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## ROAD TRANSPORT LEGISLATION (AMENDMENT) BILL 2016

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### Explanatory Memorandum

1. This Bill, which is promoted by the Department of Infrastructure ("the Department"), makes a series of amendments to the Road Transport Act 2001 and the Licensing and Registration of Vehicles Act 1985.
2. **Part 1** (*clauses 1 and 2*) gives the Bill its short title and provides for it to come into operation on one or more days appointed by the Department by order.
3. **Part 2** (as introduced by *clause 3*) makes amendments to the Road Transport Act 2001. *Clause 4* repeals the existing section 5 and introduces a new section 5 passenger vehicles and the requirement for registration or licence.
4. *Clause 5* amends section 7 by inserting "maximum gross weight".
5. *Clause 6* inserts a new section 8 making it an offence to use a goods vehicle commercially without an operator's licence or registration.
6. *Clause 7* repeals and replaces section 10 registration and grant of licences, this details the process to be followed regarding applications, operating centres and undertakings.
7. *Clause 8* inserts a new sub-section 1A, which provides for regulations to be introduced to cover the vehicle when not engaged in normal operations.
8. *Clause 9* introduces a new section 24A. This new provision provides the power to introduce regulations for the inspection of goods vehicles and definitions for authorised examiner, specified period and test station.
9. *Clause 10* Introduces a new section 57A, the supply of information other than to the Committee. This section requires the Committee to provide to listed persons on request, information that has been obtained in the administration of this Act.
10. *Clause 11* inserts a new section 61A an order making power to vary maximum penalties to be approved by Tynwald.
11. *Clause 12* amends section 62 to provide the power to apply provisions made under the Road traffic Act 1985 or the Licensing and Registration of Vehicles Act 1985.
12. *Clause 13* amends the definition of "maximum weight" in section 63 to read "maximum gross weight".
13. *Clause 14* amends Schedule 1 regarding the financial standing requirement for operator licensing.

14. **Part 2** (as introduced by *clause 15*) makes amendments to the Licensing and Registration of Vehicles Act 1985.
15. *Clause 16* repeals and replaces section 1 the charge of duty. This will require a vehicle to be subject to vehicle duty whether it is registered or not.
16. *Clause 17* introduces a new section 3A and provides for the issue of a licence before the payment of duty. This will allow the Department to issue a vehicle licence on the agreement of suitable payment method.
17. *Clause 18* repeals and replaces section 4 exemption from duty.
18. *Clause 19* repeals and replaces section 5 unlicensed vehicles. This new section will provide the Department with powers to deal with unlicensed vehicles.
19. *Clause 20* amends section 6 the issue and display of licences.
20. *Clause 21* repeals and replaces section 10 trade licenses. The new section provides for traders to obtain a trade licence and allows the Department to introduce regulations for the control and appearance.
21. *Clause 22* repeals and replaces section 11 registration and registration marks. The new section clarifies the requirement to display a registration mark on all vehicles other than a trailer.
22. *Clause 23* amends section 12 by changing subsection (2) to read subsection (3).
23. *Clause 24* amends section 12A by changing subsection (2) to read subsection (3).
24. *Clause 25* repeals and replaces section 13 and provides for regulations for licensing and registration. The regulations will cover the process of registering a vehicle and clarifies several new definitions.
25. *Clause 26* amends section 14 regarding forgery. The change substitutes (1)(b).
26. *Clause 27* repeals and replaces section 14A the power to seize forged and certain vehicle licences. This provides for a police constable to deal with licences or vehicles they have grounds to believe are forgeries and the process to follow.
27. *Clause 28* amends section 15 the duty to give information. This provides for a constable to obtain information concerning an alleged offence and introduces consequential amendments.
28. *Clause 29* amends section 17 burden of proof, and introduces consequential amendments.
29. *Clause 30* amends section 18 by introducing powers to amend regulations and orders to vary maximum penalties in the Act.
30. *Clause 31* repeals and replaces section 20 interpretation.
31. *Clause 32* amends schedule 1 regarding invalids' vehicles by changing the term keeper for owner.
32. *Clause 33* provides future proofing for the display of a licence. These provisions will allow for the non-display of vehicle duty disc and will be introduced by Appointed Day Order.

