

**ROAD TRANSPORT, LICENSING AND
REGISTRATION (AMENDMENT) BILL 2017**

Explanatory Memorandum

1. This Bill is promoted by Minister Ray Harmer, M.H.K. on behalf of the Department of Infrastructure.
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 making it an offence to use a passenger vehicle commercially without an operator's licence or registration.
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 with respect to registration and the grant of operators' licences. It details the process to be followed regarding applications, operating centres and undertakings.
7. *Clause 8* makes an amendment consequent upon clause 7.
8. *Clause 9* amends section 20 to require the holder of a licence to drive a passenger vehicle who is an officer, employee or agent of a registered operator or of the holder of an operator's licence to give notice of any relevant conviction of himself to the operator or the holder and to the Committee.
9. *Clause 10* inserts a new section 24(1A) and (1B), which provides for the making of regulations to cover a vehicle when not engaged in normal operations.
10. *Clause 11* introduces a new section 24A, which provides power to make regulations for the inspection of goods vehicles.
11. *Clause 12* amends section 37 to permit regulations to be made in respect of the duties of drivers or operators of certain public passenger vehicles to carry disabled persons.
12. *Clause 13* introduces a new section 57A, which provides for the supply of information other than to the Road Transport Licensing Committee. This section requires the Committee to provide on request to listed persons information that has been obtained in the administration of this Act.
13. *Clause 14* inserts a new section 61A conferring power to make orders, subject to Tynwald approval, that vary maximum penalties imposed by this Act.

14. *Clause 15* amends section 62 to provide power to apply provisions made under the *Road Traffic Act 1985* or the *Licensing and Registration of Vehicles Act 1985*.
15. *Clause 16* amends section 63 by substituting the definition of “maximum gross weight” for the definition of “maximum weight”.
16. *Clause 17* amends Schedule 1 regarding the financial standing requirement for operator licensing.
17. **Part 2** (as introduced by *clause 18*) makes amendments to the *Licensing and Registration of Vehicles Act 1985*.
18. *Clause 19* repeals and replaces section 1, which relates to the charging of vehicle duty. It will require the owner of a vehicle to take out a vehicle licence for the vehicle whether it is to be used on public roads or not and for the owner to pay the licence duty (if any) for the licence.
19. *Clause 20* introduces a new section 3A, which provides for the issue of a licence before the payment of duty, provided that an agreement on a suitable payment method is in place.
20. *Clause 21* repeals and replaces section 4, which caters for exemptions from vehicle duty.
21. *Clause 22* repeals and replaces section 5, dealing with unlicensed vehicles.
22. *Clause 23* repeals and replaces section 10, which relates to the issue and use of trade licences and plates.
23. *Clause 24* repeals and replaces section 11, which deals with the registration of vehicles and the assignment and fixing on them of registration marks.
24. *Clause 25* corrects section 12 by changing subsection (2) to read subsection (3).
25. *Clause 26* makes an amendment of section 12A consequent upon clause 24.
26. *Clause 27* repeals and replaces section 13, which caters for regulations as to licensing and registration. Supplementary provision is inserted, as respects, for example, the validity of evidence in support of certain vehicle-licence applications, and certain matters are clarified.
27. *Clause 28* amends section 14 regarding forgery.
28. *Clause 29* repeals and replaces section 14A, which empowers a constable to seize forged and certain other vehicle licences and prescribes the process to follow.
29. *Clause 30* makes a minor amendment consequent upon clauses 22 and 23.
30. *Clause 31* makes a minor amendment of section 17 consequent upon clause 23.
31. *Clause 32* amends section 18 by empowering orders, subject to Tynwald approval, to vary maximum penalties in this Act. It also introduces powers to allow the Department, by order subject to Tynwald approval, to amend certain Acts for the purpose of doing away with either vehicle licences or the requirement that they be fixed to and exhibited on vehicles and for the purpose of providing for the registration of trailers.

32. *Clause 33* repeals and replaces section 20, which prescribes interpretative provisions.
33. *Clause 34* amends Schedule 1 by substituting "owner" for "keeper" with respect to invalids' vehicles.
34. *Clause 35* amends the *Licensing and Registration of Vehicles Regulations 2015* in consequence of clause 27.
35. *Clause 36* partly makes consequential amendments to existing fixed penalty offences in Schedule 5A to the Road Traffic Regulation Act 1985 and partly prescribes 5 new such offences in keeping with those prescribed in the *Road Traffic Regulation (Fixed Penalty Offences) Order 2013*.
36. 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.
37. 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*.



