



**Isle of Man**

*Ellan Vannin*

**AT 6 of 2015**

**ROAD TRAFFIC (AMENDMENT) ACT 2015**



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## ROAD TRAFFIC (AMENDMENT) ACT 2015

*Signed in Tynwald:* 17 March 2015  
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AN ACT to amend the Road Traffic Act 1985 and the Building Control Act 1991; and for connected purposes.

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:—

### 1 Short title

The short title of this Act is the Road Traffic (Amendment) Act 2015.

### 2 Commencement

- (1) This Act, other than section 1 and this section, comes into operation on such day or days as the Department of Infrastructure may by order appoint.
- (2) An order under subsection (1) may include consequential, incidental, supplemental, transitional and transitory provisions.

### 3 Expiry

This Act expires on the day after its promulgation or, if its provisions are not all then in operation, the day following that on which all its provisions are in operation.

### 4 Road Traffic Act 1985, Schedule 3 amended

- (1) Schedule 3 to the *Road Traffic Act 1985* is amended as follows.
- (2) In paragraph 6 —
  - (a) in subparagraph (1)(aa) —
    - (i) omit “or” at the end of head (i);

- (ii) in head (ii) after “referred to in” insert **“a”** the former **“the”**; and
- (iii) at the end add—
  - “a”** or
  - (iii) a licence previously granted to him which includes an image of the holder; **“a”**;
- (b) for subparagraphs (3B) to (4) substitute —
  - “a”** (4) A licence shall be in such form as the Department may determine, and shall contain or be logically associated with relevant information.
  - (4A) “Relevant information” is such information as the Department may determine should be kept about —
    - (a) the holder;
    - (b) the licence;
    - (c) the classes of vehicle which it authorises the holder to drive; and
    - (d) the conditions and restrictions, if any, subject to which it authorises the holder to drive vehicles.
  - (4B) If the relevant information is not contained in the licence, the way in which the licence is logically associated with that information must be such as to enable a constable or a person authorised for the purpose by the Department to access that information in such manner as the Department may determine.
  - (4C) For the sake of clarity, the information which may be contained in a licence or logically associated with it includes information about whether the holder has expressed a request that his or her body, or any specified part of it, be used for any of the purposes mentioned in section 1(1) of the *Human Tissue Act 1986*.
 

If information of the kind mentioned in this sub-paragraph is contained in, or logically associated with, the licence it shall be conclusively presumed that —

    - (a) the holder had expressed such a request; and
    - (b) the request had not been withdrawn before the holder’s death.
  - (4D) Despite the repeal of sub-paragraphs (3B) and (3C) by the *Road Traffic (Amendment) Act 2015* —
    - (a) a licence which was in force immediately before the repeal of sub-paragraph (3B) continues in force until its expiry, revocation, surrender or amendment (whichever occurs first); and

- (b) a statement included in a licence in reliance on sub-paragraph (3C) continues to have the effect that it had under that sub-paragraph. **22**;
  - (c) in sub-paragraph (5)(b) for “there mentioned,” substitute **23** of competence to drive such a vehicle, **22**; and
  - (d) in sub-paragraph (9) for “sub-paragraph” substitute **23** paragraph **22**.
- (3) At the end of Part I insert —

**23** *Driver licensing and vehicle information*

**10A.** (1) The Department may maintain an electronic database containing the information which the Department has determined should be kept under paragraph 6(4) to (4C) and may combine it with any database it maintains containing information about motor vehicles and their keepers.

(2) The Department shall ensure that databases maintained under subparagraph (1) may be accessed, so far as may be necessary for the performance of the relevant person’s official duties, by —

- (a) a constable;
- (b) an officer of a court;
- (c) an officer of the Department of Health so far as relates to information of the kind mentioned in paragraph 6(4C); and
- (d) such other person, and for such purposes, as may be prescribed.

(3) For the sake of clarity the Department may associate information about a licenceholder with information about any motor vehicle of which the licenceholder is or has been the registered keeper, or which the licenceholder is insured to drive. **22**.

## 5 **Building Control Act 1991, section 25 amended**

- (1) Section 25 of the *Building Control Act 1991* (powers of Department of Environment, Food and Agriculture) is amended as follows.
- (2) In the marginal note to the section after "Department of Environment, Food and Agriculture" insert **24** and the Department **22**.
- (3) Before section 25(2) insert —

**24** (1) The powers conferred on a local authority by sections 22 and 23 may be exercised by the Department if it appears to the Department that a building or structure (or part of a building or structure) is in such a condition, or is used to carry such loads, as to be dangerous to people on roads; and accordingly references in

those sections to the local authority shall be taken as including the Department acting under this subsection. **22**.

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*Published by Authority*

