

MOTOR VEHICLE ROADWORTHINESS TEST REGULATIONS, 1998

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L.N. 126 of 1998

TRAFFIC REGULATION ORDINANCE

(CAP. 65)

Motor Vehicle Roadworthiness Test Regulations, 1998

IN exercise of the powers conferred by section 17 of the Traffic Regulation Ordinance (Cap. 65), the Commissioner of Police, with the advice of the Traffic Control Board and the concurrence of the Director (Traffic), has made the following Regulations:

PART I

Preliminary

1. (1) These Regulations may be cited as the Motor Vehicle Roadworthiness Test Regulations, 1998. Citation and commencement.

(2) These Regulations shall come into force on such a date as the Minister responsible for transport may by notice in the Gazette appoint, and different dates may be appointed for different provisions and different purposes of these Regulations.

2. In these Regulations, unless the context otherwise requires:- Interpretation.

"authorisation" means any authorisation in writing by the Director (Traffic) in terms and for the purposes of these Regulations;

"contracted operator" means an individual, partnership, or a company contracted by the Director (Traffic) in accordance with these Regulations to operate a testing station;

"authorised testing station" means premises at which the department has authorised the carrying out of vehicle tests;

"commercial vehicle" means a vehicle of any class or description other than a public service vehicle, used exclusively for the conveyance of goods or materials, and for the conveyance of personnel in connection with the exercise of any trade, calling or vocation and which is not used for private transport;

"company" has the same meaning as is assigned to it in section 2 of the Companies Act, 1995;

"department" means the Licensing and Testing Department;

"Director (Traffic)" means the head of the Licensing and Testing Department;

"g.v.w." means gross vehicle weight;

"gross vehicle weight" means the road weight specified by the manufacturer as being the maximum design weight capacity of the vehicle, such weight being the combined weight of the vehicle, the maximum specified load, the driver, and a tank full of fuel;

"heavy vehicles" means all types of vehicles the gross vehicle weight of which is 3,500kgs. and over, and which, for the purposes of these Regulations, fall under Class III;

"licensed tester" means an individual duly qualified to hold a licence issued by the Director (Traffic) to carry out vehicle tests according to these Regulations;

"Licensing and Testing Department" means the department falling under the responsibility of the Director (Traffic);

"light passenger vehicle" means a motor car or any other motor vehicle which transports up to a maximum of nine passengers including the driver;

"light vehicles" means all types of vehicles the gross vehicle weight of which is less than 3,500kgs., and which, for the purposes of these Regulations, fall under Class II;

"manuals" means those manuals, whether individually or collectively, listed under the "prescribed statutory requirements";

"Minister" means the Minister responsible for transport;

"motor vehicle" means a vehicle which is propelled by its own power;

"normal working day" means -

(a) in relation to a contracted operator or a licensed tester, the times of the week, excluding Sundays and public holidays, during which vehicles will be accepted for testing;

(b) in relation to the VRT Section within the department, the times of the week, excluding Sundays and public holidays during which the Director (Traffic) will deem it necessary to effect inspections, and the times of the week excluding Saturdays, Sundays and public holidays during which the

Classification
of vehicles and
application of
regulations.

4. (1) For the purposes of these Regulations motor vehicles to which these Regulations apply shall be classified as shown in the Second Schedule to these Regulations.

(2) Save as otherwise provided in regulation 5, these Regulations shall apply to every vehicle of a class specified in the Second Schedule to these Regulations.

Exemptions.

5. The Minister may in writing, in his discretion, exempt any class or type of vehicle from all or any of the provisions of these Regulations.

Applicability of
Motor Vehicles
Regulations,
1994.

6. The Motor Vehicles Regulations, 1994, shall apply to the vehicle roadworthiness testing in so far as they are not inconsistent with these Regulations.

Issue of licence.

L.N. 128 of
1994.

7. (1) Subject to the provisions of sub-regulation (4) of regulation 19, no licence shall be issued by the Commissioner of Police under the provisions of regulation 18 of the Motor Vehicle Regulations, 1994, unless the applicant produces the passed test result to prove that the vehicle has undergone and passed the roadworthiness test under the provisions of these Regulations within ninety days prior to the issue of the licence.

(2) Owners of vehicles shall at all times ensure that the vehicle is in conformity with the provisions of these Regulations, and the issue of a valid passed test result will not exonerate the owner of the vehicle thereof from compliance with the prescribed statutory requirements at all times; and no liability whatsoever shall attach either to the contracted operator or to the Director (Traffic) by virtue of the issue of a passed test result.

PART II

Contracted Operators

Applications
for contracted
operators.

8. (1) Applications for authorisations as contracted operators may be made by:

(a) an individual proposing to allow vehicle testing to be carried out on his premises;

(b) a partnership; or

(c) a company.

(2) Every application shall be made on the prescribed form, as specified in the Third Schedule to these Regulations, and approved by the Director (Traffic), and signed -

(a) where the application is made under paragraph (a) of sub-regulation (1), by the individual making the application; and

(b) where the application is made under paragraph (b) or (c) of sub-regulation (1), by a person duly authorized by the partnership or company.

(3) The form referred to in sub-regulation (2) shall be presented at the department together with the documents mentioned on the application.

(4) In the case where an applicant proposes to act as an operator in more than one place, the Director (Traffic) shall require as many applications to be made as there are such places.

9. When an application has been made in accordance with regulation 8, the Director (Traffic) may, after making such investigations and carrying out such inspections as he may deem fit, to ensure conformity with the specifications for testing equipment as specified in the Fourth Schedule to these Regulations as well as conformity with the specifications for testing stations as specified in the Fifth Schedule to these Regulations, authorise the individual, partnership or company by whom the application is made to be a contracted operator in terms of these Regulations. Authorisation.