33. *Clause 34* provides for the registration of trailers and provides consequential amendments where registration of trailers was previously excluded.
34. *Clause 35* Introduces a consequential amendment to rename a registration book, wherever it appears in the Act as a registration document.
35. 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.
36. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001



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## ROAD TRANSPORT LEGISLATION (AMENDMENT) BILL 2016

A **BILL** to amend the Road Transport Act 2001 and the Licensing and Registration of Vehicles Act 1985

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**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

### PART 1 – INTRODUCTORY

#### 1 Short title

The short title of this Act is the Road Transport Legislation (Amendment) Act 2016.

#### 2 Commencement

- (1) Except for Part 1, this Act comes into operation on a day or on days appointed by order of the Department of Infrastructure.
- (2) Different days may be appointed for different provisions and for different purposes.
- (3) An order under subsection (1) may include necessary or expedient transitional or saving provisions.

### PART 2 – AMENDMENTS TO THE ROAD TRANSPORT ACT 2001

#### 3 Road Transport Act 2001 amended

- (1) This Part amends the *Road Transport Act 2001*.
- (2) Accordingly, a reference to a section or Schedule in this Part is a reference to a section of, or a Schedule to, that Act.

**4 Section 5 repealed and replaced - passenger vehicles: requirement for registration or licence**

For section 5 substitute —

**5 Passenger vehicles: requirement for registration or licence**

- (1) A person may not use a passenger vehicle commercially for the carriage of passengers unless he is the holder of a passenger vehicle operator's licence or is a registered passenger vehicle operator.
- (2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.
- (3) It is a defence for the person to show that —
  - (a) he was using the vehicle in prescribed circumstances or in accordance with prescribed conditions; or
  - (b) he was using the vehicle in accordance with an exemption certificate issued under section 6.

**5 Section 7 amended – commercial use of goods vehicles**

In section 7(1) for “the maximum weight of” substitute **5** the maximum gross weight of **6**.

**6 Section 8 repealed and replaced - goods vehicles: requirement for registration or licence**

For section 8 substitute —

**8 Goods vehicles: requirement for registration or licence**

- (1) A person may not use a goods vehicle commercially for the carriage of goods unless he is the holder of a goods vehicle operator's licence or is a registered goods vehicle operator.
- (2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.
- (3) It is a defence for the person to show that he was using the vehicle in prescribed circumstances or in accordance with prescribed conditions. **7**.


**7 Section 10 repealed and replaced - registration and grant of licences**

For section 10 substitute —




**10 Registration and grant of licences**

- (1) The Committee must not grant an application for an operator's licence or for registration unless it is satisfied that the applicant is of good repute.
- (2) The Committee must not grant the application unless it is satisfied that the applicant is of appropriate financial standing and professionally competent.
- (3) In addition the Committee must not grant the application unless it is satisfied that any place specified in the application as an operating centre of the applicant is suitable —
  - (a) for use as an operating centre, and
  - (b) for use as an operating centre for the number of vehicles, or the number of vehicles of any specified class, proposed to be used under the registration or licence,and that such additional requirements as may prescribed are met.
- (4) In addition, the Committee must not grant the application if the applicant would become —
  - (a) the holder of a goods vehicle operator's licence and a registered goods vehicle operator;
  - (b) the holder of more than one goods vehicle operator's licence;
  - (c) the holder of a passenger vehicle operator's licence and a registered passenger vehicle operator; or
  - (d) the holder of more than one passenger vehicle operator's licence.
- (5) If a place is specified as an operating centre in an application for registration as a passenger vehicle operator or for a passenger vehicle operator's licence and —
  - (a) the place is also used as an operating centre by another passenger vehicle operator or under a registration as a goods vehicle operator or a goods vehicle operator's licence; or
  - (b) the place is also specified as an operating centre in another application for registration as a passenger vehicle operator or for a passenger vehicle operator's licence, or in an application for registration as a goods vehicle operator or a goods vehicle operator's licence,the Committee must take into account that use or proposed use in determining the suitability of the place for the purposes of the application.

