

SUBSIDIARY LEGISLATION 65.13

CLAMPING AND REMOVAL OF MOTOR VEHICLES AND ENCUMBERING OBJECTS REGULATIONS

27th June, 1997

LEGAL NOTICE 94 of 1997, as amended by Legal Notices 192 of 1999, 123 of 2001, 405 of 2003, 291 of 2004, 47 of 2006, 408 of 2007 and 197 of 2009; Act XV of 2009; and Legal Notices 503 of 2010, 260 of 2011, 123 of 2017, 48 of 2018, 55 of 2021 and 23 of 2023.

1. The title of these regulations is the Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations.

Title.
Amended by:
L.N. 47 of 2006.

2. In these regulations, unless the context otherwise requires -

"abandoned vehicle" means a vehicle (which is not a derelict vehicle) which is parked or placed on the road and in respect of which the annual circulation fee for the current year has remained unpaid for a period of thirty days or more to be reckoned from the due date;

Interpretation.
Substituted by:
L.N. 192 of 1999;
Amended by:
L.N. 123 of 2001;
L.N. 47 of 2006;
L.N. 197 of 2009;
XV. 2009.49;
L.N. 503 of 2010;
L.N. 260 of 2011.
Cap. 499;
L.N.123 of 2017.
L.N.48 of 2018;
L.N. 55 of 2021;
L.N. 23 of 2023.
S.L. 497.14.

"Agency" means the Local Enforcement System Agency as established in the Order Establishing the Local Enforcement System Agency or any contractor duly authorised by the said Agency for specific purposes of these regulations;

"applicant" includes any individual, group or body of persons, or other entity, submitting an application in accordance with these regulations to the Council, Agency, Authority or the Commissioner;

"Authority" means the Authority for Transport in Malta as established by the Authority for Transport in Malta Act or any contractor duly authorised by the said Authority for specific purposes of these regulations;

"Commissioner" means the Commissioner of Police, members of the Police Corps or any contractor duly authorised by him for specific purposes of these regulations;

"Council" means a local council established under the provisions of the Local Government Act, or any contractor duly authorised by the Council for specific purposes of these regulations;

Cap. 363.

"derelict vehicle" means a vehicle which is parked or placed on the road and in respect of which the annual circulation fee for the current year has remained unpaid for a period of thirty days or more to be reckoned from the due date and which:

- (a) is in such a state that it cannot be identified; and, or
- (b) is in such a state whereby it is clearly unfit for use on the road; and, or
- (c) whose current Maltese market value, when taking into consideration arrears of circulation licence fees and all other costs, dues and expenses payable to the Authority and, or any other public entity in order for the holder of the registration certificate of such vehicle to be able to retrieve it, amounts to less than seventy-

five per cent (75%) of the Maltese market value of the said motor vehicle as established by the Authority for Transport in Malta or any other standard of motor vehicle valuation which may be adopted by the Authority from time to time;

"encumbering objects" means any motor vehicle, seacraft or any other thing obstructing or otherwise causing any nuisance or inconvenience in any street, road, quay, wharf or other place;

"maritime officer" means such officer of the Authority for Transport in Malta as may be responsible for the registration of sea-going vessels less than 24 metres in length;

"motor vehicle" means any mechanically self-propelled vehicle circulating on the road, other than a vehicle running on rails;

S.L. 65.05

"clamping zone" and "towing zone" means any such place or area as may be indicated by notice issued by the Commissioner, the Authority, the Agency or by the Council and by means of signs and markings made in accordance with the Traffic Signs and Carriageway Markings Regulations, where the prohibited parking of vehicles is liable to the fixing of clamps to the wheels or the towing away of said vehicles from such zone, as the case may be. The notice may, after the applicant obtains the authorisation and permission of the Commissioner, the Authority, the Agency or the Council for the issuance of the said notice, be administered and affixed by the applicant himself:

Provided that the applicant shall be bound and responsible that said notice be affixed and administered throughout the period specified in the said notice, in a visible way, adequate and in conformity with these regulations:

Provided that any notice which is issued without the authorisation or permission of the Commissioner, the Authority, the Agency or the Council, shall be null and invalid.

Removal of encumbering objects and other vehicles.

Amended by:
L.N. 192 of 1999;
L.N. 405 of 2003;
L.N. 291 of 2004;
L.N. 47 of 2006;
L.N. 197 of 2009;
L.N. 260 of 2011;
L.N.123 of 2017
L.N.48 of 2018;
L.N. 23 of 2023.

3. (1) The Commissioner or the Authority or the Council or the Agency may remove, store and dispose of any encumbering object which is causing any nuisance, inconvenience or obstruction and is in a place or space which is not lawfully permitted to be used for such purpose, or if such place or space is specifically indicated as a towing zone:

Provided that any encumbering object which has been so removed or stored or is still in the process of being disposed of, shall not be returned to its owner before a fee levied by the Commissioner or the Authority or the Council or the Agency, in terms of these Regulations, has been paid.

