

**Reprint
as at 4 April 2016**



Railways Regulations 2008 (SR 2008/108)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 21st day of April 2008

Present:

His Excellency the Governor-General in Council

Pursuant to sections 59 and 60 of the Railways Act 2005, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, 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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Regulations

1 Title

These regulations are the Railways Regulations 2008.

2 Commencement

These regulations come into force on 22 May 2008.

3 Interpretation

In these regulations, unless the context otherwise requires, **Act** means the Railways Act 2005.

4 Fees payable to Authority

- (1) A licence holder must pay to the Authority an annual safety fee of \$391.23.
- (2) A licence holder who engages in an activity specified in the first column of the Schedule must, in addition to the annual safety fee specified in subclause (1), pay to the Authority the annual fee for that activity specified in the second column of the Schedule.
- (3) A person who makes an application under section 16 of the Act must pay to the Authority an application fee of \$117.00.
- (4) The fees prescribed under this regulation are inclusive of any goods and services tax payable under the Goods and Services Tax Act 1985.

5 Payment of fees

The fees payable under regulation 4(1) or (2)—

- (a) are due on 30 June each year in respect of the following 12-month period; and
- (b) must be paid by 4 equal instalments to be made on or before 20 July, 20 October, 20 January, and 20 April of that 12-month period.

6 Refund of fees

The Director may refund the whole or part of any fee payable under regulation 4 on any of the following grounds:

- (a) the activity or application in respect of which the fee has been paid has been withdrawn or nullified:

- (b) the activity or application is of a minor nature and the work of and expense to the Authority are reduced to an extent that justifies the refund:
- (c) in all the circumstances of the case it would be inappropriate to require the fee, or the full fee, to be paid.

7 Hourly rate for certain work

The Authority may charge a rail participant an hourly rate not exceeding \$175.50 per hour (including any goods and services tax payable under the Goods and Services Tax Act 1985) for—

- (a) an ordinary assessment that the Authority carries out:
- (b) a special safety assessment that the Authority carries out.

8 Rail participants

(1) The following are rail participants:

- (a) the Driving Creek Railway of Coromandel; and
- (b) the Whangaparaoa Narrow Gauge Railway of Auckland.

(2) The rail participants specified in subclause (1) must hold a licence granted under section 17 of the Act.

9 Exemption

A rail participant is exempt from the provisions of the Act if—

- (a) the rail participant is involved in a mining or forestry business; and
- (b) the rail participant, in the course of its mining or forestry operations,—
 - (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 at Work Act 2015.

Regulation 9(b)(ii): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

10 Exclusion

A railway line is excluded from the definition of railway line in section 4 of the Act if—

- (a) the line is operated by a mining or forestry business; and
- (b) the only passengers carried on the line are employees of the mining or forestry business; and
- (c) the only freight carried on the line is the property or the product of the mining or forestry business; and
- (d) the operation carried out on the line is subject to regulations made under the Health and Safety at Work Act 2015 (if any).

Regulation 10(d): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

11 Transitional provisions

For the period 1 April 2008 to 31 March 2009,—

- (a) the annual licence monitoring fee payable under regulation 7A of the Transport Services Licensing Regulations 1989 is payable, on a pro rata basis, for the period 1 April 2008 to 30 June 2008; and
- (b) the annual fees payable under regulation 4(1) or (2) of these regulations are payable, on a pro rata basis, for the period 1 July 2008 to 31 March 2009; and
- (c) with respect to any payment made under regulation 7A of the Transport Services Licensing Regulations 1989, the Director must refund any payment that is not attributable to the period 1 April 2008 to 30 June 2008.

Schedule Fees payable by licence holders to Authority

r 4(2)

Activity	Fee
Access provider (network)	\$171.70 per km
Access provider (other)	\$5.31 per km
Passenger operator (metro)	\$14.19 per 1 000 passengers
Passenger operator (cable car)	\$1.00 per 1 000 passengers
Passenger operator (heritage and small tourist business)	\$1.74 per 1 000 passengers
Passenger operator (long distance)	\$20.85 per 1 000 passengers
Freight operator (including industrial sidings)	\$94.16 per million dollars of freight revenue

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 24 April 2008.

Reprints notes

1 *General*

This is a reprint of the Railways Regulations 2008 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*

Health and Safety at Work Act 2015 (2015 No 70): section 232