10. (1) Subject to the provisions of these Regulations, every contracted operator shall comply with such conditions of contract as are specified in the Sixth Schedule to these Regulations, and also with the following conditions: Conditions for contracted operators.

(a) the contracted operator shall assume full responsibility for all the testing procedures carried out in the testing station for which the contracted operator has been duly authorised to operate in accordance with regulation 9;

(b) the contracted operator shall give notice to the Director (Traffic) of the names of all persons who are from time to time authorised, in pursuance of arrangements made in accordance with regulation 13, to carry out or personally supervise tests at an authorised testing station; and every such notice shall be given within seven days after the date of any such authorisation; in the case of a company or partnership the notice shall be accompanied by a duly signed authorisation certifying that the person signing the notice is duly empowered to sign on behalf of the company or partnership;

(c) the contracted operator shall put up and keep exhibited inside the authorised testing station in some conspicuous place so as to be legible to persons submitting vehicles for testing at that station -

(i) the authorisation in which that authorised testing station is specified, and

(ii) a list of the names of the persons for the time being authorised to carry out or personally supervise tests at that station;

(d) the contracted operator shall make the authorised testing station and the equipment at that station with which testing is carried out, available for the purpose of a test to be carried out by the Director (Traffic) or his representative, for the purpose of ensuring conformity with the prescribed statutory requirements;

(e) the contracted operator shall immediately inform the Commissioner of Police of any vehicle, which is brought in for a test, and which, according to information received by the operator from the Director (Traffic), is a stolen vehicle;

(f) the contracted operator shall give seven days' prior notice to the Director (Traffic) -

(i) of his entering into any partnership with a view to carrying on a business which will comprise the carrying out of tests at that station, in the case where he is the sole individual named in an authorisation; and

(ii) of any change in the constitution of the company, in the case where he is a company,

and such notice shall be treated as an application under the provisions of regulation 9.

(2) The Director (Traffic) may give notice to a contracted operator that, in the opinion of the Director (Traffic), any person employed in his testing station should cease from carrying out or supervising tests, or to endorse passed test results, and on receipt of that notice the contracted operator shall arrange that that person shall no longer carry out or supervise tests or endorse passed test results, as the case may require.

(c) the contracted operator shall put up and keep exhibited inside the authorised testing station in some conspicuous place so as to be legible to persons submitting vehicles for testing at that station -

(i) the authorisation in which that authorised testing station is specified, and

(ii) a list of the names of the persons for the time being authorised to carry out or personally supervise tests at that station;

(d) the contracted operator shall make the authorised testing station and the equipment at that station with which testing is carried out, available for the purpose of a test to be carried out by the Director (Traffic) or his representative, for the purpose of ensuring conformity with the prescribed statutory requirements;

(e) the contracted operator shall immediately inform the Commissioner of Police of any vehicle, which is brought in for a test, and which, according to information received by the operator from the Director (Traffic), is a stolen vehicle;

(f) the contracted operator shall give seven days' prior notice to the Director (Traffic) -

(i) of his entering into any partnership with a view to carrying on a business which will comprise the carrying out of tests at that station, in the case where he is the sole individual named in an authorisation; and

(ii) of any change in the constitution of the company, in the case where he is a company,

and such notice shall be treated as an application under the provisions of regulation 9.

(2) The Director (Traffic) may give notice to a contracted operator that, in the opinion of the Director (Traffic), any person employed in his testing station should cease from carrying out or supervising tests, or to endorse passed test results, and on receipt of that notice the contracted operator shall arrange that that person shall no longer carry out or supervise tests or endorse passed test results, as the case may require.

(3) Contracted operators shall be bound to inform the Director (Traffic), within seven days, of any termination of employment or engagement of licensed testers within their staff complement.

11. (1) An authorisation of an individual as an operator will automatically cease to have effect if - Termination of authorisation.

- (a) he dies;
- (b) he becomes a patient in a mental hospital; or
- (c) he is convicted of an offence affecting public trust.

(2) An authorisation of a partnership as an operator will automatically cease to have effect if -

- (a) the partnership is dissolved; or
- (b) one or more partners is or are, as the case may be, convicted of an offence affecting public trust:

Provided that the non-convicted partner or partners shall be eligible to apply for an authorisation in their individual capacity, or as a new partnership without the convicted partner or partners.

(3) An authorisation of a company as an operator will automatically cease to have effect if, in relation to the company -

- (a) a winding-up order is made;
- (b) a resolution for voluntary winding-up is passed;
- (c) a receiver or manager of the company's undertaking is appointed; or
- (d) the taking of possession, by or on behalf of the holders of any debenture secured by a floating charge, or of any property of the company comprised in or subject to the charge, occurs.

(4) A contracted operator may at any time give notice to the Director (Traffic) stating that, after such date as may be specified in the notice, that contracted operator does not propose to continue to act as a contracted operator under any of the authorisations of that operator or under such authorisation as may be specified in the notice, and any authorisation to which the said notice relates shall cease to have effect on the date so specified in relation to it.

(5) The Director (Traffic) may at any time give to a contracted operator a notice which states -

(a) that, as from a date specified in the notice, such one or more of the authorisations of that operator as are specified in the notice shall, unless the notice is cancelled before that date, cease;

(b) in a case where the date on which the authorisation or authorisations shall cease is less than twenty-eight days from the date of the notice, that the Director (Traffic) considers it necessary that the notice shall have early effect; and

(c) that within fourteen days from the date of the notice, the operator (or any person acting on his behalf) may make to the Director (Traffic) written representations to the effect that any authorisation to which that notice relates should not cease or should be restored.

