

L.N. 345 of 2007

**TRAFFIC REGULATION ORDINANCE
(CAP. 65)**

**Motor Vehicles (Weights, Dimensions and Equipment)
(Amendment) Regulations, 2007**

IN exercise of the powers conferred by article 54 of the Traffic Regulation Ordinance, the Minister for Urban Development and Roads has, after consultation with the Malta Transport Authority, made the following regulations:-

Title.

1. The title of these regulations is the Motor Vehicles (Weights, Dimensions and Equipment) (Amendment) Regulations, 2007, and they shall be read and construed as one with the Motor Vehicles (Weights, Dimensions and Equipment) Regulations, 2003, hereinafter referred to as “the principal regulations”.

L.N. 162 of 2003.

Amends regulation
2 of the principal
regulations.

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

(a) immediately after the definition “bus” there shall be inserted the following new definitions:

“company data card” means a removable data transfer and storage device issued by the Authority to the owner of vehicles fitted with recording equipment. The company data card allows for displaying, downloading and printing of the data stored in the recording equipment fitted in the company’s vehicle or vehicles;

“control card” means a removal data transfer and storage device for use in the card reader of the recording equipment, issued by the Authority to its enforcement section to get access to the data stored in the data memory or in the driver cards for reading, printing and, or downloading;

“the Council Regulation on recording equipment” means Council Regulation (EEC) No. 3821/85 of 20th December 1985 on recording equipment in road transport, as amended;”;

(b) immediately after the definition “data memory” there shall be inserted the following new definition:

“downloading” means copy of a part or of a complete set of data stored in the data memory of the vehicle or in the memory of the driver card. Downloading may not alter or delete any stored data. Downloaded data are protected in such a way as to make attempts to data manipulation detectable; origin of downloaded data must be authenticable. Downloaded data are kept in a format that can be used by any authorised person;”;

(c) in the definition “driver card (with memory)”, for the words “the requirements to be laid down by the Authority” there shall be substituted the words “the requirements laid down in Chapter IV of Annex I(B) to Council Regulation (EEC) No. 3821/85 on recording equipment in road transport, as amended;”;

(d) in the definition “recording equipment”, for the words “work periods of their drivers;” there shall be substituted the words “work periods of their drivers. This equipment includes cables, sensors, an electronic driver information device, one (two) card reader(s) for the insertion of one or two driver memory card(s), an integrated or separate printer, display instruments, facilities for downloading the data memory, facilities to display or print information on demand and facilities for the input of the places where the daily work period begins and ends;”;

(e) immediately after the definition “speed limitation device” there shall be inserted the following new definition:

“test station card” means a removable data transfer and storage device for use in the card reader of the recording equipment issued by the Authority to authorised bodies. The test station card identifies the body and allows for testing, calibration and programming of the recording equipment;”.

3. In regulation 27 of the principal regulations, for the words “in category M3 exceeding 10 tonnes g.v.w and category N3” there shall be substituted the words “in categories M2, M3, N2 and N3”. Amends regulation 27 of the principal regulations.

4. For regulation 29 of the principal regulations there shall be substituted the following: Substitutes regulation 29 of the principal regulations.

“Installation and use of recording equipment.

29. (1) All motor vehicles referred to in regulation 27 put into service for the first time before 1 May 2006 shall be fitted with recording equipment installed in accordance with the Council Regulation on recording equipment and

which comply with either Annex I or Annex IB and with Annex II to the said Regulation.

(2) All motor vehicles referred to in regulation 27 put into service for the first time on the 1 May 2006 or after that date shall be fitted with recording equipment installed in accordance with the Council Regulation on recording equipment and which comply with Annex IB and Annex II to that Regulation.”.

Substitutes
regulation 30 of the
principal
regulations.

5. For regulation 30 of the principal regulations there shall be substituted the following:

“Use of
vehicles.

30. No person shall use, or cause or permit to be used, a vehicle referred to in regulation 27 unless that vehicle is fitted with recording equipment in accordance with the preceding regulation.”.

Substitutes
regulation 31 of the
principal
regulations.

6. For regulation 31 of the principal regulations there shall be substituted the following:

“Issuing of
memory
cards.

31. The Authority shall be responsible for the issue of:

(a) a driver card to a driver who has his normal residence in Malta,

(b) a company data card to an undertaking which owns vehicles fitted with recording equipment,

(c) a test station card to fitters or workshops authorised to install and repair recording equipment, and

(d) a control card to an authorised inspecting officer.”.

Substitutes
regulation 32 of the
principal
regulations.

7. For regulation 32 of the principal regulations there shall be substituted the following:

“Cards issued
to fitters or
workshops.

32. (1) Test station cards issued to approved workshops or fitters shall only be valid for a period not exceeding one year.

(2) Where a card issued to an approved workshop or fitter is to be extended, is damaged, malfunctions, is lost or is stolen, the Authority shall issue a replacement card within

five working days of receiving a detailed request to that effect.”.

- 8.** For paragraph (d) of regulation 35 of the principal regulations, there shall be substituted the following:

Amends regulation 35 of the principal regulations.

“(d) keep the record sheets and print-outs, whenever print-outs have been made, in chronological order and in a legible form for a period of one year after their use and shall give copies to the drivers concerned requesting them. The undertaking shall also give copies of downloaded data from the driver cards to the drivers concerned requesting them and the printed papers of these copies. The record sheets, print-outs and downloaded data shall be produced or handed over at the request of any authorised inspecting officer;”.

- 9.** For paragraph (i) of regulation 36 of the principal regulations there shall be substituted the following:

Amends regulation 36 of the principal regulations.

