



Isle of Man
Government

Reiltys Ellan Vannin



**ROAD TRANSPORT LEGISLATION (AMENDMENT) BILL 2016
RESPONSE TO THE CONSULTATION**

DEPARTMENT OF INFRASTRUCTURE

Part 1 – Introduction

This consultation exercise was designed to invite comments on the Road Transport Legislation (Amendment) Bill 2016. The Bill makes important amendments to the law concerning the regulation of vehicles and to persons driving or in charge of them.

The Bill affects two Acts:

- The Road Transport Act 2001, which provides for the regulation of Public Passenger Vehicles, taxis and buses, and the haulage industry.
- The Licensing and Registration of Vehicles Act 1985, which provides for the regulation of drivers and vehicles.

The papers can be viewed on-line by following this link:

<https://www.gov.im/ConsultationDetail.gov?id=561>

The Consultation Document Contained

1. A draft copy of the Road Transport Legislation (Amendment) Bill 2016
2. A short commentary on the draft Bill highlighting key aspects of the new proposed legislation
3. Explanatory Memorandum
4. An Impact Assessment

Part 2 – The Consultation Exercise

The consultation exercise ran from 29 January 2016 until 4 March 2016, a period of five weeks which was chosen to enable the Bill to be prepared for consideration in the current Tynwald session. The documents were drawn up by the Department with the assistance of a legislative draftsman appointed by the Attorney General's Chamber.

The consultation documents were distributed to the following:

- Tynwald Members
- Local Authorities
- Isle of Man Constabulary
- Isle of Man Fire and Rescue Service
- The Isle of Man Employers Federation
- Road Transport Licensing Committee
- The Deputy High Bailiff
- Manx Utilities
- Attorney General
- Government Chief Officers
- The Isle of Man Chamber of Commerce
- The Isle of Man Law Society
- Government Officers' Association
- Island Road Transport Association
- Department of Infrastructure Heads of Divisions

The consultation was made available to the public on the Government's consultation website, a press release was issued and several interviews were given to the local media by Minister Gawne.

Part 3 – The Responses

The Department would like to take this opportunity to thank everybody who provided a response to this consultation exercise.

The Department received four letters and twenty-two e-mail responses to the consultation exercise.

Taking the responses received by post first, two letters were concerned with the proposal to introduce provisions to allow for removing the need to display a road fund licence disc, one letter provided a no comment message and the final letter concerned several points regarding professional drivers. The letters regarding road fund licence highlighted potential problems with the system as introduced in the United Kingdom and how would the Department actually operate such a scheme. The same points were raised by several e-mail respondents and are covered below. The queries regarding professional drivers relate to provisions concerning driver training and what this would require should the proposal progress. As this provision is an enabling provision, the Department will discuss with industry what would be required before the provision was considered for introduction. For example in the United Kingdom, professional drivers are required to undertake 35 hours of relevant training over a five year period, equivalent to one day per year.

Further comments included confirming that for professional drivers, the proposed timings for the possible introduction of medical checks and certification, should coincide with existing renewal dates. This request is helpful and will be taken into account should the proposal be introduced.

Of the e-mail responses, seven were against the proposal to introduce provisions for the removal of the need to display a road fund licence disc. Five of the seven were from the Isle of Man Post Office and its sub-post offices around the Island; one was from a retail company that hosts several post office counters. The respondents questioned the rationale of the proposal, the potential loss of income it would lead to and additional difficulty that would arise in checking a vehicle is insured,. One response was received from a Local Authority that also pointed out issues that have been experienced in the United Kingdom.

In response to these points the Department would advise that the proposal is an enabling provision and much work remains to be completed in order to set-up the required infrastructure to implement it. The Department can only introduce this proposal once the relevant infrastructure is in place and all stakeholders will be included in discussions before it is brought forward.

A further respondent supported the proposal but cautioned as to the experience in the United Kingdom when similar proposals were introduced there.

Provisions to require insurance details for Manx vehicles to be entered into the Motor Insurer Bureau database have been included in the Bill and were queried by several respondents. In order to clarify the purpose of this proposal the Department would advise that the database is automatically checked before a road fund licence renewal is issued. If vehicle details are recorded in the database the vehicle owner can make use of the on-line renewal process; if the vehicle is not recorded the on-line renewal option is not available as proof of insurance is required to renew the road fund licence. Therefore, the greater the number of vehicles that are recorded on the database, the greater the number of vehicle owners that can utilise the on-line renewal services, simplifying the renewal process.