(6) An authorisation in respect of which a notice is given in accordance with sub-regulation (5) shall, save as provided in paragraph (a) of sub-regulation (5), cease to have effect on the date specified in the notice.

Forms and documents to be returned to the Director (Traffic).

12. (1) If an authorisation of an operator ceases to have effect, the operator shall send to the Director (Traffic) such of the following documents as are then in his possession:

(a) all unused forms of passed test results, inspection reports, inspection cards and notices of refusal to issue a passed test result;

(b) all copies of passed test results and notices of the refusal of passed test results;

(c) all other records kept in accordance with regulation 22; and

(d) in the case of the authorisation of a tester ceasing to have effect, the document of authorisation.

(2) On receipt of any unused forms, which were originally obtained from the Director (Traffic), of passed test results sent to him in accordance with sub-regulation (1), the Director (Traffic) shall refund to the operator such amount as may have been paid for the supply of the said forms.

(3) The Director (Traffic) may, in respect of unissued forms of passed test results which are returned to him as having been cancelled because they have been spoilt or defaced, refund to the operator the amount originally paid less an appropriate deduction of fifty per cent.

PART III

Licensed Testers

13. (1) Applications for licenses as licensed testers may be made by: Applications for licensed testers.

(a) an individual who:

(i) is over nineteen years of age on the date of the application; and

(ii) is qualified in the automotive mechanical field or has at least five years' unimpaired experience;

(b) a contracted operator who satisfies the conditions laid down in paragraph (a) of this sub-regulation.

(2) Every application shall be signed by the individual making the application and shall be made on the prescribed form, as specified in the Third Schedule to these Regulations.

(3) The form referred to in sub-regulation (2) shall be presented at the department together with the documents showing all the qualifications and/or references relating to such application.

(4) The Director (Traffic) shall, having ascertained that the requirements of the application are satisfied, issue the appropriate licence upon payment, by the tester, of the appropriate fee as specified in the Police Licences Regulations, 1949. G.N. 846 of 1949.

14. (1) Subject to the provisions of these Regulations, every licensed tester shall comply with such conditions as are specified in the Seventh Schedule to these Regulations, and also with the following conditions: Conditions for licensed testers.

(a) the licensed tester shall carry out, in accordance with these Regulations, tests of motor vehicles of any such class as is specified in the tester's licence, and shall in all other respects comply with each of the provisions of these Regulations as apply to the tester:

Provided that no person shall be licensed to carry out or supervise a test or endorse a passed test result unless he has

successfully completed a course of instruction approved for the purpose by the Director (Traffic);

(b) the licensed tester shall abide, at all times, with the rules, regulations and standards concerning the vehicle roadworthiness test as stipulated in these Regulations and approved by the department;

(c) the licensed tester shall, under no circumstances, pre-condition a vehicle owner to effect repairs or adjustments as indicated in the test result, at the same premises, or carry out a roadworthiness test on a motor vehicle on which he has, immediately prior to the test, carried out repairs on testable items; and

(d) the licensed tester shall, under no circumstances, endorse a passed test result unless a complete test has been carried out and all the testable items have been found to be satisfactory, or endorse a passed test result of a re-test unless the re-test confirms that the necessary repairs to the testable items have been carried out.

(2) The Director (Traffic) may revoke the licence of a licensed tester if the tester is in breach of any of the conditions laid down in sub-regulation (1).

PART IV

Testing

Applications
for vehicle
testing.

15. (1) An application for testing (including re-testing) of a vehicle shall be made to a contracted operator by arrangement made in writing or by any other means.

(2) Subject to the following provisions of these Regulations, contracted operators shall ensure that -

(a) where an application is made in accordance with sub-regulation (1), an appointment is forthwith offered for the carrying out of the test at the earliest time at which it is reasonably practicable for the test to be carried out during any normal working day;

(b) where, in default of sub-regulation (1), a vehicle is submitted for a test without any appointment for the carrying out of the test having been previously made, the applicant is informed either that the test can be carried out forthwith or, if this is not possible, of the earliest time at which it is reasonably

practicable for the test to be carried out during the normal working day;

(c) except in so far as prevented by circumstances beyond the control of the tester or operator, tests are carried out in accordance with the appointments made or the information given in pursuance of the preceding provisions of this regulation or at such other times as may be arranged between the applicant and the contracted operator.

(3) On an appointment being made or a time being arranged for the carrying out of a test in accordance with sub-regulation (2), the contracted operator shall record the hour and the date thereof and the name of the person by whom the application for the test is made.

(4) Nothing in this regulation shall be taken as entitling a contracted operator to allow the testing of a vehicle not being of a type included in the authorisation of the contracted operator.

(5) When a re-test of a vehicle is required by order of the Director (Traffic) the contracted operator is to ensure that he makes the testing station available for such re-test, by an inspector duly appointed by the department, as and when required by the Director (Traffic).

16. A contracted operator shall not be under any obligation to carry out a test of a motor vehicle where -

Requirement as to vehicles submitted for testing.

(a) on the submission of the vehicle for a test, the applicant does not, after being requested to do so, produce the vehicle registration document relating to the vehicle, or produces a vehicle registration document the details of which do not comply with the correct details of the vehicle submitted for testing;

(b) the vehicle or any part thereof or any of its equipment is so dirty as to make it difficult for the test to be carried out in accordance with the provisions of these Regulations;

(c) the licensed tester is not able, with the facilities and apparatus available to him at the place at which the test would otherwise be carried out, to complete the test without the vehicle being driven and the vehicle is not, when submitted for testing, either for want of fuel or oil or for any other reason, fit to be driven to such extent as may be necessary for the purposes of the carrying out of the test; and

(d) before the carrying out of a test of a motor vehicle any items which are in the vehicle, and are not part of its equipment or accessories, are required by the tester or by the inspector to be removed from the vehicle or to be secured in such manner as he may think necessary, and the items are not so removed or secured accordingly.

