

L.N. 178 of 2015

**MOTOR VEHICLES REGISTRATION AND LICENSING ACT
(CAP. 368)**

**AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)**

**Registration and Licensing of Motor Vehicles
(Amendment) Regulations, 2015**

IN exercise of the powers conferred by article 20 of the Motor Vehicles Registration and Licensing Act, and by article 43 of the Authority for Transport in Malta Act, the Minister for Infrastructure and Transport, after consultation with the Authority for Transport in Malta, made the following regulations:-

Citation.

S.L.368.02

Amends
regulation 2 of
the principal
regulations.

1. The title of these regulations is the Registration and Licensing of Motor Vehicles (Amendment) Regulations, 2015 and these regulations shall be read and construed as one with the Registration and Licensing of Motor Vehicles Regulations, hereinafter referred to as "the principal regulations".

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

(a) immediately after the definition "circulation licence fee" there shall be added the following new definition:

" "circulation permit fee" has the same meaning as assigned to it in article 2 of the Act;";

(b) immediately after the definition "N3 vehicle" there shall be added the following new definition:

" "national holidays" has the same meaning as assigned to it in article 2 of the Act;";

(c) immediately after the definition "public highway" there shall be added the following new definition:

" "public holidays" has the same meaning as assigned to it in article 2 of the Act;";

(d) in the definition "used motor vehicle", for the words "not a new motor vehicle." there shall be substituted the words "not a new motor vehicle;";

(e) immediately after the definition "used motor vehicle" there shall be added the following new definition:

" "vehicle hire undertaking" has the same meaning as assigned to it in article 2 of the Act;" and

(f) immediately after the new definition "vehicle hire undertaking" there shall be added the following new definition:

" "vintage vehicle" has the same meaning as assigned to it in article 2 of the Act."

3. Regulation 3 of the principal regulations shall be amended as follows:

Amends
regulation 3 of
the principal
regulations.

(a) in paragraph (b) thereof, for the words "exemption under the Act." there shall be substituted the words "exemption under the Act, or"; and

(b) immediately after paragraph (b) thereof, there shall be added the following new paragraph:

"(c) the vehicle is registered in another country and is used by a person who has his normal residence in Malta for a period of not more than thirty consecutive calendar days which are to be reckoned from the date of arrival of such vehicle in Malta and such vehicle has not been used on the road in Malta during the last three hundred and sixty five days prior to its arrival in Malta."

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

Amends
regulation 4 of
the principal
regulations.

(a) in the first proviso to sub-regulation (1) thereof, for the words "within twenty days", there shall be substituted the words "within thirty days";

(b) in the second proviso to sub-regulation (1) thereof, for the words "of the said twenty days", there shall be substituted the words "of the said thirty days"; and

(c) in sub-regulation (3) thereof, for the words "administrative fee of fifty euro (€50)" there shall be substituted the words "administrative fee of fifty five euro (€55)".

5. Regulation 5 of the principal regulations shall be amended as follows:

Amends
regulation 5 of
the principal
regulations.

(a) the regulation shall be renumbered as sub-regulation

(1) thereof; and

(b) immediately after sub-regulation (1) thereof, as renumbered, there shall be added the following new sub-regulations:

"(2) Where a vehicle chassis is replaced by another vehicle chassis, whether new or used, which is of the same make and model, no registration tax shall be payable to the Authority.

(3) Where a vehicle chassis is replaced by another vehicle chassis, whether used or not, which is not of the same make and model of the replaced vehicle chassis, the payment of registration tax as prescribed in the First Schedule or the Second Schedule of the Act, as the case may be, shall be incurred as if the vehicle on which the replacement vehicle chassis will be fitted is being brought to tax in Malta in terms of the Act for the first time."

Amends
regulation 6 of
the principal
regulations.

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

(a) in sub-regulation (2) thereof, the words "within twenty days" shall be substituted by the words "within thirty days";

(b) in sub-regulation (3) thereof, the words "on the expiry of the twenty-day period" shall be substituted by the words "on the expiry of the thirty-day period";

(c) in paragraph (j) of sub-regulation (4) thereof, for the words "his name and address." there shall be substituted the words "his name and address; and"; and

(d) immediately after paragraph (j) of sub-regulation (4) thereof, there shall be added the following new paragraph:

"(k) a document attesting the date of the vehicle's first arrival in Malta, together with the fiscal receipt, bearing the same date, issued in terms of the Value Added Tax Act specifying the foreign registration number of the vehicle, both of which are to be issued by the shipping organization having transported the vehicle to Malta."

Cap. 406.