Clamping and removal of motor vehicles.

Amended by:
L.N. 192 of 1999;
L.N. 260 of 2011;
L.N.123 of 2017;
L.N. 23 of 2023.

4. (1) It shall be lawful for the Commissioner or the Authority or the Council or the Agency or the Authority to fix wheel clamps to any motor vehicle parked or left unattended in an area specifically indicated as a clamping zone.

(2) It shall also be lawful for the Commissioner or the Authority or the Council or the Agency to remove, store and dispose or to fix wheel clamps to:

- (a) any motor vehicle which does not have a valid circulation licence issued by the Authority affixed to its windscreen;
- (b) any motor vehicle with a circulation licence which has expired by more than one month to be reckoned from the last day of the month in the calendar year shown or indicated on the circulation licence affixed to the windscreen of that motor vehicle;
- (c) any motor vehicle hired or leased from a vehicle hire undertaking licensed in another Member State, which has been brought into Malta and which is not in conformity with the provisions of the Registration and Licensing of Motor Vehicles Regulations; S.L. 368.02.
- (d) any motor vehicle bearing foreign registration plates which is not properly licensed for use on the roads in Malta;
- (e) any motor vehicle having Maltese or foreign registration plates, which is not in conformity with all relevant rules and regulations in force in order for such motor vehicle to be used on the roads in Malta; and
- (f) any motor vehicle which is on the road in breach of the Motor Vehicles Registration and Licensing Act and any regulations made thereunder: Cap. 368.

Provided that in the case of a motor vehicle which has been clamped or removed from the road in accordance with paragraphs (a) or (b), the said motor vehicle shall not be returned to its owner unless and until the circulation licence of such motor vehicle, together with the administrative fee payable to the Authority, are paid in addition to the fees levied by the Commissioner or the Authority or the Council or the Agency as laid down in regulation 9(a), (b) and (c).

5. The wheel clamps shall neither be removed by the Commissioner or the Council or the Authority or the Agency nor shall the vehicle be returned to its owner before a fee levied by the Commissioner or the Council or the Authority or the Agency in terms of these Regulations has been paid:

Removal of
clamps.
Amended by:
L.N. 192 of 1999;
L.N. 260 of 2011;
L.N. 23 of 2023.

Provided that should the owner of the clamped vehicle fail to pay such fee within a reasonable time not exceeding 24 hours, the clamped vehicle shall be removed from the clamping zone, and the provisions of regulation 9(b), (c) and (d) shall then apply

6. The Commissioner or the Council or the Authority or, where applicable, the Agency, shall be exempt from any liability for damages arising in connection with the fixing of clamps or the removal thereof, and the storage and disposal of encumbering objects or derelict or abandoned vehicles in accordance with regulations 3, 4, 5 and 8.

Liability
exemption or
otherwise.
Amended by:
L.N. 192 of 1999;
L.N. 123 of 2001;
L.N. 197 of 2009;
L.N. 123 of 2017;
Substituted by:
L.N. 55 of 2021.

Notice of removal
and storage.

Amended by:
L.N. 192 of 1999;
L.N. 197 of 2009;
L.N.48 of 2018;
L.N. 55 of 2021.

7. (1) The Commissioner or the Council or the Authority or the Agency shall publish a notice of removal in the Gazette, or on the website of the entity which has carried out the removal of the encumbering object or motor vehicle describing the encumbering object or motor vehicle removed and indicating the exact locality from where it had been removed.

(2) The Commissioner or the Council or the Authority or the Agency shall also indicate in the same notice the place where the encumbering object or motor vehicle is being stored.

Disposal of
encumbering
objects.

Amended by:
L.N. 192 of 1999;
L.N. 123 of 2001;
L.N. 197 of 2009;
L.N.123 of 2017;
L.N.48 of 2018;
L.N. 55 of 2021.

8. (1) The Commissioner or the Authority or the Council or the Agency shall order the sale of an encumbering object or an abandoned vehicle, when it is not retrieved by its lawful owner, in the case of an encumbering object, or by the holder of the registration certificate in the case of an abandoned vehicle, within seven (7) days from the date when a notice of removal is affixed on the encumbering object or abandoned vehicle or from the date when a notice of removal is published in the Gazette or on the website of the entity which has removed the encumbering object or abandoned vehicle, whichever is the latest, calling on such owner, in the case of an object, or the holder of the registration certificate, in the case of an abandoned vehicle, to retrieve such object or abandoned vehicle after producing evidence that he is the owner of the object or the holder of the registration certificate of such abandoned vehicle:

Provided that with regard to derelict vehicles the Commissioner or the Authority or the Council or the Agency shall have the right to proceed to destroy the said motor vehicle in accordance with the procedures established in the Waste Management (End of Life Vehicles) Regulations instead of ordering the sale thereof:

S.L. 549. 36.

