensing Amendment Regulations (No 2) 1997 (SR 1997/365)

Transport Services Licensing Regulations 1989, Amendment No 2 (SR 1995/67)

Land Transport Act 1993 (1993 No 88): section 35(3)

Transport Services Licensing Regulations 1989, Amendment No 1 (SR 1993/151)