



Isle of Man

Ellan Vannin

AT 5 of 2018

**ROAD TRANSPORT, LICENSING AND
REGISTRATION (AMENDMENT) ACT 2018**



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Index

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4 Section 5 repealed and replaced - passenger vehicles: requirement for registration or licence.....	6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6 Section 8 repealed and replaced - goods vehicles: requirement for registration or licence.....	6
7 Section 10 repealed and replaced - registration and grant of licences.....	6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19 Section 1 repealed and replaced – vehicle licences.....	9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21 Section 4 repealed and replaced - exemption from duty.....	11

22	Section 5 repealed and replaced - unlicensed vehicles	11
23	Section 10 repealed and replaced - trade licences.....	12
24	Section 11 repealed and replaced - registration and registration marks	12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27	Section 13 repealed and replaced— regulations as to licensing and registration	12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29	Section 14A repealed and replaced - power to seize forged and certain vehicle licences.....	13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33	Section 20 repealed and replaced – interpretation	13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



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ROAD TRANSPORT, LICENSING AND REGISTRATION (AMENDMENT) ACT 2018

<i>Signed in Tynwald:</i>	<i>20 March 2018</i>
<i>Received Royal Assent:</i>	<i>20 March 2018</i>
<i>Announced to Tynwald:</i>	<i>20 March 2018</i>

AN ACT 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 2018.

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.¹
- (1A) Despite subsection (1), sections 7, 8, 12 and 17(1) and (2) come into operation on the day or days appointed by order of the Department of Environment, Food and Agriculture.²
- (2) Different days may be appointed for different provisions and for different purposes.
- (3) An order under subsection (1) or (2) may include necessary or expedient transitional or saving provisions.³

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

[Substituted section 5]

5 Section 7 amended – commercial use of goods vehicles

[Amended section 7(1)]

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

[Substituted section 8]

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). **22**.

8 Section 18 amended – revocation etc. of registration or licence

In section 18(8) for “section 10(1)” substitute **23** section 10(9) **22**.

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

In section 20 –

- (a) [Inserted subsection (2A)]
- (b) [Amended subsection (5)]

10 Section 24 amended - regulations

In section 24 –

- (a) [Inserted subsections (1A) and (1B)]
- (b) [Amended subsection (2)]

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

[Inserted section 24A]

12 Section 37 amended - obligation to carry passengers⁴

After section 37(3) add –

- 23** (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 the conditions under which it may be used, by a disabled person, whether or not the person is –*
- (a) *in a wheelchair, or*
 - (b) *accompanied by a dog of a prescribed description or by another person.*
- (5) *Regulations made under subsection (4) may contain ancillary, consequential or incidental provisions and may impose a fine, not exceeding £2,500, for a contravention of a provision of the regulations. **22**.*

- 13 New section 57A – supply of information other than to the Committee**
[Inserted section 57A]
- 14 New section 61A - order-making power to amend penalties**
[Inserted section 61A]
- 15 Section 62 amended – regulations: general**
[Inserted subsections (4B), (4C) and (4D)]
- 16 Section 63 amended – interpretation**
In section 63 –
- (a) [In subsection (1) repealed definition of “maximum weight” and inserted definition of “maximum gross weight”]
 - (b) [Repealed subsection (2)]
- 17 Schedule 1 amended - qualifications for registration and operator’s licences**
- (1) For the sub-heading to Schedule 1 substitute –
QUALIFICATIONS FOR REGISTRATION AND OPERATOR’S AND DRIVER’S LICENCES;
 - (2) For the sub-sub-heading to Schedule 1 substitute **Sections 10(9) and 18(8)**
 - (3) [Inserted sub-paragraph 6(3) of Schedule 1]

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

- 18 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.
- 19 Section 1 repealed and replaced – vehicle licences**
For section 1 substitute –

20.1 Vehicle licences

- (1) The owner of a vehicle must take out a vehicle licence for the vehicle whether or not the vehicle is kept or used on a public road.
- (2) The owner of a vehicle must pay vehicle duty (if any) on the vehicle licence taken out for the vehicle.
- (3) The Department may make orders for the purposes of this section.
- (4) Subject to section 4, an order must be made prescribing the vehicle duty payable in respect of vehicle licences and different rates of duty may be prescribed in respect of vehicle licences taken out for different descriptions of vehicles.
- (5) Orders may, in particular –
 - (a) require a person who surrenders a vehicle licence under section 9(1) to furnish such particulars and make such a declaration or statement as may be prescribed and to do so at such times and in such manner as may be prescribed;
 - (b) require a person who does not renew a vehicle licence for a vehicle to furnish such particulars and make such a declaration or statement as may be prescribed and to do so at such times and in such manner as may be prescribed;
 - (c) require a person who keeps an unlicensed vehicle at any place in the Island to furnish such particulars and make such a declaration or statement as may be prescribed and to do so at such times and in such manner as may be prescribed.
- (6) Orders may also include ancillary, consequential, incidental or transitional provision
- (7) For the purposes of subsection (5)(b) a person shall be regarded as having not renewed a vehicle licence for a vehicle if within one month of the expiry of the licence. he did not take out a vehicle licence to have effect from the expiry of that previous vehicle licence
- (8) For the purposes of subsection (5)(c) a vehicle is unlicensed if a vehicle licence is not in force for the vehicle and has not been so for at least one month.
- (9) An order under this section may provide that a contravention of a requirement of it is an offence punishable on summary conviction by a fine not exceeding such amount (not exceeding £2,000) as may be prescribed. **20.**

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

[Inserted section 3A]

21 Section 4 repealed and replaced - exemption from duty

For section 4 substitute —

4 Exemption from duty

Vehicle duty is not payable on vehicle licences taken out for the following vehicles —

- (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 an order under section 1; or
- (d) a vehicle of any description prescribed by such an order. **22**

22 Section 5 repealed and replaced - unlicensed vehicles

For section 5 substitute —

5 Unlicensed vehicles

- 33** (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. **22**.

23 Section 10 repealed and replaced - trade licences

[Substituted section 10]

24 Section 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 to register it as soon as practicable. **22**.

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

[Amended section 12(4)]

26 Section 12A amended - supply of registration marks

[Amended section 12A(1)]

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

[Substituted section 13]

28 Section 14 amended — forgery, etc.

In section 14 —

- (a) [Substituted subsection (1)(b)]
- (b) [Substituted subsection (3)]

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

[Substituted section 14A]

30 Section 15 amended - duty to give information

- (1) [Amended section 15(1)]
- (2) [Substituted section 15(2)]

31 Section 17 amended - burden of proof in certain proceedings

[Amended section 17]

32 Section 18 amended— regulations and orders

[Inserted subsection 18(2A) and (2B)]

33 Section 20 repealed and replaced – interpretation

[Substituted section 20] **22**.

34 Schedule 1 amended - invalids' vehicles

[Amended paragraph 7(a) of Schedule 1]

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 **23** registration document **23**.

36 Consequential amendment - Road Traffic Regulation Act 1985

[Amended Table 1 at the end of Schedule 5A to the *Road Traffic Regulation Act 1985*, by substituting the entries in respect of the *Licensing and Registration of Vehicles Act 1985*]

ENDNOTES

Table of Endnote References

¹ ADO – Sections 3 to 6, 9 to 11, 13 to 16, 17(3), 18, 20, 23 and 25 to 36 in operation 09/01/2020 [SD2020/0018].

² Subs (1A) inserted by SD2021/0202.

³ Subs (3) amended by SD2021/0202.

⁴ Editorial Note: Section 12 was not moved during the Bill's passage through the legislature.