Provided further that with regard to vehicles, whether abandoned or derelict, which have been sold under a hire purchase agreement, the Commissioner or the Authority or the Council or the Agency, prior to proceeding with the sale by auction or destruction thereof, as the case may be, shall first send a written notice by registered letter to the seller of the said vehicle under the hire purchase agreement informing him that the vehicle is being held in the custody of such entity and shall be sold by auction or destroyed, as the case may be, unless he proceeds to retrieve the vehicle in question by not later than fifteen (15) days from the date of notification of such notice upon paying in full and final settlement all amounts due to the Authority and, or any other public entity with regard to the said vehicle.

(2) The Commissioner or the Authority, or the Council or the Agency, shall utilise the proceeds of the sale first to settle any outstanding removal or storage fees due to them, as well as the payment of any registration tax, administrative fines, administrative fees, any fines imposed by a court order or judgment or an order or judgment given by a tribunal, any arrears of circulation licence fees and all other amounts due to the Authority; and subsequently to

refund any remaining balance in favour of the persons who would have been entitled to retrieve the encumbering object or motor vehicle.

(3) Any sale made in terms of sub-regulation (1) shall be made either by public auction or after a call for tenders.

(4) The Commissioner or the Authority or the Council or the Agency may, in their discretion, dispose of those encumbering objects or motor vehicles which have not been returned or sold by public auction or after a call for tenders.

(5) Where the encumbering object removed is a sea-going vessel which is less than twenty-four metres in length, the Commissioner or Council, as the case may be, shall notify the Maritime Officer in writing within eight days of the removal about the registration particulars of such sea-going vessel and the manner and circumstances in which such vessel came in his possession.

8A. The Commissioner or the Council or the Agency shall notify the Authority in writing within eight days of their coming into possession of any vehicle, whether derelict, abandoned or not, in consequence of any action taken by them in accordance with these regulations, and the manner and circumstances in which the said vehicle came into their possession:

Notification to be given to the Authority.
Added by:
L.N. 123 of 2001.
Amended by:
L.N. 197 of 2009.
Renumbered/
Amended by:
L.N. 55 of 2021.
Amended by:
L.N. 23 of 2023.

Provided that the Commissioner or Council or the Agency shall not be required to notify the Authority in the event that the said vehicle has been reclaimed by its lawful owner within the eight days limit specified under this regulation.

9. There shall be payable to the Commissioner or the Council or the Agency or, where applicable, to the Authority the following fees:

Fees to be levied by the Commissioner or the Council or the Authority.
Amended by:
L.N. 192 of 1999;
L.N. 123 of 2001;
L.N. 405 of 2003;
L.N. 408 of 2007;
L.N. 197 of 2009;
L.N. 260 of 2011;
L.N. 123 of 2017;
L.N. 48 of 2018;
L.N. 55 of 2021.

- | | |
|--|---------|
| (a) for the removal of clamps | €180 |
| (b) for the release, towing or removal of the encumbering object or derelict or abandoned vehicle or any other vehicle removed under these regulations and storage thereof during the first 24 hours or part thereof | €200 |
| (c) for the storage of the encumbering object or derelict or abandoned vehicle or any other vehicle removed under these regulations after the first 24 hours, per day or part thereof | €15 |
| (d) for the disposal of derelict or abandoned vehicles or any other vehicle removed under these regulations | €2,500: |

Provided that when additional expenses in excess of each particular fee in paragraphs (a), (b) and (c) above have been incurred, the Commissioner or the Authority or the Council shall also have the right to collect such expenses and subsequently to

detract them for the proceeds of any sale or disposal of the object and to exact payment thereof before surrendering any object either to its lawful owner or to the purchaser in the event of a sale by auction.

Criminal and civil actions to remain unprejudiced.
Amended by:
L.N. 192 of 1999
L.N. 197 of 2009;
L.N.48 of 2018.

10. Every measure taken by the Commissioner, or the Authority or the Council or the Agency, under these regulations shall not prejudice any criminal or civil action.

Offences.
Amended by:
L.N. 192 of 1999;
L.N. 123 of 2001;
L.N. 260 of 2011;
L.N. 55 of 2021.

11. (1) Any unauthorised person who attempts to remove, or removes, wheel clamps fixed to a motor vehicle, or attempts to remove, or removes, a motor vehicle with clamped wheels, or an encumbering object which has been removed, stored or still in the process of being disposed of under regulation 3, or attempts to remove, or removes, the notice referred to in regulation 8(1), shall be guilty of an offence against these regulations.

(2) In the case of any person who obstructs or otherwise causes any nuisance or inconvenience by means of an encumbering object in any street, road, quay, wharf or other place, the court may at the request of the prosecution, in addition to the punishment applicable to any such offence, inflict an additional penalty equivalent to the fees due under regulation 9.

Deleted by:
L.N. 123 of 2017.

SCHEDULE

(Deleted by Legal Notice 123 of 2017)