- (6) If a place is specified as an operating centre in an application for registration as a goods vehicle operator or for a goods vehicle operator's licence and —
  - (a) the place is also used as an operating centre by another goods vehicle operator or under a registration as a passenger vehicle operator or a passenger vehicle operator's licence; or
  - (b) the place is also specified as an operating centre in another application for registration as a goods vehicle operator or for a goods vehicle operator's licence, or in an application for registration as a passenger vehicle operator or a passenger vehicle operator's licence,the Committee must take into account that use or proposed use in determining the suitability of the place for the purposes of the application.
- (7) In considering on an application for registration or an operator's licence whether the requirements mentioned in subsection (3) are satisfied, the Committee may take into account any undertakings given by the applicant (or procured by him to be given) for the purposes of the application and may assume that those undertakings will be fulfilled.
- (8) The Committee must grant an application for registration or an operator's licence if —
  - (a) it is satisfied that each relevant requirement mentioned in subsections (1), (2) and (3) has been met; and
  - (b) subsection (4) does not apply.
- (9) Schedule 1 has effect for supplementing subsections (1) and (2). 

## 8 Section 24 amended - regulations

In section 24 —

- (a) after subsection (1) insert —
  -  (1A) Regulations may require an operator of a goods vehicle used under a registration or an operator's licence to ensure —
    - (a) that when the vehicle is not engaged in an operation that involves the carriage of goods it is parked at the operating centre specified in the register maintained under section 3(1)(b) or specified in the operator's licence; and
    - (b) that the number of such vehicles parked there does not exceed the number specified in the register or licence.

- (1B) Regulations may require an operator of a passenger vehicle used under a registration or an operator's licence to ensure —
  - (a) that when the vehicle is not engaged in an operation that involves the carriage of passengers it is parked at the operating centre specified in the register maintained under section 3(1)(a) or specified in the operator's licence; and
  - (b) that the number of such vehicles parked there does not exceed the number specified in the register or licence. ~~22~~;

and

- (b) in subsection (2) for “£1,000” substitute ~~23~~ £2,500 ~~22~~.

## 9 New section 24A – regulations: inspection, etc. of goods vehicles

After section 24 insert —

### ~~24~~ 24A Regulations: inspection, etc. of goods vehicles

- (1) Regulations may require an operator of a goods vehicle used under a registration or an operator's licence —
  - (a) to ensure that the vehicle is regularly checked with respect to its roadworthiness by a suitably competent person;
  - (b) to ensure that that the vehicle is adequately maintained;
  - (c) to ensure that on each day on which the vehicle is driven its driver undertakes a visual check of it before it is driven and, if any defect is found with respect to its roadworthiness, the driver provides the operator with a written report on the defect;
  - (d) if an authorised examiner advises the operator that an inspection of the vehicle is urgently required, to make the vehicle available for immediate inspection by the examiner in accordance with such advice;
  - (e) if an authorised examiner gives the operator at least 48 hours' notice that the vehicle needs to be inspected, to make the vehicle available for inspection by the examiner in accordance with the notice;
  - (f) if the goods vehicle is a trailer, to submit it to a test station for inspection by an authorised examiner during each specified period;
  - (g) to ensure that the vehicle is not used until any defect found in the vehicle that is likely to affect its roadworthiness has been rectified or, if the defect was found by an authorised examiner, until the defect has been rectified to the examiner's satisfaction.

- (2) Regulations under this section may provide that contravention of a prescribed requirement of the regulations is an offence punishable on summary conviction by a fine not exceeding such amount, not exceeding £5,000, as is prescribed.
- (3) Regulations under this section may apply *with* or without modification any provision made by or under the *Road Traffic Act 1985* or the *Licensing and Registration of Vehicles Act 1985*.
- (4) In this section —
- “**authorised examiner**” means a person appointed by the Department as an examiner for the purpose of regulations under this section;
- “**specified period**”, in respect of a goods vehicle that is a trailer, means a period commencing on each anniversary of the grant of the registration or of the operator’s licence under which the trailer is used and ending one month later;
- “**test station**” means the Vehicle and Driving Test Centre at Bellafletcher Road, Cronkbourne, Douglas or such other place as the Department may appoint. **22**.

**10 New section 57A – supply of information other than to the Committee**

After section 57 insert —

**57A Supply of information other than to the Committee**

The Committee must supply information it has obtained in the administration of this Act if it is requested to do so by a person mentioned in column 1 of the Table and the circumstance mentioned in column 2 applies.