A respondent raised concerns regarding proposals to register goods vehicles under the Road Transport Act 2001. The details and actual process to do this have not yet been introduced due to on-going discussions with industry representatives. The proposals included in the Bill are to simplify administrative actions and introduce powers so that goods vehicles can be regulated. The Department can also confirm that it does not intend to include light goods vehicles such as vans in the proposals.

Three respondents raised queries on proposals regarding operator licensing. To clarify, operator licensing refers to regulations to control the operation and maintenance of commercially used goods vehicles. The regulations referred to are still subject to discussion between the Minister and members of the haulage industry and until those discussions are concluded the Department will not promote the regulations.

The purpose of the Bill in this area is to reduce administrative burden not only for the Department but also for those operators who would be affected should the operator licensing proposals be introduced.

The Department received comments from members of the haulage industry who asked for clarification of Clause 16 and Clause 22. Both these Clauses will be required when the Department introduces electronic means to enforce licensing and payment of vehicle duty. Clause 16 requires vehicles pay the respective duty, even if they are exempt from paying road fund licence fees, whilst Clause 22 requires vehicles to be registered. In the United Kingdom Automatic Number Plate Recognition systems check that vehicle duty has been paid and that vehicles are correctly licensed.

This system will take some time to introduce as the relative infrastructure needed has still to be developed, therefore it will be some time before the clauses will be brought in and even then transitional provisions will apply.

A further respondent suggested the Department should revisit Clause 4 of the Bill as the proposal would introduce additional red tape and administrative burden. The purpose of this clause is to simplify the existing clause and provide that commercially used vehicles are registered. The respondent also queried Clause 6 of the Bill which covers elements relating to operator licensing. The purpose of Clause 6 is to simplify the registration requirement, should operator licensing regulations be promoted. The final point raised covered Clause 7 which provides instructions to be used by the regulator when an applicant applies for registration or grant of a licence. The purpose of the proposal is to simplify and clarify the process to be followed.

A response from the Planning and Building Control Division of the Department of Environment Food and Agriculture asked the Department to ensure that relevant planning permissions are required in the new regulations. Again as the regulations have not been agreed this will be taken forward should they be promoted.

Several respondents had no comment but thanked the Department for asking for their considerations.

With regard to comments received in respect of matters that were not part of the consultation exercise, one respondent suggested the road fund licence should be removed altogether and a replacement tax added to fuel. This would make savings in the administration, staffing requirements and enforcement as vehicles would have no option but to fuel the vehicle. This or similar proposals have been investigated previously by the Department and it has been found that

to add a levy onto fuel is not possible within the existing revenue agreements in place with the United Kingdom Government.

A further respondent suggested that the Department should introduce MoT type testing for vehicles on the Isle of Man as this would ensure roadworthy vehicles, better maintenance and a revenue stream for both the garages involved in the testing process and the Government. The Department held a consultation exercise on this subject several years ago and the overall response was 75% against progressing the introduction of MoT type testing. As a result of that consultation exercise, the Department is not currently progressing this proposal.

Written Responses

The following organisations and individuals responded to the consultation by letter or email, and some individual respondents have asked that their name is not disclosed:

Marown Parish Commissioners
R Moor TNT
J Quaye Manx Independent Carriers
Employers Federation
Office of Fair Trading
Planning & Building Control Directorate
Douglas Borough Council
N Hendy
R Oldham
Lonan Commissioners
Isle of Man Post Office
Port Erin Post Office
Peel Post Office
Patrick Parish Commissioners
Island Road Transport Association
C Callister Colas
C Clegg
Fleet Services
E Teare, MHK
Department of Home Affairs
Deputy High Bailiff
D Baxter
National Federation of Postmasters
Sub-postmaster Ballasalla & St John's

Mannin Retail Limited

Part 4 – Conclusion

As a result of the feedback received the Department will not make any changes to the Bill. The Department will however include provisions:

- to make disability regulations which have been requested as part of the Disability Discrimination Bill moved by the Chief Minister;
- to require drivers to notify the RTLC of any criminal convictions; and
- to require the RTLC to provide relevant information to the police, court, and similar organisations on request.

The title of the Bill will be changed to the Road Transport, Licensing and Registration (Amendment) Bill 2016 to better reflect the content of the Bill.

Treasury concurrence was obtained at the meeting of the Treasury Committee on Wednesday 6 April 2016.

This document will be published on the consultation website once it has been agreed by the Minister.