L.N. 123 of 2001

TRAFFIC REGULATION ORDINANCE (CAP. 65)

Traffic Regulation (Clamping and Removal of Encumbering Objects) (Amendment) Regulations, 2001

IN exercise of the powers conferred by article 17 of the Traffic Regulation Ordinance, the Commissioner of Police, with the advice of the Traffic Control Board, has made the following regulations:-

Citation.

1. The title of these regulations is the Traffic Regulation (Clamping and Removal of Encumbering Objects) (Amendment) Regulations, 2001, and shall be read and construed as one with the Traffic Regulation (Clamping and Removal of Encumbering Objects) Regulations, 1997, hereinafter referred to as "the principal regulations".

L.N. 94 of 1997.

Amends regulation 2 of the principal regulations.

2. Regulation 2 of the principal regulations shall be amended as follows:-

(a) in the definition of "Commissioner" for the words "person or group of persons" there shall be sustituted the word "contractor"; and

(b) in the definition of "Council", immediately after the word "1993" there shall be added the words ", or any contractor duly authorised by the Council for specific purposes of these regulations";

(c) immediately after the definition of "Council" there shall be added the following new definition:-

" "derelict vehicle" means an abandoned motor vehicle which is unfit to be used on the road and, where its identification can be established, in respect of which the road licenses for the current and previous year have not been paid;";

(d) immediately after the new definition of "derelict vehicle" there shall be added the following new definition:-

" "Director" means the Head of the Licensing and Testing Department;"; and

(e) immediately after the deinition of "encumbering objects" there shall be added the following new definition:–

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

Amends regulation 6 of the principal regulations.

3. In regulation 6 of the principal regulations, immediately after the words "encumbering objects" there shall be added the words "or derelict vehicles", and for the words "regulations 3, 4 and 5" thereof there shall be substituted the words "regulations 3, 4, 5, 8 and 8A".

Amends regulation 8 of the principal regulations.

4. Regulation 8 of the principal regulations shall be amended as follows:–

(a) the proviso to subregulation (1) thereof shall be deleted; and

(b) immediately after subregulation (4) thereof there shall be added the following:–

"(5) Where the encumbering object removed is a sea-going vessel which is less than 24 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.".

Adds new regulations 8A and 8B to the principal regulations.

5. Immediately after regulation 8 of the principal regulations there shall be added the following:-

"Disposal of derelict vehicle.

8A. (1) In the event that the object to be removed is a derelict vehicle the Commissioner or Council may affix a notice on the vehicle, in which it will be indicated that the object is being considered to be a derelict vehicle. In this notice there shall be included:

(a) the date when the notice was affixed on the derelict vehicle; and

(b) a warning stating that if the derelict vehicle is not removed within eight days from the date of the notice issued in accordance with paragraph (a) hereof, the said vehicle shall be removed by the Commissioner or Council, as the case may be, at the expense of the owner, if known.

(2) The Commissioner or Council shall immediately remove the said derelict vehicle, or order its removal, from its location after the expiration of the period in the notice issued in accordance with subregulation (1) hereof.

(3) A derelict vehicle that is removed by the Commissioner or Council in pursuance of the procedures mentioned in subregulations (1) and (2) of this regulation shall be sold or destroyed following the issuance of an order by the Commissioner or Council if such vehicle has not been claimed back by its legitimate owner within three days from when the vehicle was removed by either of them in accordance with these regulations:

Provided that any derelict vehicle which has been so removed 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 Council in terms of these regulations, has been paid.

(4) A private contractor who removes a derelict vehicle on the order of the Commissioner or Council, as the case may be, following the procedures mentioned in subregulations (1) and (2) of this regulation, shall deal with and, or dispose of the derelict vehicle as he deems fit after the lapse of three days from when it was removed by him in accordance with these regulations.

Notification to be given to Director.

8B. The Commissioner or the Council shall notify the Director in writing within eight days of their coming into possession of any vehicle, whether derelict 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:

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

6. Regulation 9 of the principal regulations shall be amended as follows:-

Amends regulation 9 of the principal regulations.

(a) for paragraph (b) thereof there shall be substituted the following:

"(b) for the release, towing or removal of the encumbering object or derelict vehicle and storage thereof during the first 24 hours or part thereof..... Lm 45";

(b) in paragraph (c) thereof immediately after the words "encumbering object" there shall be added the words "or derelict vehicle"; and

(c) paragraph (d) thereof shall be deleted;

(d) in the proviso thereof for the words "(b), (c) and (d)" there shall be substituted the words "(b) and (c)".

Amends regulation 11 of the principal regulations.

7. In paragraph (1) of regulation 11 of the principal regulations, immediately after the words "under regulation 3 of these regulations," there shall be added the words "or attempts to remove, or removes, the notice referred to in paragraph (1) of regulation 8A of these regulations,".