**Table**

<i>Column 1</i>	<i>Column 2</i>
An officer of a court, Department, Government office, local authority, or statutory board	The information is to be used — (a) in the investigation or prosecution of an offence; (b) in the hearing of a civil or criminal case; or (c) in the collection of a duty, fee, fine or tax.
The Chief Constable or a person acting on his behalf.	He is acting in his official capacity
A person who holds an office in the United Kingdom, the Channel Islands or the Republic of Ireland that is responsible for licensing or registering	He is acting in his official capacity

vehicles or otherwise regulating their use.	
A person	The person — (a) has satisfied the Committee that he has a reasonable need for the information; and (b) has paid any prescribed fee for its supply. <b>22</b>

**11 New section 61A - order-making power to amend penalties**

After section 61 insert —

**61A Order-making power to vary maximum penalties**

- (1) The Department may by order amend this Act to vary the maximum level of a fine specified in it.
- (2) However, the order does not take effect unless it is approved by Tynwald. **22**

**12 Section 62 amended — regulations: general**

After section 62(4A) insert —

- 62(4B)** Regulations under this section may apply with or without modification any provision made by or under the *Road Traffic Act 1985* or the *Licensing and Registration of Vehicles Act 1985*. **22**

**13 Section 63 amended – interpretation**

In section 63 —

- (a) in subsection (1) for the definition “maximum weight” substitute —  
  - 63** “maximum gross weight” means the weight that a vehicle or a combination of vehicles is designed or adapted not to exceed when travelling on a road laden; **22**;
- (b) omit subsection (2).

**14 Schedule 1 amended - appropriate financial standing**

- (1) For the sub-sub-heading to Schedule 1 substitute **63** Sections 10(9) and 18(9) **22**
- (2) After sub-paragraph 6(2) of Schedule 1 add —  
  - 63(3)** Subject to such modifications as may be prescribed, the financial resources required by an applicant for, or holder of, a goods vehicle operator’s licence shall be the same as those from time to

time applicable to an applicant for, or holder of, such a licence in England. <sup>22</sup>.

## **PART 3 – AMENDMENTS TO THE LICENSING AND REGISTRATION OF VEHICLES ACT 1985**

### **15 Licensing and Registration of Vehicles Act 1985 amended**

- (1) This Part amends the *Licensing and Registration of Vehicles Act 1985*.
- (2) Accordingly, a section or Schedule referred to in this Part is a reference to a section of, or a Schedule to, that Act.

### **16 Section 1 repealed and replaced— charge of duty**

For section 1 substitute —

#### **<sup>23</sup>1 Charge of duty**

- (1) Except as otherwise provided by this Act, vehicle duty shall be charged in respect of every vehicle, whether or not registered under this Act.
- (2) Vehicle duty charged in respect of a vehicle shall be paid on a licence that must be taken out by the owner of the vehicle.
- (3) The vehicle duty chargeable in respect of a vehicle of any description shall be chargeable at the rate prescribed in relation to vehicles of that description by order made by the Department. <sup>24</sup>.

### **17 New section 3A – Issue of licence before payment of duty**

After section 3 insert —

#### **<sup>25</sup>3A Issue of licence before payment of duty**

- (1) The Department may issue a vehicle licence to a person who has agreed with the Department to pay the duty payable on the licence in a manner provided by the agreement.
- (2) In a case where—
  - (a) a vehicle licence is issued to a person in accordance with subsection (1);
  - (b) the duty payable on the licence is not received by the Department in accordance with the agreement; and
  - (c) the Department sends a notice to the person informing him that the licence is void as from the time when it was granted,

the licence shall be void as from the time when it was granted.

(3) In a case where—

- (a) paragraphs (a) and (b) of subsection (2) apply;
- (b) the Department sends a notice to the person requiring him to secure that the duty payable on the licence is paid within such reasonable period as is specified in the notice;
- (c) the requirement in the notice is not complied with; and
- (d) the Department sends a further notice to the person informing him that the licence is void as from the time when it was granted,

the licence shall be void as from the time when it was granted.

(4) But subsections (2) and (3) do not apply in a case where the agreement under subsection (1) provides for the duty payable to be paid by more than one instalment (and for this case see subsection (5)).