Conditions
as to
responsibility
for damage to
vehicles and
third party
liability.

17. (1) Where a motor vehicle has been submitted for a test to be carried out by a licensed tester or an inspector, the contracted operator shall be responsible for and shall be adequately covered by an appropriate insurance policy against -

(a) loss of, or damage to, the vehicle or its equipment or accessories occurring in connection with the carrying out of the test during any period while the vehicle is, in connection with the carrying out of the test, in the custody of the operator; and

(b) loss of, or damage to, any other property or personal injury, (whether fatal or not), being loss, damage or injury arising out of the use of the vehicle in connection with the carrying out of the test,

as would rest on a person who, having the same facilities for carrying out the test as are available to the person who is to carry out the test, had undertaken for payment to accept the custody of the vehicle and to carry out the same test under a contract making no express provision with respect to the incidence of liability as between the parties thereto for any such loss, damage or injury.

(2) No person submitting a vehicle for a test or having an interest in such a vehicle shall be requested or required by a contracted operator, either directly or indirectly, to accept any responsibility for, or to give any release or indemnity in respect of, any loss, damage or injury for which the contracted operator is responsible under the provisions of sub-regulation (1).

(3) Nothing contained in sub-regulation (1) or (2) shall preclude any person from being requested or required to accept any responsibility for, or to give a release or indemnity in respect of loss of, or damage to, a vehicle or its equipment or accessories occurring during any period while the vehicle is in the custody of a contracted operator, after the time when the vehicle is required to be removed from such custody.

(4) The contracted operator shall be liable for and hold the Government of Malta, the Director (Traffic) and their officers and employees, harmless from and against any and all claims, damages or

liabilities, and expenses incidental thereto, arising from anything done or purported to be done or omitted to be done by the contracted operator and/or his employees under the authorisation granted to the contracted operator under the provisions of these Regulations.

(5) In this regulation -

(a) references to a test, in relation to a vehicle which, after the carrying out of a test, remains in the custody of a contracted operator in order that a further test of that vehicle may be carried out, include references to that further test; and

(b) references to a period while a vehicle is in the custody of the department, include references to any period while the vehicle is, in connection with the carrying out of a test of the vehicle by an inspector, in the control or care of such an inspector.

18. Vehicles involved in any accident which may reasonably be expected to affect their roadworthiness will have to undergo a roadworthiness test. Test after serious accidents.

19. (1) Subject to the provisions of these Regulations, licensed testers and inspectors shall, after the testing of a motor vehicle is completed and, on the same date as that on which the test is completed - Results of tests.

(a) endorse a passed test result, where it is found on the testing of a vehicle that the prescribed statutory requirements are complied with; or

(b) endorse a notice of refusal of a passed test result, in the case where the prescribed statutory requirements have not been complied with, and stating the grounds thereof:

Provided that if the necessary repairs to comply with the prescribed statutory requirements are effected, the vehicle may be submitted for a re-test within twelve working days, which appointment will have been set prior to the vehicle owner leaving the testing station following the original test, and if a passed test result is issued after such re-test certifying that the necessary repairs have been carried out on the motor vehicle to comply with the prescribed statutory requirements, a fee not exceeding fifty per cent of the full test fee as specified in the Eighth Schedule to these Regulations, shall be payable:

Provided further that if the vehicle is not submitted for the re-test within twelve working days, all the provisions of these Regulations relating to tests shall apply.

(2) Subject to the provisions of these Regulations, every passed test result and every notice of the refusal of a passed test result shall be in the format as required by the department, shall contain the name of the licensed tester responsible for carrying out the test, and shall be certified as correct by the contracted operator.

(3) Every passed test result and every notice of the refusal of a passed test result issued in accordance with the provisions of this regulation and regulation 15 shall, after the test has been carried out, be signed -

(a) by the contracted operator in whose testing station the test has been carried out;

(b) where the test is carried out by an inspector, by that inspector, who shall specify the authority by whom he has been authorised to carry out the test,

and any signature on a passed test result or notice of refusal of a passed test result by a contracted operator or by an inspector, as the case may be, shall be accompanied by an embossment or by a stamp of the contracted operator or of the department on whose behalf the passed test result or notice of refusal of a passed test result is signed.

L.N. 128 of
1994.

(4) No licence as specified in Regulation 18 of the Motor Vehicle Regulations, 1994, shall be issued by the Director (Traffic) on behalf of the Commissioner of Police unless the owner of the vehicle concerned produces to the Director (Traffic) the passed test result in relation to the vehicle together with the relative receipt in respect of the department's administration charge as specified in the Ninth Schedule to these Regulations.

PART V

Fees

Fee for tests.

20. (1) The fee payable for a test of a vehicle pursuant to an application made under regulation 15 shall be that prescribed in the Eighth Schedule to these Regulations, and shall be paid after the test has been carried out.

(2) Roadworthiness tests shall be carried out at such times and at such intervals as prescribed in the Eighth Schedule to these Regulations.

PART VI

Breach of Contract

21. A contracted operator who fails to comply with the conditions of contract for contracted operators as specified in the Sixth Schedule to these Regulations shall be in breach of the contract and shall be liable to the penalty laid down in the said conditions of contract.