Ellan Vannin

ROAD TRANSPORT, LICENSING AND REGISTRATION (AMENDMENT) BILL 2017

Index

Section	Page
PART 1 – INTRODUCTORY	7
1 Short title	7
2 Commencement	7
PART 2 – AMENDMENTS TO THE ROAD TRANSPORT ACT 2001	7
3 Road Transport Act 2001 amended	7
4 Section 5 repealed and replaced - passenger vehicles: requirement for registration or licence	8
5 Section 7 amended – commercial use of goods vehicles	8
6 Section 8 repealed and replaced - goods vehicles: requirement for registration or licence	8
7 Section 10 repealed and replaced - registration and grant of licences	8
8 Section 18 amended – revocation etc. of registration or licence	10
9 Section 20 amended – duty to inform Committee of certain convictions etc	10
10 Section 24 amended - regulations	11
11 New section 24A – regulations: inspection, etc. of goods vehicles	11
12 Section 37 amended - obligation to carry passengers	12
13 New section 57A – supply of information other than to the Committee	13
14 New section 61A - order-making power to amend penalties	14
15 Section 62 amended – regulations: general	14
16 Section 63 amended – interpretation	14
17 Schedule 1 amended - qualifications for registration and operator’s licences	14
“QUALIFICATIONS FOR REGISTRATION AND OPERATOR’S AND DRIVER’S LICENCES”;	14
PART 3 – AMENDMENTS TO THE LICENSING AND REGISTRATION OF VEHICLES ACT 1985	15
18 Licensing and Registration of Vehicles Act 1985 amended	15
19 Section 1 repealed and replaced – vehicle licences	15
20 New section 3A – issue of licence before payment of duty	16

21	Section 4 repealed and replaced - exemption from duty	17
22	Section 5 repealed and replaced - unlicensed vehicles	18
23	Section 10 repealed and replaced - trade licences.....	18
24	Section 11 repealed and replaced - registration and registration marks	20
25	Section 12 amended - failure to fix, and obscuration of, marks and signs.....	20
26	Section 12A amended - supply of registration marks	20
27	Section 13 repealed and replaced – regulations as to licensing and registration	20
28	Section 14 amended – forgery, etc.....	22
29	Section 14A repealed and replaced - power to seize forged and certain vehicle licences.....	23
30	Section 15 amended - duty to give information.....	23
31	Section 17 amended - burden of proof in certain proceedings	23
32	Section 18 amended – regulations and orders	23
33	Section 20 repealed and replaced – interpretation	24
34	Schedule 1 amended - invalids’ vehicles	25
35	Consequential amendment - Licensing and Registration of Vehicles Regulations 2015.....	25
36	Consequential amendment - Road Traffic Regulation Act 1985	25



Ellan Vannin

ROAD TRANSPORT, LICENSING AND REGISTRATION (AMENDMENT) BILL 2017

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

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, Licensing and Registration (Amendment) Act 2017.

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.

1 **4 Section 5 repealed and replaced - passenger vehicles: requirement for**
2 **registration or licence**

3 For section 5 substitute —

4 **“5 Passenger vehicles: requirement for registration or licence**

5 (1) A person may not use a passenger vehicle commercially for the
6 carriage of passengers unless he is the holder of a passenger
7 vehicle operator’s licence or is a registered passenger vehicle
8 operator.

9 (2) A person who contravenes subsection (1) is guilty of an offence
10 and liable on summary conviction to a fine not exceeding £5,000.

11 (3) It is a defence for the person to show that —

12 (a) he was using the vehicle in prescribed circumstances or in
13 accordance with prescribed conditions; or

14 (b) he was using the vehicle in accordance with an exemption
15 certificate issued under section 6.”

16 **5 Section 7 amended – commercial use of goods vehicles**

17 In section 7(1) for “the maximum weight of” substitute “the maximum gross
18 weight of”.

19 **6 Section 8 repealed and replaced - goods vehicles: requirement for**
20 **registration or licence**

21 For section 8 substitute —

22 **“8 Goods vehicles: requirement for registration or licence**

23 (1) A person may not use a goods vehicle commercially for the
24 carriage of goods unless he is the holder of a goods vehicle
25 operator’s licence or is a registered goods vehicle operator.