(5) In a case where —

- (a) a vehicle licence is issued to a person in accordance with subsection (1);
- (b) the duty payable on the licence is not received by the Department in accordance with the agreement;
- (c) the agreement provides for the duty payable to be paid by more than one instalment;
- (d) the Department sends a notice to the person requiring the person to secure that the duty payable on the licence (both in respect of instalments that have fallen due and in respect of future instalments) is paid within the period specified in the notice;
- (e) the requirement in the notice is not complied with; and
- (f) the Department sends a further notice to the person informing that person that the licence is void from the time specified in the notice,

the licence is void from the time specified.

## 18 Section 4 repealed and replaced - exemption from duty

For section 4 substitute —

### **4 Exemption from duty**

No vehicle duty is chargeable in respect of —

- (a) a vehicle of any of the descriptions specified in Part I of Schedule 1;

- (b) a vehicle kept or used in any of the circumstances specified in Part II of Schedule 1;
- (c) a vehicle for such a period as it is not used or kept on a public road, being a period specified in a declaration or statement provided by its owner in pursuance of regulations under section 13; or
- (d) a vehicle of any prescribed description. **22**.

## 19 Section 5 repealed and replaced - unlicensed vehicles

For section 5 substitute —

### **5 Unlicensed vehicle on public road**

- (1) Except as may be otherwise prescribed, if a vehicle registered under this Act (not being an exempt vehicle) is unlicensed —
  - (a) the person in whose name the vehicle is registered is guilty of an offence; and
  - (b) any person who uses or keeps the vehicle on a public road is guilty of an offence.
- (2) For the purposes of subsection (1) a vehicle is unlicensed if no vehicle licence or trade licence is in force for or in respect of the vehicle.
- (3) A person guilty of an offence under subsection (1)(a) or (b) is liable on summary conviction to a fine not exceeding —
  - (a) £2000; or
  - (b) five times the amount of the vehicle duty chargeable in respect of the vehicle,whichever is the greater.
- (4) However, in the case of a person who —
  - (a) has provided the Department with a declaration or statement (in pursuance of regulations under section 13) that the vehicle will not during a period specified in the declaration or statement be used or kept on a public road; and
  - (b) commits an offence under subsection (1)(b),subsection (3) applies as if the reference in paragraph (a) to £2000 were a reference to £3000.
- (5) If a vehicle for which a vehicle licence is in force is transferred by the holder of the licence to another person, the licence is to be treated for the purposes of subsection (2) as no longer in force unless it is delivered to the other person with the vehicle.



- (6) The amount of the vehicle duty chargeable in respect of a vehicle is to be taken for the purposes of subsection (3)(b) to be an amount equal to the annual rate of duty applicable to vehicles of the same description at the date of the conviction for the offence.
- (7) If a vehicle licence issued in respect of a vehicle limits the number of passengers that may be carried by the vehicle, a person who uses the vehicle for carrying passengers in excess of that limit is guilty of an offence and liable on summary conviction to a fine not exceeding £2,000. **22**.

## 20 Section 6 amended — issue and exhibition of licences

For section 6(4) substitute —

- 23** (4) Except as may be prescribed by regulations, a person is guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 if he keeps or drives on a public road a vehicle —
  - (a) that does not have fixed and exhibited on it in the prescribed manner a vehicle licence issued in respect of the vehicle; or
  - (b) that has fixed and exhibited on it a vehicle licence that has expired more than a month earlier or has been cancelled. **22**.

## 21 Section 10 repealed and replaced - trade licences

For section 10 substitute —

### **24** 10 Trade licences

- (1) The Department may on application made in the prescribed manner and on payment of the prescribed duty issue a licence to —
  - (a) a motor trader for all vehicles from time to time temporarily in his possession in the course of his business; or
  - (b) the Chief Constable for all vehicles from time to time temporarily in his possession in the course of his functions; not exceeding such number of vehicles as may be specified in the licence.
- (2) The duty chargeable in respect of a trade licence is chargeable for each year commencing on the 1 April.