Breach of contract.

PART VII

General Provisions

22. (1) Contracted operators shall keep, in duplicate, a record relating to all tests carried out at each specific authorised testing station, which records shall be kept in an appropriate form approved by the department, and shall contain the particulars required by that form.

Records to be kept and returns to be furnished by operators.

(2) During the first fortnight of each month, every contracted operator shall send to the Director (Traffic) at the department -

(a) one copy of the record containing all the entries made therein relating to a test, as a result of which a passed test result or a notification of the refusal of a passed test result has been issued during the last preceding month; or

(b) if no such passed test result or notification has been issued, a notice to that effect.

(3) Subject to the following provisions of these Regulations, the other copy of such records shall be kept by the contracted operator at the authorised testing station at which the tests mentioned were carried out, for a period sufficient to ensure that upon the inspection at any time of that record under regulation 24, the entries relating to any test carried out within the last preceding twenty-four months will be available for inspection.

(4) Subject to the following provisions of these Regulations, each operator shall ensure that upon the issue by him or by the inspector of a passed test result or of a notice of the refusal of a passed test result, a copy of that passed test result or notice is made

and preserved at that testing station for a period of not less than twenty-four months.

Duplicate
passed test
results.

23. (1) Subject to the provisions of sub-regulation (2), if a passed test result has been lost or defaced, an application for the issue of a duplicate of the original passed test result may be made to the contracted operator where the test has been carried out.

(2) The contracted operator to whom the application is made shall issue a duplicate passed test result only when sufficient particulars of the successful test of the vehicle are traced; and such passed test result shall be marked "Duplicate", and shall have the same effect as the original passed test result:

Provided that no action to trace the passed test result shall be taken if the original passed test result was issued more than twenty-four months previously, or if the applicant does not furnish with his application the approximate date when the original was issued and any other information which could help to trace the document.

Inspection of
premises,
apparatus and
records.

24. An inspector may at any time, during the normal working day, on production of his authority, if so required, enter any authorised testing station and upon such entry he shall be entitled to -

(a) inspect the station and the apparatus provided at the station for the purpose of carrying out examinations and watch any testing which may be taking place;

(b) satisfy himself as to the efficiency of such apparatus as regards calibration and, in the case of apparatus designed to give an indication of a measurement, to require evidence to be furnished to him that it will do so accurately within reasonable limits;

(c) inspect all records and copies of passed test results, and notifications of the refusal of passed test results as well as records concerning the calibration of all testing equipment, which are required to be kept or preserved at that station in accordance with these Regulations;

(d) be furnished with such information as he may reasonably require with respect to any of the said matters; and

(e) generally to ensure that the provisions of the Fifth Schedule and the Sixth Schedule to these Regulations are being adhered to.

Forms and
software.

25. (1) The Director (Traffic) may prepare and supply for use for the purposes of these Regulations any form which by these

Regulations is required to be approved by him or which is required for use as a passed test result, or a notice of the refusal of a passed test result, for the purposes of constituting the record required to be kept under these Regulations, and may include on any such form such additional matter as he may consider to be of assistance to persons making use of these forms or to persons to whom such forms may be issued when completed and no form other than one so prepared and supplied shall be used in any such case.

(2) The forms referred to in sub-regulation (1) shall be provided by the Director (Traffic) upon payment of a fee to be shown thereon.

(3) The Director (Traffic) may prepare and supply, upon the payment of a fee, suitable software for use by the contracted operators in connection with roadworthiness tests carried out under the provisions of these Regulations:

Provided that once the software is made available from the Director (Traffic), any other software used by contracted operators in connection with roadworthiness tests carried out under the provisions of these Regulations, shall conform with specifications approved by the Director (Traffic).

26. Except as otherwise provided in these Regulations, every notice issued by the Director (Traffic) to contracted operators under these Regulations shall be made in writing and sent by mail or by facsimile to the contracted operators at their relative authorised testing station.

FIRST SCHEDULE

[Regulation 2]

Prescribed Statutory Requirements

A. The requirements issued under the Vehicle Inspectorate of the United Kingdom as contained in the following manuals:

(a) The MOT Inspection Manuals:

- Car and Light Commercial Vehicle Testing (1996 Consolidated Edition)
- Motor Cycle Testing (1992 Edition)
- Private Bus Testing (vehicles with 13 or more passenger seats) (1994 Edition)

(b) The Public Service Vehicle Inspection Manual (1997 Edition)

(c) The Heavy Goods Vehicle Inspection Manual (1997 Edition)

B. Exhaust sound level testing

Class I Vehicles - shall be tested to an exhaust sound level rating not exceeding 94dB (A) when the engine revolutions are at three-fourths of the maximum rated speed.

Class II Vehicles and Class III Vehicles - shall be tested to a sound level as listed below for various engines when revolutions are at three-fourths of the maximum rated speed:

- all petrol engines at 79 dBA;
 - all diesel engines less than 150KW (200bhp) at 80 dBA;
 - all diesel engines equal to or in excess of 150KW (200bhp) at 83dBA.
-

SECOND SCHEDULE

[Regulation 4]

Classification of Vehicles

All motor vehicles will be classified as follows for testing purposes:

CLASS I - Motorcycles

Motorcycles :

- *motorcycles*
- *motorcycle combinations*

CLASS II - Motor Vehicles the g.v.w. of which is less than 3,500 kgs.