26 (2) A person who contravenes subsection (1) is guilty of an offence
27 and liable on summary conviction to a fine not exceeding £5,000.

28 (3) It is a defence for the person to show that he was using the vehicle
29 in prescribed circumstances or in accordance with prescribed
30 conditions.”

31 **7 Section 10 repealed and replaced - registration and grant of licences**

32 For section 10 substitute —

1

“10 Registration and grant of licences

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

(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 18 amended – revocation etc. of registration or licence

In section 18(8) for “section 10(1)” substitute “section 10(9)”.

9 Section 20 amended – duty to inform Committee of certain convictions etc

In section 20 —

(a) after subsection (2) insert —

“(2A) The holder of a licence granted under section 40 who is an officer, employee or agent of either a registered operator or a holder of an operator's licence must give notice in writing of any relevant conviction of himself to —

(a) the registered operator or the holder of the operator's licence, as the case may be; and

- 1 (b) the Committee,
 2 within 14 days of the conviction.”;
 3 (b) in subsection (5) for “subsection (1), (2) or (3),” substitute “
 4 subsection (1), (2), (2A) or (3),”.

5 10 Section 24 amended - regulations

6 In section 24 —

- 7 (a) after subsection (1) insert —
 8 “(1A) Regulations may require an operator of a goods vehicle used
 9 under a registration or an operator’s licence to ensure —
 10 (a) that when the vehicle is not engaged in an operation that
 11 involves the carriage of goods it is parked at the operating
 12 centre specified in the register maintained under section
 13 3(1)(b) or specified in the operator’s licence; and
 14 (b) that the number of such vehicles parked there does not
 15 exceed the number specified in the register or licence.
 16 (1B) Regulations may require an operator of a passenger vehicle used
 17 under a registration or an operator’s licence to ensure —
 18 (a) that when the vehicle is not engaged in an operation that
 19 involves the carriage of passengers it is parked at the
 20 operating centre specified in the register maintained under
 21 section 3(1)(a) or specified in the operator’s licence; and
 22 (b) that the number of such vehicles parked there does not
 23 exceed the number specified in the register or licence.”;
 24 and
 25 (b) in subsection (2) for “£1,000” substitute “£2,500”.

26 11 New section 24A – regulations: inspection, etc. of goods vehicles

27 After section 24 insert —

28 “24A Regulations: inspection, etc. of goods vehicles

- 29 (1) Regulations may require an operator of a goods vehicle used
 30 under a registration or an operator’s licence —
 31 (a) to ensure that the vehicle is regularly checked with respect
 32 to its roadworthiness by a suitably competent person;
 33 (b) to ensure that that the vehicle is adequately maintained;
 34 (c) to ensure that on each day on which the vehicle is driven
 35 its driver undertakes a visual check of it before it is driven
 36 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 Ballafletcher Road, Cronkbourne, Douglas or such other place as the Department may appoint.”

12 Section 37 amended - obligation to carry passengers

After section 37(3) add —

- (4) Without prejudice to subsection (3), regulations may impose duties on the driver or operator of a public passenger vehicle of a prescribed description with respect to the use of the vehicle, and

- 1 the conditions under which it may be used, by a disabled person,
 2 whether or not the person is —
 3 (a) in a wheelchair, or
 4 (b) accompanied by a dog of a prescribed description or by
 5 another person.
 6 (5) Regulations made under subsection (4) may contain ancillary,
 7 consequential or incidental provisions and may impose a fine, not
 8 exceeding £2,500, for a contravention of a provision of the
 9 regulations.”.

10 **13 New section 57A – supply of information other than to the Committee**

11 After section 57 insert —

12 **“57A Supply of information other than to the Committee**

13 The Committee must supply information it has obtained in the
 14 administration of this Act if it is requested to do so by a person
 15 mentioned in column 1 of the Table and if the circumstance mentioned in
 16 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 vehicles or otherwise regulating their use.	He is acting in his official capacity
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.

“.