- (3) It is chargeable at the rate prescribed by order made by the Department for the purposes of this section and may be based on the numbers of vehicles specified in a licence.
- (4) The Department must levy the duty under this section.
- (5) Regulations may —
  - (a) prescribe the conditions subject to which a trade licence may be issued or obtained;
  - (b) provide for the inspection and identification of vehicles used under a trade licence;
  - (c) prescribe the records to be kept by the holder of a trade licence;
  - (d) prescribe the form of the document in which the records of the holder of a trade licence must be kept, being a document that may be provided by the Department or sourced and provided by the holder of the licence;
  - (e) prescribe the purposes for which, and the conditions subject to which, a vehicle may be used on a public road by virtue of a trade licence;
  - (f) provide for the assignment of registration marks to holders of trade licences;
  - (g) provide for the issue by the Department, and the use, of plates showing those marks (“trade plates”) and the fees to be charged for their replacement and for licences that have been lost, damaged or destroyed;
  - (h) provide for trade plates that comply with a prescribed specification to be sourced and provided by the holders of trade licences.
- (6) The holder of a trade licence is guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 if he uses on a public road by virtue of the licence —
  - (a) a greater number of vehicles than that specified in the licence; or
  - (b) a vehicle for a purpose other than a prescribed purpose or contrary to any prescribed condition. **22**.

## 22 Sections 11 repealed and replaced - registration and registration marks

For section 11 substitute —

**11 Registration and registration marks**

- (1) The owner of a vehicle (other than a trailer) must register it with the Department whether or not the vehicle is kept or used on a public road.
- (2) The Department must on the registration of a vehicle assign to it a registration mark indicating the registered number of the vehicle.
- (3) The owner of a registered vehicle must in the prescribed manner affix to it the registration mark assigned to it and, if the vehicle is drawing a trailer, also affix the same mark to the trailer.
- (4) The owner of a vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 if he fails —
  - (a) to register it as soon as practicable; or
  - (b) to affix to it in the prescribed manner the registration mark assigned to it and, if the vehicle is drawing a trailer, to the trailer.

**23 Section 12 amended - failure to fix, and obscuration of, marks and signs**

In section 12(4), for “subsection (2)” substitute subsection (3).

**24 Section 12A amended - supply of registration marks**

In section 12A (1) for “section 11(2)” substitute section 11(3).

**25 Section 13 repealed and replaced— regulations as to licensing and registration**

For section 13 substitute —

**13 Regulations as to licencing and registration**

- (1) Regulations may —
  - (a) provide for the registration of vehicles (other than trailers) and for the fees or charges to be paid in respect thereof;
  - (b) provide for the keeping of records in respect of the registration and licensing of vehicles (other than the registration of trailers) and for making the records available for use by prescribed persons on payment of any prescribed fee;
  - (c) require an applicant for a vehicle licence in respect of a vehicle to provide evidence in the prescribed form that the person is the owner of the vehicle;

- (d) require an applicant for a vehicle licence in respect of a vehicle to provide evidence in the prescribed form that the vehicle complies with the prescribed requirements as to its construction, equipment, roadworthiness or condition, being evidence that, at the time of its issue, was valid for no more than 13 months, remains valid and has not previously been used for the issue of a vehicle licence for the vehicle;
- (e) require that an application for a vehicle licence in respect of a goods vehicle of a prescribed description include prescribed information and be accompanied by prescribed documents in respect of the vehicle from which its plated weights and other plated particulars may be determined;
- (f) provide for the prescribed fee to be paid where regulations made under paragraph (d) require a vehicle to be tested by a person appointed by the Department;
- (g) require an applicant for a vehicle licence in respect of a vehicle to produce such evidence as may be prescribed that—
  - (i) on the date when the licence comes into operation there will be in force in respect of the vehicle a policy of insurance or security that complies with the requirements of Part I of Schedule 5 to the *Road Traffic Act 1985*; or
  - (ii) the vehicle is a vehicle to which paragraph 1 of that Schedule does not apply at a time when it is being driven under its owner's control;
- (h) provide for the issue of a registration document on the registration of a vehicle (other than a trailer) and for the surrender and production of a registration document and its inspection by prescribed persons;
- (i) provide for the issue of a new registration document for one that has been lost or destroyed or has become illegible and for the fee to be paid;
- (j) prescribe the size, shape and character of the registration marks or the signs to be fixed on a vehicle and the manner in which the marks or signs must be displayed to make them easily distinguishable by night or by day;
- (k) provide for the registration of vehicles (other than trailers) belonging to persons temporarily resident in the Island for such period and on such conditions as may be prescribed and for the fees to be paid in respect of such registration;
- (l) make provision for change of ownership, the cancellation of registrations or vehicle licences, the transfer of