A Public Service Vehicles

- *Mini buses*

Commercial Vehicles

- *All vehicles which are not Public Service Vehicles or Light Passenger Vehicles and Trailers*

Trailers and other towed vehicles

B Public Service Vehicles

- *Taxis*
- *Taxis driven vehicles*
- *Self-drive vehicles*

Light Passenger Vehicles

- *Motor cars or other motor vehicles which transport up to a maximum to nine (9) passengers including the driver.*

CLASS III - Motor Vehicles the g.v.w. of which is 3,500 kgs and over.

Public Service Vehicles

- *Route Buses*
- *Coaches and Private Buses*
- *Midi Buses*

Commercial Vehicles

- *All vehicles which are not Public Service Vehicles or Light Passenger Vehicles and Trailers*

Trailers and other towed vehicles

Other vehicles

THIRD SCHEDULE
[Regulations 8 and 13]
LICENSING AND TESTING DEPARTMENT
VEHICLE ROADWORTHINESS TEST REGULATIONS 1998

APPLICATION FOR A LICENCE TO ACT A CONTRACTED OPERATOR

 <p>Licensing and Testing Department Hornworks Ditch Floriana CMR 02 Tel: 247955-57, 231682</p>	<p>APPLICATION FOR A LICENCE TO ACT AS CONTRACTED OPERATOR in terms of Regulation 8 of the Motor Vehicle Roadworthiness Test Regulations, 1998.</p>
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1. A separate application has to be submitted for each testing station
2. Each operator shall be allowed a maximum of two test lanes per testing station
3. Please complete in ink and block letters, and return to Director (Traffic) at the above address.

1. WHO IS APPLYING?
(Please tick appropriate box)

(a) ☐ **An individual**

Name

Address

Post Code

I.D. No. Tel No. Fax No.

(b) ☐ **A Partnership** (c) ☐ **A Company**

Name of organisation

Name of signatory of company, etc.

Address

Post Code

I.D. No. Tel No. Fax No.

2. DETAILS OF PREMISES TO BE USED AS A TESTING STATION

Name and address of premises where testing is to take place:

Post Code

Tel No. Fax No.

3. DOCUMENTS REQUIRED

- (a) The following documents should accompany each application:
- (i) A banker's reference or similar evidence of sound financial standing
 - (ii) Police conduct certificate
 - (iii) The area site plan and the internal set-up of the premises in respect of which this application has been submitted.
- (b) In addition to the above, organisations (companies, partnerships, etc.) are to produce also:
- (i) a list containing the names, addresses and identity card number of directors, partners, etc.
 - (ii) a declaration authorising the signatory of company, etc. to sign this application.

4. DECLARATION

- (a) I/we apply to be authorised to act as a. Contracted Operator in respect of:
(please tick appropriate box - application may be made in respect of all classes)
- ☐ Class I - Motorcycles
- ☐ Class II - Vehicles whose g.v.w. is less than 3500kgs.
- ☐ Class III - Vehicles whose g.v.w. is 3500kgs and over
- (b) I/we understand that:
- (i) the possession of premises and equipment which appear to be suitable does not mean that authorisation will be granted;
 - (ii) applicants will have to comply with all the requirements of the Motor Vehicles Roadworthiness Test Regulations

Signature

Date

**LICENSING AND TESTING DEPARTMENT
VEHICLE ROADWORTHINESS TEST REGULATIONS 1998
APPLICATION FOR A LICENCE TO ACT AS LICENSED TESTER**



Licensing and Testing Department
Hornworks Ditch
Floriana CMR 02
Tel: 247955-57, 231682

**APPLICATION FOR A LICENCE TO ACT AS
LICENSED TESTER**
in terms of Regulation 13 of the Motor Vehicle
Roadworthiness Test Regulations, 1998.

1. DETAILS OF APPLICANT

Name

Address

Post Code

I.D. No. Tel No.

Date of Birth

2. DOCUMENTS REQUIRED

Applicants should attach documented evidence of their qualifications and/or experience.

3. DECLARATION

- (a) I apply to be licensed to act as a Licensed Tester in respect of:
(please tick appropriate box - application may be made in respect of all classes)
- ☐ Class I - Motorcycles
- ☐ Class II - Vehicles whose g.v.w. is less than 3500kgs.
- ☐ Class III - Vehicles whose g.v.w. is 3500kgs and over
- (b) I understand that applicants will have to comply with all the requirements of the Motor Vehicle Roadworthiness Test Regulations, 1998.
- (c) I declare that:
- (i) I am over 19 years of age
- (ii) I am in possession of a valid driving licence for the class/es of vehicles which I am applying for
- (iii) I am qualified in the automotive mechanical field OR I have five years' unimpaired experience
- (iv) The information I have given is correct.

Signature

Date

FOURTH SCHEDULE

[Regulations 9 and 24]

SPECIFICATIONS FOR TESTING EQUIPMENT

The fully-computerised Test Lane/s shall incorporate:

1. Roller Brake Tester for motor vehicles and trailers with a Gross Vehicle Weight of 3,500kgs and over; **or** Roller Brake Tester for motor vehicles and trailers with a Gross Vehicle Weight of less than 3,500Kg; **or** Roller Brake Tester for motorcycles; **or** Plate Brake Tester as an option to above in weight category;
2. Headlamp Aim Beam Testers;
3. Exhaust Gas Analyser (Petrol and Diesel);
4. Electronic Wheel Turning Plates;
5. Electronic Sound Level Meter;
6. Lift or Pit facilities with Axle Jacking Equipment.

Other Equipment

7. Decelerometer - (portable) for testing brakes in the eventual failure of the equipment mentioned in paragraph 1, and for use on vehicles which cannot be tested by the above-mentioned equipment, e.g. permanent four-wheel drive, vehicles with studded tyres, etc.;
8. Thread gauge, tapping hammer, small lever and Low Volt Lamp and a set of wheel chocks.