7. Immediately after regulation 6 of the principal regulations there shall be added the following new regulations:

Adds new regulations to the principal regulations.

"Temporary
licence disc.

6A. (1) A person who has his normal residence in Malta may apply with the Authority for an exemption in terms of article 18(1)(g) of the Act to make use on the road in Malta of a vehicle registered in another country for a period not exceeding a maximum of thirty consecutive calendar days to be reckoned from the date of the vehicle's arrival in Malta.

(2) The application for the said exemption shall be submitted to the Authority on the prescribed form by not later than one working day after the arrival of such vehicle in Malta upon -

(a) the payment of an administrative fee of twenty euro (€20) payable to the Authority; and

(b) the presentation of a valid motor insurance policy and any other document which may be prescribed by the Authority:

Provided that the thirty day permit shall commence from the date of the vehicle's first arrival in Malta.

(3) Where an exemption is granted, the Authority shall issue to the applicant a temporary licence disc which is to be fixed on the windscreen of the vehicle or on the left side of the motor cycle, motor tricycle or quad bike in terms of these regulations.

(4) The temporary licence disc shall indicate the period, commencing from the date of the vehicle's first arrival in Malta, for which such temporary licence shall be valid and the exemption granted shall cease to have effect upon the expiration of the period indicated on the temporary licence disc.

Vehicles
brought under a
contract of
lease or hire.

6B. (1) Any motor vehicle brought into Malta by a person residing in Malta or by any person other than a person residing in Malta and who does not qualify under any of the exemptions specified in article 18 of the Act from another Member State under a contract of lease or hire exceeding thirty days shall be registered with the Authority and shall be subject to the payment of registration tax in accordance with article 3 of the Act.

(2) Every motor vehicle which is brought into Malta and which qualifies under any of the exemptions specified in article 18 of the Act and which continues to be used on the road in Malta following the expiry of the period for which such motor vehicle has been exempt shall also be registered with the Authority and shall be subject to the payment of registration tax in accordance with article 3 of the Act.

(3) A person residing in Malta or a person other than a person residing in Malta who does not qualify under any of the exemptions specified in article 18 of the Act who brings into Malta a motor vehicle from another Member State under a contract of lease or hire for a period exceeding thirty days shall be required to file an application with the Authority for the registration of the said motor vehicle and to provide all the relevant documents as provided for in sub-regulation (4) within thirty days to be reckoned from the date of arrival of the said motor vehicle in Malta.

(4) The application shall be submitted to the Authority on the prescribed form together with the payment of an administrative fee of fifty euro (€50) and the presentation of the following documents:

(a) a document of identification of the applicant;

(b) a vehicle registration certificate and, where appropriate, an English or Maltese translation of it, issued by the competent authority of the country from which the vehicle has been leased or hired or of the country from which it has been brought into Malta;

(c) a certificate of roadworthiness issued in Malta or in the Member State from which the vehicle has been leased or hired or from which it has been brought into Malta, in the event that such a certificate is required according to law;

(d) a document issued by the shipping organization having transported the vehicle to Malta which shows the date of the vehicle's first arrival in Malta;

(e) the contract of lease or hire issued by the vehicle hire undertaking from which the vehicle has been leased or hired; and

(f) a motor insurance policy which shall be valid for not less than one year.

(5) The registration of a motor vehicle brought into Malta from another Member State under a contract of lease or hire shall be made by the Authority following the submission of the application, payment of the administrative fee and production of the documents referred to in sub-regulation (4) and upon the payment of the applicable registration tax in terms of the Fifth Schedule to the Act.

(6) Where the Authority, by virtue of this regulation, refuses to register a motor vehicle which has been brought into Malta from another Member State under a contract of lease or hire, such motor vehicle may not be used on the road in Malta beyond the period of thirty days to be reckoned from the date of arrival of such motor vehicle as stipulated in sub-regulation (2). In such an event the applicant may appeal the decision before the Administrative Review Tribunal in accordance with the procedure laid down under the Administrative Justice Act.

S.L. 65.13. (7) (a) Where the Authority has reasonable suspicion that a motor vehicle brought into Malta from another Member State under a contract of lease or hire is being used on the road in Malta beyond the period of thirty days referred to in sub-regulation (1) without the holder of the vehicle having filed the application for registration in terms of these regulations, the Authority may take possession of, remove and store the said vehicle in accordance with the Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations, and shall request the Commissioner of Police to institute criminal proceedings against the person who has hired or leased the said motor vehicle and against the person in possession of the vehicle (if such person is different from the person having hired or leased the motor vehicle) in terms of article 21 of the Act.

