



**Isle of Man  
Government**

*Reiltys Ellan Vannin*



# ROAD TRANSPORT LEGISLATION (AMENDMENT) BILL 2016

DEPARTMENT OF INFRASTRUCTURE  
HIGHWAY SERVICES DIVISION

## Introduction

---

This consultation is designed to invite comments on the Department of Infrastructure's Road Transport Legislation (Amendment) Bill 2016. We welcome your views not only on the specific questions asked, but also on any other aspect of the proposed legislation.

The main purpose of this Bill is to amend certain aspects of the Road Transport Act 2001 in order to simplify processes and enable certain provisions of operator licensing to be introduced. The Bill also contains proposed amendment to the Licensing and Registration of Vehicles Act 1985.

The purpose of these proposed changes are to again simplify certain procedures and introduce powers to enable the Department to remove the need for vehicle duty discs.

Phil Gawne, MHK

Minister of the Department of  
Infrastructure

John Houghton, MHK

Member for the Highway Services  
Division

## Part 1- Changes to the Road Transport Act 2001

---

The changes to the Road Transport Act 2001 primarily amend the Act to simplify the administration of the regulation of goods vehicles. Following a tragic accident several years ago, it was discovered that regulation of the goods vehicle sector had not been introduced primarily due to the untimely passing of the consultant dealing with it. Since then the Department has been developing secondary legislation to regulate the haulage industry and the changes included within this Bill have been identified to simplify the administration process.

Provisions have been included in the Bill that will require public passenger vehicle operators to either register or licence their vehicles. This change has been requested by the Road Transport Licensing Committee to cover private hire vehicle operators; it will introduce similar provisions to those already in place for ply for hire vehicles.

Goods vehicle operators will be required to register their vehicle in order to operate commercially. This is required to ensure all operators are known to the regulator and can be identified should the need arise. In order to be able to complete the process of registration or licensing, the existing process contained within the Act has been revised in order to simplify the requirement and reduce the administrative process.

The Bill will give the Department the power to introduce regulations to ensure the safe operation of goods vehicles particularly when they are not in use; to cover the inspections of goods vehicles and operator sites. Again the provisions are similar to those already in place for public passenger vehicles and will allow the Department to act should there be any reported problems involving goods vehicles.

The Bill includes a provision that the Road Transport Licensing Committee is required to disclose information it may have obtained during the course of completing their responsibilities should certain defined groups, such as the Chief Constable, the Court Officers, and so on ask for the information.

Provisions are also included to allow for financial standing requirements required for operator licensing for goods vehicles that will operate off-Island. This is required to enable Isle of Man based hauliers to comply with the regulations in place in the EU and UK. Financial standing refers to a sum of money that all hauliers must have access to in order that their vehicles are able to be properly maintained. The figure is set by the EU and covers all commercial goods vehicles that operate throughout the EU and the European Economic Area and ensures all operators are working to the same minimum level.

## Part 2 – Changes to the Licensing and Registration of Vehicles Act 1985

---

With regard to the Licensing and Registration of vehicles Act 1985, the Department is looking to clarify certain items and simplify the processes involved whilst allowing for new items such as the removal of the need to display a tax disc in a vehicle windscreen.

The first new item covers the requirement to ensure that all vehicles are subject to vehicle duty and the owner is responsible for any payment. Provisions are also included to enable the Department by agreement to issue a licence as long as the agreement is upheld. Should the person default then the power is retained to void the licence. The Bill also allows for certain vehicles to be exempt from vehicle duty, these vehicles are listed in part I of schedule 1 of the Act.

The Bill will look to introduce revised provisions concerning unlicensed vehicles left on the road. The effect of the provisions will be to simplify the procedure to remove the unlicensed vehicle and clarifies the penalties for the offence.

Provision is included to ensure a vehicle displays a vehicle licence correctly until such time as the Department is able to remove this requirement. The provisions regarding trade licences are also revised and clarify what is required of traders who utilise this facility. The provision allows for regulations to be introduced and prescribes what matters they can cover and the penalty should the conditions not be met.

The Bill introduces revised regulations to cover licensing and registration of vehicles, covering what is required for applications, fees, display of licence plate and so on. The Bill also revises the process regarding a licence a police constable has reasonable grounds to believe is a forgery.

Several items are amended to update the provisions including the capability to increase the maximum fine for offences. It should be noted this is the maximum fine should a matter go to Court. The Court will then assess all relevant information before handing-down the sentence it does not mean the Court will simply fine a guilty offender the maximum tariff. A new section 20 is included which updates the interpretations within the Bill.

The Bill allows for the removal of the need to display a tax disc in the vehicle windscreen, and makes many consequential changes such as renumbering paragraphs and sub-paragraphs to reflect the various changes included.

## Feedback to the Consultation

---

The draft Bill attached has been prepared for the purpose of consultation. Further refinement of the layout and content may be undertaken in light of the responses to the consultation.

Information provided in response to the consultation will be dealt with in accordance with the access to information regimes. These are primarily the Guidance on the Code of Practice on Consultation and the Code of Practice on Access to Information.