1

2 **14 New section 61A - order-making power to amend penalties**

3

After section 61 insert —

4

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

5

(1) The Department may by order amend this Act to vary the maximum level of a fine specified in it.

6

7

(2) However, the order does not take effect unless it is approved by Tynwald.”.

8

9

15 Section 62 amended — regulations: general

10

After section 62(4A) insert —

11

“(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*.”.

12

13

14

16 Section 63 amended – interpretation

15

In section 63 —

16

(a) in subsection (1) for the definition “maximum weight” substitute —

17

18

““**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;”;

19

20

21

(b) omit subsection (2).

22

17 Schedule 1 amended - qualifications for registration and operator’s licences

23

24

(1) For the sub-heading to Schedule 1 substitute —

25

“**QUALIFICATIONS FOR REGISTRATION AND OPERATOR’S AND DRIVER’S LICENCES**”;

26

27

(2) For the sub-sub-heading to Schedule 1 substitute “Sections 10(9) and 18(8)”

28

29

(3) After sub-paragraph 6(2) of Schedule 1 add —

30

“(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

31

32

1 | time applicable to an applicant for, or holder of, such a licence in
2 | England.”.

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

5 | **18 Licensing and Registration of Vehicles Act 1985 amended**

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

9 | **19 Section 1 repealed and replaced – vehicle licences**

10 | For section 1 substitute –

11 | **“1 Vehicle licences**

- 12 | (1) The owner of a vehicle must take out a vehicle licence for the
13 | vehicle whether or not the vehicle is kept or used on a public
14 | road.
15 | (2) The owner of a vehicle must pay vehicle duty (if any) on the
16 | vehicle licence taken out for the vehicle.
17 | (3) The Department may make orders for the purposes of this section.
18 | (4) Subject to section 4, an order must be made prescribing the
19 | vehicle duty payable in respect of vehicle licences and different
20 | rates of duty may be prescribed in respect of vehicle licences
21 | taken out for different descriptions of vehicles.
22 | (5) Orders may, in particular –
23 | (a) require a person who surrenders a vehicle licence under
24 | section 9(1) to furnish such particulars and make such a
25 | declaration or statement as may be prescribed and to do so
26 | at such times and in such manner as may be prescribed;
27 | (b) require a person who does not renew a vehicle licence for a
28 | vehicle to furnish such particulars and make such a
29 | declaration or statement as may be prescribed and to do so
30 | at such times and in such manner as may be prescribed;
31 | (c) require a person who keeps an unlicensed vehicle at any
32 | place in the Island to furnish such particulars and make
33 | such a declaration or statement as may be prescribed and
34 | to do so at such times and in such manner as may be
35 | prescribed.

- 1 (6) Orders may also include ancillary, consequential, incidental or
2 transitional provision
- 3 (7) For the purposes of subsection (5)(b) a person shall be regarded as
4 having not renewed a vehicle licence for a vehicle if within one
5 month of the expiry of the licence. he did not take out a vehicle
6 licence to have effect from the expiry of that previous vehicle
7 licence
- 8 (8) For the purposes of subsection (5)(c) a vehicle is unlicensed if a
9 vehicle licence is not in force for the vehicle and has not been so
10 for at least one month.
- 11 (9) An order under this section may provide that a contravention of a
12 requirement of it is an offence punishable on summary conviction
13 by a fine not exceeding such amount (not exceeding £2,000) as
14 may be prescribed.”

15 **20 New section 3A – issue of licence before payment of duty**

16 After section 3 insert —

17 **“3A Issue of licence before payment of duty**

- 18 (1) The Department may issue a vehicle licence to a person who has
19 agreed with the Department to pay the duty payable on the
20 licence in a manner provided by the agreement.
- 21 (2) In a case where—
- 22 (a) a vehicle licence is issued to a person in accordance with
23 subsection (1);
- 24 (b) the duty payable on the licence is not received by the
25 Department in accordance with the agreement; and
- 26 (c) the Department sends a notice to the person informing him
27 that the licence is void as from the time when it was
28 granted,
- 29 the licence shall be void as from the time when it was granted.
- 30 (3) In a case where—
- 31 (a) paragraphs (a) and (b) of subsection (2) apply;
- 32 (b) the Department sends a notice to the person requiring him
33 to secure that the duty payable on the licence is paid
34 within such reasonable period as is specified in the notice;
- 35 (c) the requirement in the notice is not complied with; and
- 36 (d) the Department sends a further notice to the person
37 informing him that the licence is void as from the time
38 when it was granted,