S.L. 65.13. (b) Such vehicle shall not be returned to the person who has hired or leased the vehicle or to the possessor of the said vehicle unless and until such person has been acquitted by the Court of the alleged offence, or has remedied his position at law and settled any registration tax and other fees that may be payable, including the removal and storage fees stipulated by the Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations.

(c) Acquittal from the charges pressed against the person who has hired or leased the vehicle or is in possession of the vehicle shall not give rise to a right to claim damages against the Authority or the Commissioner of Police, or both, unless it can be proved that the Authority acted in bad faith when it requested the removal of the vehicle:

Provided that prosecution for the offence in question is initiated not later than fourteen days after the date of removal, and, where the person who has leased or hired the vehicle and brought such vehicle into Malta from another Member State is not known, the fourteen day period shall commence to run from the day when such person is identified.

Vehicles registered to be used on weekends and public holidays.

6C. (1) M1 motor vehicles with CO₂ emission levels equal to or higher than 221g/km (and having an emission level equivalent to the latest European standard or latest European Standard minus one) and motor cycles with an engine capacity equal to or higher than 801cc which have not already been registered with the Authority in terms of the Act may be registered for use on the road in Malta solely and exclusively on Saturdays, Sundays, national holidays and other public holidays:

Provided such vehicles may not be parked on the road between Monday to Friday (both days included):

Provided further that the Authority may, upon an application submitted by the owner of a vehicle which has been registered for use on the road in Malta in terms of this sub-regulation, issue a special permit allowing the use of such vehicle on the road on a day other than the days stipulated in this sub-regulation if it deems, in its absolute discretion, that such use is justified as a result of particular circumstances. The application is to be submitted to the Authority on the prescribed form together with an administrative fee of one hundred euro (€100) and the presentation of such other documentation as may be requested by the Authority by not later than three working days prior to the day for which such permit is being sought:

Provided further that one special permit within a 365-day period will be free of charge for each vehicle registered under this scheme.

(2) The registration of such M1 motor vehicles and motor cycles under this regulation shall be made upon payment of the prescribed registration tax in accordance with the Act.

(3) The registration mark allotted by the Authority to M1 motor vehicles and motor cycles registered in terms of article 8(4) of the Act is to be displayed on a vehicle registration plate having such specifications as established in the Second Schedule.

Registration of
vintage
vehicles.

6D. (1) The owner of any authentic and genuine motor vehicle which is older than thirty years (to be reckoned from the date of manufacture) and which satisfies the criteria established by the Authority for the classification of a vehicle as a vintage vehicle may apply to the vintage vehicle classification committee established by the Act for such motor vehicle, whether it has already been registered in Malta or whether it has been imported or brought into Malta but not as yet registered in Malta, to be classified as a vintage vehicle.

(2) The application shall be submitted to the Authority on the prescribed form together with the payment of an administrative fee of fifty euro (€50) and the presentation of such documents as may be prescribed by the Authority.

(3) The registration mark allotted by the Authority to vehicles which are registered as vintage vehicles in terms of article 25 of the Act is to be displayed on a vehicle registration plate having such specifications as established in the Second Schedule."

Amends
regulation 13 of
the principal
regulations.

8. Regulation 13 of the principal regulations shall be amended as follows:

(a) sub-regulations (1) to (3) thereof shall be renumbered as s-sub-regulations (2) to (4) respectively;

(b) immediately before sub-regulation (2) thereof, as renumbered, there shall be added the following new sub-regulation:

"(1) A circulation licence fee shall be due on the

licensing of a motor vehicle registered under these regulations and a circulation permit fee shall be due on motor vehicles brought into Malta from another Member State under a contract of lease or hire and registered in terms of the Act:

Provided that a vehicle registered in another country may be on the road, whether parked or in use, for a period not exceeding a maximum of thirty consecutive calendar days to be reckoned from the date of the vehicle's arrival in Malta on condition that the said vehicle displays a valid temporary licence disc issued by the Authority in terms regulation 6A(3)."; and

(c) sub-regulation (2) thereof, as renumbered, shall be substituted by the following:

"(2) No motor vehicle may be on the road, whether parked or in use, without a valid circulation licence, or a circulation permit or a temporary licence disc, as applicable, issued by the Authority, unless the motor vehicle is an exempt vehicle under the provisions of the Act."

9. In sub-regulation (4) of regulation 14 of the principal regulations, for the words "of two euro (€2)" there shall be substituted the words "of ten euro (€10)".

Amends regulation 14 of the principal regulations.

10. In sub-regulation (2) of regulation 21 of the principal regulations, for the words "upon the renewal of the licence of the said vehicle." there shall be substituted words "upon the renewal of the licence of the said vehicle:" and immediately thereafter there shall be the added the following proviso:

Amends regulation 21 of the principal regulations.