It is also important to take into consideration that making a representation does not necessarily mean that the Department will make a change to legislation.

If you wish to submit your views on these proposals, or there is some point of clarification you would like to receive, you are invited to respond:

By email to: [doiconsultation@gov.im](mailto:doiconsultation@gov.im)

Or in writing to:

Chris Hannon, Project Coordinator, Highway Services Division, Department of Infrastructure, Sea Terminal, Douglas IM1 2RF

The closing date for consideration of responses is 4 March 2016

Unless specifically requested otherwise, any responses received may be published either in part or in their entirety, together with the name of the person or body which submitted the response. If you are responding on behalf of a group please make clear your position. It would be helpful, when giving your feedback to make specific reference to the number and title of the specific provision set out in the draft Bill.

The purpose of consultation is not to be a referendum but an information, views and evidence gathering exercise from which to take an informed decision on the content of proposed legislation. In any consultation the responses received do not guarantee that changes will be made to what has been proposed.

**IMPACT ASSESSMENT**

DEPARTMENT: Infrastructure (DoI)		
IMPACT ASSESSMENT OF: Road Transport Legislation (Amendment) Bill 2016		
Stage: Public Consultation	Version: 1	Date: 29 January 2016
Related Publications: Road Transport Act 2001, Licensing and Registration of Vehicles Act 1985		
Responsible Officer: Ian Harris, Director of Finance		
Email Address: doiconsultation@gov.im		Telephone: 686936

## SUMMARY: INTERVENTION AND OPTIONS

### **What is the Bill intended to do**

This Bill is intended to update existing legislation, simplify administration processes and clarify requirements regarding goods vehicle regulation. The Bill attempts to:

- a) Reduce bureaucracy
- b) Increase safety

The Road Transport Act 2001 has several matters the Bill sets out to simplify including the registration of private hire vehicles and goods vehicles. It introduces regulations to cover inspection of goods vehicles; order making powers to amend penalties redefines the interpretation section and introduces financial standing matters.

The Licensing and Registration of Vehicles Act 1985 is updated to deal with vehicle duty and exemptions, display of vehicle licence discs, registration plates and trade plates, powers to seize forged licences, introduces regulations to cover licensing and registration, orders, and interpretation and a number of consequential amendments and allows the Department to remove the requirement to display a tax disc in the future.

### **Options that have been considered**

Involving, as they do, amendments of primary legislation, the proposals can be achieved only by further primary legislation. The options are to do nothing, in which case the public interest would be compromised, or to act by way of the Bill.

### **Link to Government Strategic Plan**

To promote a safe environment, ensure the effective enforcement of the criminal law, and reduce the incidence of crime

### **Link to Department/Statutory Board/Office Aims and Objectives**

To provide for the better regulation of vehicles and drivers and to pursue actively the outstanding payment of motoring fines and vehicle duty

### **Responsible Departmental Member**

Mr P Gawne MHK

### **Ministerial sign off**

I have read the Impact Assessment and I am satisfied that the balance between the benefit and any costs is the right one in the circumstances.

Signed by:

Hon Phil Gawne, MHK,  
Department of Infrastructure

Date: 22 January 2016



SUMMARY: ANALYSIS AND EVIDENCE

**IMPACT OF PROPOSAL**

**Resource Issues - Financial (including manpower)  
Statement:**

By and large the provisions of the Bill are cost-neutral, being either self-financing through the recovery of costs or being administered by existing personnel as part of their ongoing responsibilities with no corresponding increase in budgetary provision.

**Likely Financial Costs**

As stated above.

**Likely Financial Benefits**

At present unquantifiable due to unforeseeable circumstances, but in the longer term financial benefits will, for example, accrue from the impact of the proposals safety regulations, simplification of licensing proposals leading to reduced administration.

**Are there any costs or benefits that are not financial i.e. social?**

Improved commercial vehicle safety will ensure the haulage industry and the public are safer as a result of the proposals.

**Which business sectors/organisations will be impacted, if any, and has any direct consultation taken place?**

The extent of this impact on the Island is difficult to quantify but will be reviewed following consideration of the responses to this consultation. Consultation has been left to this exercise for the reason stated above.

**Does the proposal comply with privacy law? Please provide a brief statement as to any issue of privacy or security of personal information.**

Yes.

**Has Treasury Concurrence been given for the preferred option?**

Not at this stage

**Date of Treasury Concurrence:** Not applicable.

**Key Assumptions/Sensitivities/Risks**

A key assumption is that it is in the public interest for the Bill to cater for those matters which it addresses.

**Approximate date for legislation to be implemented if known**

Royal assent is anticipated later this year with the bulk of the Bill being brought into force by order shortly afterwards.

**SUMMARY: CONSULTATION**

**Consultation in line with Government standard consultation process?** Yes.

Date

**1st Consultation:** 29 January 2016      **2nd Consultation:**

**Summary of Responses:**

To be advised.

**EVIDENCE BASE**

DoI has no further evidence etc to be set out other than that presented in an orderly way in this impact assessment and the accompanying letter. When read together, they are self-explanatory.