- 1 the licence shall be void as from the time when it was granted.
- 2 (4) But subsections (2) and (3) do not apply in a case where the
- 3 agreement under subsection (1) provides for the duty payable to
- 4 be paid by more than one instalment (and for this case see
- 5 subsection (5)).
- 6 (5) In a case where —
- 7 (a) a vehicle licence is issued to a person in accordance with
- 8 subsection (1);
- 9 (b) the duty payable on the licence is not received by the
- 10 Department in accordance with the agreement;
- 11 (c) the agreement provides for the duty payable to be paid by
- 12 more than one instalment;
- 13 (d) the Department sends a notice to the person requiring the
- 14 person to secure that the duty payable on the licence (both
- 15 in respect of instalments that have fallen due and in respect
- 16 of future instalments) is paid within the period specified in
- 17 the notice;
- 18 (e) the requirement in the notice is not complied with; and
- 19 (f) the Department sends a further notice to the person
- 20 informing that person that the licence is void from the time
- 21 specified in the notice,
- 22 the licence is void from the time specified in the further notice.”.

23 **21 Section 4 repealed and replaced - exemption from duty**

24 For section 4 substitute —

25 **“4 Exemption from duty**

26 Vehicle duty is not payable on vehicle licences taken out for the

27 following vehicles —

- 28 (a) a vehicle of any of the descriptions specified in Part I of
- 29 Schedule 1;
- 30 (b) a vehicle kept or used in any of the circumstances specified
- 31 in Part II of Schedule 1;
- 32 (c) a vehicle for such a period as it is not used or kept on a
- 33 public road, being a period specified in a declaration or
- 34 statement provided by its owner in pursuance of an order
- 35 under section 1; or
- 36 (d) a vehicle of any description prescribed by such an order.”.

22 Section 5 repealed and replaced - unlicensed vehicles

For section 5 substitute —

“5 Unlicensed vehicles

- “(1) The owner of a vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 if no vehicle licence has been in force for the vehicle for more than one month.
- (2) If a person other than its owner keeps or drives a vehicle in respect of which no vehicle licence has been in force for more than one month, the person is guilty of an offence and liable on summary conviction to a fine not exceeding £2,000.
- (3) If a person who has provided the Department with a declaration or a statement (in pursuance of an order under section 1) that a vehicle will not during a period specified in the declaration or statement be kept or driven on a public road, the person is guilty of an offence and liable on summary conviction to a fine not exceeding £3,000 if he keeps or drives the vehicle, or permits it to be kept or driven, on a public road during that period.
- (4) The owner of a vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 if the vehicle does not have fixed and exhibited on it in the prescribed manner the most recent vehicle licence issued in respect of the vehicle.
- (5) If a vehicle for which a vehicle licence is in force is transferred by the owner of the vehicle to another person, the licence is to be treated for the purposes of subsections (1) and (2) as having expired on the date of the transfer unless it is delivered to the other person with the vehicle.
- (6) 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. “.

23 Section 10 repealed and replaced - trade licences

For section 10 substitute —

“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 —

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
- (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 number 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;
 - (i) may make ancillary, consequential or incidental provision.
- (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 —

- 1 (a) a greater number of vehicles than that specified in the
2 licence;
- 3 (b) a vehicle for a purpose other than a prescribed purpose or
4 contrary to any prescribed condition; or
- 5 (c) a vehicle bearing a trade plate issued under the trade
6 licence if the duty payable in respect of the licence has not
7 been paid.”.

8 **24 Section 11 repealed and replaced - registration and registration marks**

9 For section 11 substitute —

10 **“11 Registration and registration marks**

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

22 **25 Section 12 amended - failure to fix, and obscuration of, marks and**
23 **signs**

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

25 **26 Section 12A amended - supply of registration marks**

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

27 **27 Section 13 repealed and replaced— regulations as to licensing and**
28 **registration**

29 For section 13 substitute —

30 **“13 Regulations as to licensing and registration**

- 31 (1) Regulations may —
- 32 (a) provide for the registration of vehicles (other than trailers)
33 and for the fees or charges to be paid in respect of
34 registration;

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
- (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.