"Provided that the registered owner shall be obliged to provide the Authority with a written declaration indicating the address where the said motor vehicle shall be kept garaged."

11. Immediately after the words "*causa mortis*" in the proviso to paragraph (c) of sub-regulation (4) of regulation 30 there shall be added the words "as well as any transfer *inter vivos* in favour of spouses, ascendants and direct collaterals".

Amends regulation 30 of the principal regulations.

12. Regulation 31 of the principal regulations shall be amended as follows:

Amends regulation 31 of the principal regulations.

(a) paragraph (v) of sub-regulation (1) thereof shall be deleted and paragraphs (vi) to (xiii) shall be renumbered as

paragraphs (v) to (xii) respectively; and

(b) immediately after sub-regulation (6) thereof there shall be added the following sub-regulation:

"(7) The registration marks for N1 vehicles with a seating capacity of not more than two persons shall be a letter followed by the letters GV and three numbers."

Amends
regulation 36 of
the principal
regulations.

13. Regulation 36 of the principal regulations shall be amended as follows:

(a) in-sub-regulation (1) thereof, for the words "under the Police Licences Regulations." there shall be substituted the words "under the Police Licences Regulations:" and immediately thereafter there shall be added the following proviso:

"Provided that such Trial Run plates shall not be issued for motor vehicles registered for use on the road in Malta in terms of regulation 6C(1)."; and

(b) in sub-regulation (9) thereof, for the words "each set of" there shall be substituted the words "a set of".

Adds new
regulation to the
principal
regulations.

14. Immediately after regulation 36 of the principal regulations there shall be added the following new regulation:

"Issue of
temporary
special plates.

36A. (1) The Authority may issue temporary special plates for a period not exceeding six months for motor vehicles which have not as yet been registered or which are not licensed for use on the road in Malta for filming, exhibition or other exceptional purposes:

Provided that in the event that such plates are not returned to the Authority within the prescribed time, there shall be charged a fee of one hundred euro (€100) per plate payable to the Authority:

Provided further that such temporary special plates shall not be issued for motor vehicles registered for use on the road in Malta in terms of regulation 6C(1).

(2) Such special plates may be issued subject to the payment of an administrative fee of two hundred euro (€200) to the Authority and upon the presentation of all such documents as may be required by the Authority, including an insurance certificate which shall be valid for the period for which such special plates are issued."

15. In sub-regulation (1) of regulation 39 of the principal regulations, for the words "Waste Management (End-of Life Vehicles) Regulations." there shall be substituted the words "Waste Management (End-of Life Vehicles) Regulations:" and immediately thereafter there shall be added the following provisos:

Amends regulation 39 of the principal regulations.

"Provided that M1 and N1 motor vehicles which have been disposed of prior to the 1st November, 2013, whether garaged or not, may be de-registered with the Authority upon presentation of a sworn affidavit stating such fact by not later than the 1st March, 2016:

Provided further that, for the de-registration of vehicles up to the 2nd March, 2016 which have been disposed of after the 1st November, 2013 other than at an authorised treatment facility in accordance with regulation 6(3) of the Waste Management (End-of-Life Vehicles) Regulations, an administrative fee of one hundred euro (€100) shall be payable to the Authority:

Provided further that an administrative fee of five hundred euro (€500) shall be payable to the Authority for the de-registration of any vehicle which, after the 2nd March, 2016 is not disposed of at an authorised treatment facility in accordance with regulation 6(3) of the Waste Management (End-of-Life Vehicles) Regulations."

16. In the First Schedule to the principal regulations, for the words "Fee for a pair of plates: €70" there shall be substituted the words "Fee for a pair of vehicle registration plates: €70. However, the fee for the replacement of vintage vehicle plates carrying black characters with new plates carrying green characters shall be €17.50 per plate."

Amends the First Schedule to the principal regulations.

17. Immediately after the last paragraph of the Second Schedule to the principal regulations, there shall be added the following paragraphs:

Amends the Second Schedule to the principal regulations.

"The plate on which the registration mark of a vintage vehicle is exhibited shall carry green characters.

The plate on which the registration mark of a vehicle registered for use on the road in Malta solely and exclusively on Saturdays, Sundays, national holidays and other public holidays in terms of article 8(4) of the Act shall carry red characters.

The plates for vintage vehicles and vehicles registered in terms of article 8(4) of the Act shall, with the exception of the colour of the characters and the periphery of the plate, have the same colours, dimensions and composition of all other registration plates as defined in this Schedule."