The fully computerised test lane/s will be required to:

- test the braking efficiency of service, secondary and parking brakes to at least 50% Gross Vehicle Weight, 25% Gross Vehicle Weight and 16% Gross Vehicle Weight respectively, as well as a Brake imbalance limit of at least 70% on every axle;
- test the exhaust gas emissions of petrol engines at least for Carbon Monoxide and Hydrocarbon gas levels to within manufacturers' specifications of at least 0% volume and 50 ppm respectively;
- measure the engine revolutions per minute and engine oil temperature at time of test;
- perform a Lambda test as per makers' specification and have 1K as its limit value;
- test exhaust gas opacity co-efficient of absorption of both naturally aspirated and turbo-charged Diesel engines as per makers' specifications (minimum scale range is $K = 0$ to $6m^{-1}$);
- test steering free play through the use of wheel turning plates;
- have facility to lift vehicles for under-vehicle inspection and to raise separate axles to determine steering and suspension wear and tear;
- test Headlamp Aim to pre-set limits within the Band tolerances on the equipment aiming screen as required for headlamp type and height setting;
- perform exhaust system sound level testing;
- print and transmit to link at Licensing and Testing Department, the limits and actual values resulting from tests carried out, as well as the particulars of the relative

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authorised testing station and of the vehicle undergoing the test, and the date and time of test.

The software, hardware and communications equipment used by contracted operators must be capable of on-line retrieval and update of the vehicle databases in use by the Licensing and Testing Department.

The software, hardware and communications equipment used by contracted operators must be in accordance with Government standards.

FIFTH SCHEDULE
[Regulations 9 and 24]
SPECIFICATIONS FOR TESTING STATIONS

All testing stations -

- (a) shall have the minimum dimensions of the entrance and inspection area for the various classes of vehicles as shown hereunder:-

	Entrance		Inspection Area	
	Height	Width	Length	Width
Heavy Vehicles	4.5m	3.5m	19.0m	4.5m
Light Vehicles	2.4m	2.5m	6.0m	3.5m
Motorcycles	-	-	3.0m	1.5m

- (b) should have a maximum of two test lanes and should be suitable for the testing of vehicles in the class applied for;
- (c) should be provided with a partitioned-off area within the premises, for vehicle owners from where they could watch their vehicle being tested.
- (d) should, in the case where other services are provided from the same premises, ensure that the testing area is partitioned-off by means of a wall or other permanent structure;
- (e) all premises, except those for the testing of motorcycles, should *preferably* be of the through-flow type, i.e., entering at one end and completing the test at the other;
- (f) the test area shall have a floor capable of supporting the weight of vehicles under test;
- (g) should *preferably* contain sufficient space for off-road parking;
- (h) should have safe access from and to the public road;
- (i) the testing site should be secured at close of business.
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SIXTH SCHEDULE

[Regulations 10 and 21]

CONDITIONS OF CONTRACT FOR CONTRACTED OPERATORS

Operators of testing stations shall enter into a contract with the Director (Traffic), agreeing to abide by the undermentioned conditions, and submit a performance bond of Lm10,000 for each testing station and shall, in the case of a first breach of contract, have half of the performance bond forfeited to the Director (Traffic), and the operator shall immediately deposit the amount in order that the bond is equal to the original sum; in the case of a second offence, the operator will forfeit the performance bond and the Director (Traffic) shall withdraw the licence relating to the authorised testing station:

- (a) shall have an authorisation from the Licensing and Testing Department to permit the testing of vehicles in his authorised testing station, on one or more of the three classes of vehicles, i.e., motorcycles, light vehicles and heavy vehicles as specified in the application;
- (b) shall be charged, by the Director (Traffic), an annual licence fee per test lane as specified in the Police Licences Regulations, 1949;
- (c) shall have on the premises a minimum of one licensed qualified tester and an assistant tester for each test lane;
- (d) shall not operate until they and their qualified personnel have successfully completed the appropriate accredited training course as stipulated by the Licensing and Testing Department in compliance with the Motor Vehicle Roadworthiness Test Regulations, 1998;
- (e) shall not conduct vehicle testing unless the Licensing and Testing Department's testing unit is satisfied that facilities and equipment conform with statutory requirements;
- (f) shall display the licence issued by the Director (Traffic) for the authorised vehicle testers employed in their station;
- (g) shall abide at all times with the Rules, Regulations and Standards concerning the Vehicle Roadworthiness Test as stipulated in the Vehicle Roadworthiness Test Regulations, 1998, and approved by the Licensing and Testing Department;
- (h) shall keep on the premises the approved and accredited testing manual/s;
- (i) shall provide proof that they, or their representative as the case may be, and their authorised vehicle testers receive the necessary training in the use of their testing equipment by the suppliers or the agents of such equipment;
- (j) shall provide the Licensing and Testing Department with a copy of all manuals provided with the testing equipment;
- (k) shall allow regular inspections by VRT personnel regarding the record of calibration of all equipment according to standards issued by manufacturers;
- (l) shall not refuse to test any vehicle of whatever age, make or type within the classes for which authorisation is given, except in the following circumstances:-
 - when the details contained in the registration document do not comply with the correct details of the vehicle;
 - when the vehicle cannot be driven or has insufficient fuel or oil to complete test;

when the vehicle is presented in such a dirty condition that examination is difficult;

when a contracted operator considers that an insecure load or other items would prevent a proper test being carried out unless it can be unloaded;

when the vehicle is of such a size or weight that it cannot be properly or safely tested on the approved facilities.

All the above points shall be checked prior to testing.