- registrations or vehicle licences, and the forms of notices, certificates or declarations to be given or made, and the fees or charges to be paid, in relation to any of such matters;
- (m) require a person who surrenders a vehicle licence under section 9(1) to furnish such particulars and make such declarations as may be prescribed and to do so at such times and in such manner as may be prescribed;
  - (n) require a person who does not renew a vehicle licence for a vehicle registered under this Act in his name to furnish such particulars and make such declarations as may be prescribed and to do so at such times and in such manner as may be prescribed;
  - (o) require a person who keeps an unlicensed vehicle at any place in the Island to furnish such particulars and make such declarations as may be prescribed and to do so at such times and in such manner as may be prescribed.

- (2) Where such evidence, information or documents as are mentioned in subsection (1)(c), (d), (e) or (g) are required in respect of a vehicle, no vehicle licence may be issued in respect of the vehicle until that requirement is complied with.
- (3) In subsection (1)(e) “**goods vehicle**” has the same meaning as in the *Road Traffic Act 1985* and “**plated weights**” and “**plated particulars**” have the same meanings as in Schedule 2 to that Act.
- (4) For the purposes of subsection (1)(n) a person shall be regarded as not renewing a vehicle licence for a vehicle registered under this Act in his name if—
  - (a) a vehicle for which a vehicle licence is in force is so registered, and
  - (b) he does not, at such time as may be prescribed by the regulations or within such period as may be so prescribed, take out a vehicle licence to have effect from the expiry of the vehicle licence mentioned in paragraph (a).
- (5) For the purposes of subsection (1)(o) a vehicle is unlicensed if no vehicle licence is in force for the vehicle.
- (6) Regulations made under subsection (1)(m), (n) and (o) may include transitional provision.
- (7) Regulations may provide for the identification of any exempt vehicles and any vehicles belonging to the Crown.
- (8) Requirements as to the construction, equipment, roadworthiness or condition of a vehicle may be prescribed by reference to a

document appearing to the Department to be suitable for the purpose and specified in the regulations. **22**.

**26 Section 14 amended— forgery, etc.**

In section 14 for (1)(b) substitute —

**23**(b) any licence or registration document under this Act, **22**;

**27 Section 14A repealed and replaced - power to seize forged and certain vehicle licences**

For section 14A substitute —

**24 14A Power to seize forged and certain vehicle licences**

(1) If a constable has reasonable grounds to believe that a vehicle on a public road has exhibited on it —

- (a) a forged vehicle licence; or
- (b) a vehicle licence in relation to which an offence has been committed under section 14,

the constable may enter the vehicle and seize the forgery or licence.

(2) If a forgery or licence is seized under subsection (1) —

- (a) the owner of the vehicle;
- (b) the person keeping the vehicle; or
- (c) the person using the vehicle,

may be summoned before a court of summary jurisdiction to account for the presence of the forgery or licence on the vehicle.

(3) The court must —

- (a) award such costs; and
- (b) if a vehicle licence was seized, make such order respecting its disposal,

as the justice of the case may require. **22**.

**28 Section 15 amended - duty to give information**

(1) In section 15(1) for “section 5 or 10(5)” substitute **23**section 5 or 10(6) **22**.

(2) For section 15(2) substitute —

**24**(2) In subsection (1) ‘person concerned’ means in relation to an alleged offence of using a vehicle in contravention of section 5 or 10(6), both the driver and any person using the vehicle. **22**.

**29 Section 17 amended - burden of proof in certain proceedings**

In section 17 for “section 5, 10(5) or 15(1)” substitute **33**section 5, 10(6) or 15(1)**32**.

