L.N. 58 of 2002

MALTA TRANSPORT AUTHORITY ACT (CAP. 332)

TRAFFIC REGULATION ORDINANCE (CAP. 65)

Motor Vehicles (Speed Monitoring) (Amendment) Regulations, 2002

IN exercise of the powers conferred by article 27 of the Malta Transport Authority Act, and by article 54 of the Traffic Regulation Ordinance, the Minister for Transport and Communications, after consulting the Malta Transport Authority, has made the following regulations:–

Title.

1. The title of these regulations is the Motor Vehicles (Amendment) Regulations, 2002, and shall be read and construed as one with the Motor Vehicles Regulations, 1994, hereinafter referred to as "the principal regulations".

L.N. 128 of 1994.

Amends regulation 127 of the principal regulations.

2. Immediately after sub-regulation (2) of regulation 127 of the principal regulations there shall be added the following new sub-regulations:

"Traffic speed monitoring.

(3) Photographs, film, video-recordings, electronic images or any other record produced by a prescribed speed monitoring device, including any record of a measurement made by the device, shall be admissible in evidence and shall constitute proof of their contents if they are accompanied by a certificate signed by a police officer (in the same or in another document) as to the circumstances of date, time and place in which the photograph, film, video-recording, electronic image or other record was produced.

(4) Any device referred to in sub-regulation (1) shall be a device prescribed by order of the Minister responsible for Transport who may in any such order lay down any conditions as to the purposes for which, and the manner and other circumstances in which, the device is to be used.

(5) A document purporting to be a document, record or signed certificate of the kind mentioned in sub-regulation

(1) shall be deemed to be such a document, record or certificate signed as aforesaid unless the contrary is proved.

(6) The owner of the vehicle which is identified in any document, record or signed certificate referred to in sub-regulation (1) shall be responsible for any offence proved by the same document, record or signed certificate unless the driver of the vehicle when the offence was committed is shown to have been stopped and identified by the police immediately after the commission of the offence.

(7) Any image recorded by any means referred to in sub-regulation (3) may be converted from one format to another, transmitted, stored or reproduced by electronic or any other means that allows the recorded image to be reproduced in intelligible form including, without limitation, electronically.

(8) Where a recorded image has been stored in electronic format as provided in sub-regulation (7), the recorded image may be reproduced in paper format which shall have the same effect for all purposes as if it were an original document if the reproduction is certified to be such in the certificate mentioned in sub-regulation (3).

(9) Any device prescribed under sub-regulation (3) shall be deemed to have been functioning accurately and correctly in all respects at the time that any document or record referred to in the said paragraph was produced by it unless the contrary is proved.

(10) The person against whom a certificate under sub-regulation (3) is produced may require the attendance of the police officer who purportedly signed the certificate for the purpose of cross-examination.

(11) For the purposes of sub-regulations (3) to (6) of this regulation "speed monitoring device" means a device prescribed under sub-regulation (3) that is capable of photographing or capturing the image of a motor vehicle while simultaneously measuring and recording its speed.".