(2) Where such evidence or information as is mentioned in subsection (1)(c), (d), (e) or (g) is 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) Regulations made under subsection (1) may include ancillary, consequential, incidental or transitional provision.

(5) Regulations may provide for the identification of any vehicles belonging to the Crown.

(6) 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.”.

28 Section 14 amended — forgery, etc.

In section 14 —

(a) for subsection (1)(b) substitute —

“(b) any licence or registration document under this Act,”; and

(b) for subsection (3) substitute —

(3) Regulations made under this Act may provide that a contravention of a requirement of the regulations is an offence punishable on summary conviction by a fine not exceeding such amount (not exceeding £2,000) as may be prescribed.”.

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

For section 14A substitute —

“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.”.

30 Section 15 amended - duty to give information

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

(2) For section 15(2) substitute —

“(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.”.

31 Section 17 amended - burden of proof in certain proceedings

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

32 Section 18 amended— regulations and orders

After section 18(2) insert —

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

- (2B) The Department may by order —
- (a) amend this Act;
 - (b) make consequential amendments of the *Road Traffic Act 1985* and the *Road Traffic Regulation Act 1985*; and
 - (c) make such ancillary or incidental provision as may be requisite,
for the purpose of —
 - (d) doing away with either vehicle licences or the requirement that they be fixed to and exhibited on vehicles; or
 - (e) providing for the registration of trailers.”.

33 Section 20 repealed and replaced – interpretation

For section 20 substitute —

“20 Interpretation

In this Act —

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

“**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 —

- (a) 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, it means 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, it means the person entitled to possession of the vehicle under the contract;

“**prescribed**” means prescribed by regulations except in respect of orders made under sections 1 and 10;

“**public road**” means any highway and any other road or place to which the public has access, and includes a footway or a verge forming part of a road, and a bridge over which a road passes;

- 1 “**regulations**” means regulations made by the Department;
- 2 “**trade licence**” means a licence under section 10;
- 3 “**vehicle**” means a mechanically propelled vehicle or a trailer designed
4 or constructed to be drawn by such a vehicle;
- 5 “**vehicle duty**” means duty chargeable under section 1;
- 6 “**vehicle licence**” means a licence under section 1.”.

7 **34 Schedule 1 amended - invalids’ vehicles**

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

9 **35 Consequential amendment - Licensing and Registration of Vehicles**
10 **Regulations 2015**

11 In the *Licensing and Registration of Vehicles Regulations 2015* and in their head
12 notes, for “registration book” wherever that expression occurs substitute
13 “registration document”.

14 **36 Consequential amendment - Road Traffic Regulation Act 1985**

15 In Table 1 at the end of Schedule 5A to the *Road Traffic Regulation Act 1985*, for
16 the entries in respect of the *Licensing and Registration of Vehicles Act 1985*,
17 substitute —

18 “

LRVA	Section 1(9): contravention of a prescribed requirement, being an offence made by an order under section 1 of the Act	-	-
	Section 3(7): failure to surrender void vehicle licence within prescribed period when required to do so	-	-
	Section 5(1): being the owner of a vehicle in respect of which no vehicle licence has been in force for more than one month	-	-
	Section 5(2): not being the owner of a vehicle, but keeping or driving it when no vehicle licence has been in force in respect of it for more than one month	-	-
	Section 5(3): keeping or driving a vehicle on a public road contrary to a declaration or statement	-	-
	Section 5(4): being the owner of	-	-

	vehicle without its most recent vehicle licence fixed and exhibited		
	Section 11(4): vehicle not registered	-	-
	Section 12(1): failure to display registration mark	-	-
	Section 12(3): displaying registration mark which is obscured or not easily distinguishable	-	-
	Section 12A(1): selling or supplying registration mark not of the prescribed size, shape and character	-	-
	Section 14(3): contravention of a prescribed requirement, being an offence made by a regulation under the Act	-	-.

“

1

2

3

4

IN THE KEYS

**ROAD TRANSPORT, LICENSING AND
REGISTRATION (AMENDMENT) BILL 2017**

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

Approved by the Council of Ministers
for introduction in the House of Keys.

MR RAY HARMER

JUNE 2017