**30 Section 18 amended – regulations and orders**

After section 18(2) insert –

**33**(2A) The Department may by order amend this Act by varying the maximum level of a penalty specified in it. **32**.

**31 Section 20 repealed and replaced – interpretation**

For section 20 substitute –

**33 20 Interpretation**

In this Act –

“**Department**” means the Department of Infrastructure;

“**exempt vehicle**” means a vehicle exempted from vehicle duty by virtue of any enactment (including any provision of this Act);

“**motor trader**” means –

- (a) a manufacturer or repairer of, or dealer in, vehicles;
- (b) a person carrying on a business concerned with the financing or insuring of motor vehicles;
- (c) any other class of persons as is prescribed for the purposes of this definition but only in such circumstances and subject to such conditions as may be prescribed;

“**owner**”, in respect of a vehicle, means the person by whom the vehicle is, or was last, kept and used but in respect of a vehicle that is registered under this Act or any corresponding provision relating to the registration of vehicles in force in the United Kingdom, the Republic of Ireland or the Channel Islands, means –

- (a) the person so registered; but
- (b) if the vehicle is the subject of a contract of lease or hire or a contract of hire-purchase, the person entitled to possession of the vehicle under the contract;

“**prescribed**” means prescribed by regulations or, in the case of rates of duty, by order under section 1 or 10;

“**public road**” means a highway maintainable at the public expense;

“**regulations**” means regulations made by the Department;

“**trade licence**” means a licence under section 10;

“**vehicle**” means a mechanically propelled vehicle or a trailer designed or constructed to be drawn by such a vehicle;

“**vehicle duty**” means duty chargeable under section 1;

“**vehicle licence**” means a licence under section 1 and, except in sections 1 and 5, includes a document of a similar nature issued in respect of an exempt vehicle or a vehicle belonging to the Crown by virtue of regulations made under section 13. ~~22~~.

### 32 Schedule 1 amended - invalids’ vehicles

In paragraph 7(a) of Schedule 1 for “the keeper” substitute ~~63~~ the owner ~~22~~.

### 33 Repeal of obligation to exhibit vehicle licences on vehicles

(1) The purpose of this section is to amend the *Licensing and Registration of Vehicles Act 1985* so as to repeal the requirement that a vehicle licence issued for a vehicle be fixed to and exhibited on it and to make consequential amendments to the *Road Traffic Act 1985* and the *Road Traffic Regulation Act 1985*.

(2) In respect of the *Licensing and Registration of Vehicles Act 1985* —

(a) omit section 3(7);

(b) for the head note of section 6 substitute —

#### ~~63~~ 6 Issue of vehicle licences ~~22~~;

(c) omit section 6(4) and (5);

(d) omit section 9(4);

(e) repeal section 14A.

(3) In respect of the *Road Traffic Act 1985* —

(a) for section 47A(3) substitute —

~~63~~(3) The second condition is that a constable stops or otherwise comes upon a motor vehicle and, after making such lawful enquiries as he or she considers appropriate in the circumstances, has reasonable grounds for believing that there is no current vehicle licence in respect of the vehicle and that there has been none in respect of the vehicle for longer than the preceding period of one month. ~~22~~.

(b) for section 47AB(2) substitute —

~~63~~(2) This section also applies if an authorised person comes upon a motor vehicle and, after making such lawful enquiries as he or she considers appropriate in the circumstances, has reasonable grounds for believing that there is no current vehicle licence in



respect of the vehicle and that there has been none in respect of the vehicle for longer than the preceding period of one month. **22**.

- (4) In respect of the *Road Traffic Regulation Act 1985*, in Table 1 at the end of Schedule 5A omit the entries relating to section 6(4)(a) and (b) of the *Licensing and Registration of Vehicles Act 1985*.

### **34 Provision for the registration of trailers**

- (1) The purpose of this section is to amend the *Licensing and Registration of Vehicles Act 1985* so as to provide that trailers must be registered.
- (2) In section 11 —
- (a) in subsection (1), omit '(other than a trailer)'; and
  - (b) after subsection (4) add —
- 23**(5) This section does not apply to a trailer of a prescribed class or description. **22**.
- (3) In section 12 after subsection (5) add —
- 23**(6) In relation to a trailer —
- (a) a reference in this section to the driver shall be construed as a reference to the driver of the vehicle by which the trailer is being drawn; and
  - (b) a reference to the driving of a vehicle shall be construed as a reference to the drawing of the trailer. **22**.
- (4) In section 13(1)(a) and (k), omit "(other than trailers)".
- (5) In section 13(1)(b) omit "(other than the registration of trailers)".
- (6) In section 13(1)(h) omit "(other than a trailer)".

### **35 Consequential amendment - Licensing and Registration of Vehicles Regulations 2015**

In the *Licensing and Registration of Vehicles Regulations 2015* and in their head notes, for "registration book" wherever that expression occurs substitute **24**registration document **22**.