- (m) shall, in the case where a contracted operator opts to cease to operate the testing station for any period of time, obtain permission in writing from the Director (Traffic) to keep the station closed. If this period is indefinite, the Director (Traffic) may deem it necessary to revoke such licence - in which case all documents and data shall be handed over to the Licensing and Testing Department against an appropriate receipt;
 - (n) shall make a fresh application for the re-acquisition of the licence if original licence has been revoked;
 - (o) shall, under no circumstance, precondition a vehicle owner to effect repairs or adjustments as indicated in the test result, at the same premises;
 - (p) shall permit "through access" to any representative of the Licensing and Testing Department to inspect the premises, records, equipment, and the operation going on at the station at all hours according to the exigencies of the Director (Traffic);
 - (q) shall, under no circumstance, issue a passed test result unless a complete test has been carried out and all the testable items are satisfactory, or a re-test is completed and the licensed vehicle tester confirms that the necessary repairs have been carried out;
 - (r) shall make available, at the authorised testing station, a safe for the safekeeping of all documents and forms in his possession, as well as the garage stamp;
 - (s) shall sign any forms or documents in indelible ink or ball point pen, and write clearly and without alterations;
 - (t) shall not issue or permit the issue of a passed test result when a refusal of a passed test result should have been issued in relation to a motor vehicle submitted for a test;
 - (u) shall not charge a fee which is in excess of the prescribed amount;
 - (v) shall not repeatedly, and without a valid reason, fail to keep the appointments for the testing of motor vehicles; and
 - (w) shall at all times maintain the testing equipment in calibration up to the standard required by these Regulations.
-

SEVENTH SCHEDULE
[Regulation 14]
CONDITIONS FOR LICENSED TESTERS

Testers operating in testing stations -

- (a) shall have a licence from the Licensing and Testing Department to perform vehicle testing on one or more of the three classes of vehicles, i.e. motorcycles, light vehicles and heavy vehicles as specified in their application;
- (b) shall not perform vehicle testing unless the Licensing and Testing Department's testing unit is satisfied that facilities and equipment in the testing station where they are employed conform with statutory requirements;
- (c) shall consult at all times the approved and accredited testing manuals;
- (d) shall, as regards the use of the testing equipment which has been installed and approved by the Licensing and Testing Department, ensure that they receive the necessary training by the suppliers or agents of such equipment;
- (e) shall not refuse to test any vehicle of whatever age, make or type within the classes for which authorisation is given, except in the following circumstances:-

when the details contained in the registration document do not comply with the correct details of the vehicle;

when the vehicle cannot be driven or has insufficient fuel or oil to complete the test;

when the vehicle is presented in such a dirty condition that examination is difficult;

when a licensed tester considers that an insecure load or other items would prevent a proper test being carried out unless it can be unloaded;

when the vehicle is of such a size or weight that it cannot be properly or safely tested on the approved facilities.

All the above points shall be checked prior to testing.

EIGHTH SCHEDULE
[Regulations 19 and 20]
Fees and Frequency of Tests

Category of vehicle	Full Fee	Frequency of Test
(i) Public Service Vehicles:		
Route buses (3,500kgs. & over)	13.00	One year after the date on which the vehicle was first registered, and annually thereafter
Coaches and Private Buses (3,500kgs. & over)	13.00	
Minibuses and Midibuses (3,500kgs. & over)	13.00	
Minibuses and Midibuses (under 3,500kgs.)	11.00	
Taxis (under 3,500kgs.)	8.50	
Chauffeur driven vehicles (under 3,500kgs.)	8.50	
Self-drive vehicles (under 3,500kgs.)	8.50	
(ii) Commercial Vehicles		
whose g.v.w. is 3,500kgs. and over	13.00	Four years after the date on which the vehicle was first registered, thereafter biennially till the tenth year, and thereafter annually
whose g.v.w. is less than 3,500kgs.	11.00	
(iii) Trailers and other towed vehicles		
whose g.v.w. is 3,500kgs. and over	13.00	
whose g.v.w. is less than 3,500kgs.	11.00	
(iv) Light Passenger Vehicles		
whose g.v.w. is less than 3,500kgs.	8.50	
(v) Motor Cycles and Motor Cycle combinations	6.00	
(vi) All second-hand imported vehicles	as above according to category	
(vii) Light passenger vehicles converted from public service vehicles or from commercial vehicles	8.50	annually

NINTH SCHEDULE

[Regulation 19]

Licensing and Testing Department Administration Charge

Category of vehicle	Administration Charge
(i) Public Service Vehicles:	
Route buses (3,500kgs. & over)	3.00
Coaches and Private Buses (3,500kgs. & over)	3.00
Minibuses and Midibuses (3,500kgs. & over)	3.00
Minibuses and Midibuses (under 3,500kgs.)	2.50
Taxis (under 3,500kgs.)	2.00
Chauffeur driven vehicles (under 3,500kgs.)	2.00
Self-drive vehicles (under 3,500kgs.)	2.00
(ii) Commercial Vehicles	
whose g.v.w. is 3,500kgs. and over	3.00
whose g.v.w. is less than 3,500kgs.	2.50
(iii) Trailers and other towed vehicles	
whose g.v.w. is 3,500kgs. and over	3.00
whose g.v.w. is less than 3,500kgs.	2.50
(iv) Light Passenger Vehicles	
whose g.v.w. is less than 3,500kgs.	2.00
(v) Motor Cycles and Motor Cycle combinations	1.00
(vi) All second-hand imported vehicles	as above according to category
(vii) Light passenger vehicles converted from public service vehicles or from commercial vehicles	2.00