“(i) operate the switch mechanisms enabling the following periods of time to be recorded separately and distinctly:

i. under the sign:  driving time;

ii. under the sign:  any activity other than driving, namely:

(i) loading and unloading;

(ii) assisting passengers boarding and disembarking from the vehicle;

(iii) cleaning and technical maintenance;

(iv) all other work intended to ensure the safety of the vehicle, its cargo and passengers or to fulfil the legal or regulatory obligations directly linked to the specific transport operation under way, including monitoring of loading and unloading, administrative formalities with police, customs, immigration officers etc.;

(v) other work for the same or another employer, within or outside the transport sector;

iii. under the sign:  availability, namely:

- periods other than those relating to break times and rest times during which the driver is not required to remain at his workstation, but must be available to answer any calls to start or resume driving or to carry out other work. In particular such periods of availability shall include periods during which the driver is accompanying a vehicle being transported by ferryboat or by train as well as periods of waiting at frontiers and those due to traffic prohibitions. These periods and their foreseeable duration shall be known in advance by the driver, that is to say either before departure or just before the actual start of the period in question, or under the general conditions negotiated between the social partners and, or under the terms of existing legislation.

iv. Under the sign:  breaks in work and daily rest periods.”.

Substitutes
regulation 37 of the
principal
regulations.

10. For regulation 37 of the principal regulations there shall be substituted the following:

“37. (1) When, as a result of being away from the vehicle, a driver is unable to use the equipment fitted to the vehicle, the periods of time referred to in indents (ii), (iii) and (iv) of paragraph (i) of regulation 36 shall:

(a) if the vehicle is fitted with recording equipment in conformity with Annex I to the Council Regulation on recording equipment, be entered on the record sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet; or

(b) if the vehicle is fitted with recording equipment in conformity with Annex IB to the Council Regulation on recording equipment, be entered onto the driver card using the manual entry facility provided in the recording equipment.

(2) Where there is more than one driver on board the vehicle fitted with recording equipment in conformity with Annex IB to the Council Regulation on recording equipment, each driver

shall ensure that his driver card is inserted into the correct slot in the tachograph.”.

11. Regulation 40 of the principal regulations shall be amended^{Amends regulation 40 of the principal regulations.} as follows:

(a) for sub-regulation (2) there shall be substituted the following:

“(2) (a) Where the driver drives a vehicle fitted with recording equipment in conformity with Annex I to the Council Regulation on recording equipment, the driver must be able to produce, whenever an inspecting officer so requests:

(i) the record sheets for the current week and those used by the driver in the previous 15 days;

(ii) the driver card if he holds one; and

(iii) any manual record and print-out made during the current week and the previous 15 days as required under these regulations.

However, after 1st January 2008, the time periods referred to under (i) and (ii) shall cover the current day and the previous 28 days.

(b) Where the driver drives a vehicle fitted with recording equipment in conformity with Annex IB to the Council Regulation on recording equipment, the driver must be able to produce, whenever an inspecting officer so requests:

(i) the driver card of which he is the holder;

(ii) any manual record and print-out made during the current week and the previous 15 days as required under these regulations; and

(iii) the record sheets corresponding to the same period as the one referred to in the previous subparagraph during which he drove a vehicle fitted with recording equipment in conformity with Annex I to the Council Regulation on recording equipment.

However, after 1st January 2008, the time periods referred to under (ii) shall cover the current day and the previous 28 days.”;

(b) immediately after sub-regulation (2) there shall be inserted the following new sub-regulation (3):

“(3) A transport undertaking which uses vehicles that are fitted with recording equipment complying with Annex IB to the Council Regulation on recording equipment and that fall within the scope of these regulations shall:

(i) ensure that all data are downloaded from the vehicle unit at least every three months and from the driver card at least every 28 days;

(ii) ensure that all data downloaded from both the vehicle unit and driver card are kept at least 12 months following recording and, should any inspecting officer request it, such data are accessible, either directly or remotely, from the premises of the undertaking.”.

Substitutes
regulation 44 of the
principal
regulations.

12. For regulation 44 of the principal regulations there shall be substituted the following:

“44. (1) Where a driver card is damaged, malfunctions, or is not in the possession of the driver, the driver shall:

(a) at the start of his journey, print out the details of the vehicle the driver is driving, and shall enter onto that print-out -

(i) details that enable the driver to be identified (name, driver card or driver’s licence number), including his signature,

(ii) the periods referred to in indents (ii), (iii) and (iv) of paragraph (i) of regulation 36;

(b) at the end of his journey, print out the information relating to periods of time recorded by the recording equipment, record any periods of other work, availability and rest undertaken since the print-out that was made at the start of the journey, where not recorded by the tachograph, and mark on that document details that enable the driver to be

identified (name, driver card or driver's licence number)
including the driver's signature.”.

- 13.** For the Third Schedule to the principal regulations there shall be substituted the following:
- Substitutes the
Third Schedule to
the principal
regulations.

“THIRD SCHEDULE

(Regulation 28)

VEHICLES EXEMPTED FROM THE REQUIREMENT OF INSTALLING RECORDING EQUIPMENT

1. Vehicles with a maximum authorised speed not exceeding 40 kph.
2. Vehicles owned or hired without a driver by the armed services, civil defence services, fire services and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control.
3. Vehicles, including vehicles used in the non-commercial transport of humanitarian aid, used in emergencies or rescue operations.
4. Specialised vehicles used for medical purposes.
5. Specialised breakdown vehicles operating within a 100km radius of their base.
6. Vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service.
7. Vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for the non-commercial carriage of goods.
8. Commercial vehicles which have a historic status and which are used for the non-commercial carriage of passengers or goods.
9. Vehicles or combination of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for carrying materials, equipment or machinery for the driver's use in the course of his work.”.