VERŻJONI ELETTRONIKA

L.N. 123 of 2017

TRAFFIC REGULATION ORDINANCE (CAP. 65)

AUTHORITY FOR TRANSPORT IN MALTA (CAP. 499)

Clamping and Removal of Motor Vehicles and Encumbering Objects (Amendment) Regulations, 2017

IN exercise of the powers conferred by article 54 of the Traffic Regulation Ordinance and by article 43 of the Authority for Transport in Malta Act, the Minister for Transport and Infrastructure, after consultation with the Authority for Transport in Malta, has made the following regulations:-

Citation.

1. The title of these regulations is the Clamping and Removal of Motor Vehicles and Encumbering Objects (Amendment) Regulations, 2017, and these regulations shall be read and construed as one with the Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations, hereinafter referred to as "the principal regulations".

S.L. 65.13

Amends regulation 2 of the principal regulations.

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

(a) in the definition "derelict vehicle", immediately after the words "motor vehicle which is" there shall be added the words "or which appears to be"; and

(b) in the definition " "clamping zone" and "towing zone" ", immediately after the words "by the Commissioner" there shall be added the words "or by the Authority".

Amends regulation 3 of the principal regulations.

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

(a) the first proviso to sub-regulation (1) thereof shall be deleted;

(b) in the second proviso to sub-regulation (1) thereof, for the words "Provided further" there shall be substituted tge word "Provided"; and

(c) sub-regulations (2) and (3) thereof shall be deleted.

VERŻJONI ELETTRONIKA

Amends regulation 4 of the principal regulations.

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

(a) for the marginal note thereof there shall be substituted the following:

"Clamping and removal of motor vehicles.";

(b) in sub-regulation (1) thereof, immediately after the words "the Commissioner" there shall be added the words "or the Authority"; and

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

"(2) It shall also be lawful for the Commissioner or the Authority or the Council to remove, store and dispose or to fix wheel clamps to:

(a) any motor vehicle which does not have a valid circulation licence issued by the Authority affixed to its windscreen;

(b) any motor vehicle with a circulation licence which has expired by more than one month to be reckoned from the last day of the month in the calendar year shown or indicated on the circulation licence affixed to the windscreen of that motor vehicle;

(c) any motor vehicle hired or leased from a vehicle hire undertaking licensed in another Member State, which has been brought into Malta and which is not in conformity with the provisions of the Registration and Licensing of Motor Vehicles Regulations;

S.L. 368.02.

(d) any motor vehicle bearing foreign registration plates which is not properly licensed for use on the roads in Malta;

(e) any motor vehicle having Maltese or foreign registration plates, which is not in conformity with all relevant rules and regulations in force in order for such motor vehicle to be used on the roads in Malta; and

VERŻJONI ELETTRONIKA

Cap. 368.

(f) any motor vehicle which is on the road in breach of the Motor Vehicles Registration and Licensing Act and any regulations made thereunder:

Provided that in the case of a motor vehicle which has been clamped or removed from the road in accordance with paragraphs (*a*) or (*b*), the said motor vehicle shall not be returned to its owner unless and until the circulation licence of such motor vehicle, together with the administrative fee payable to the Authority, are paid in addition to the fees levied by the Commissioner or the Authority or the Council as laid down in regulation 9(a), (b) and (c).".

Amends regulation 6 of the principal regulations.

5. The proviso to regulation 6 of the principal regulations shall be deleted.

Amends regulation 8 of the principal regulations.

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

(a) sub-regulation (1) thereof shall be substituted by the following:

"(1) The Commissioner or the Authority or the Council shall order the sale of an encumbering object or motor vehicle when it is not retrieved by its lawful owner, in the case of an encumbering object, or by the holder of the registration certificate in the case of a motor vehicle, within fifteen days from the publication of a notice of removal by the Commissioner or the Authority or the Council in the Gazette and one other local newspaper, calling on such owner, in the case of an object, or the holder of the registration certificate, in the case of a motor vehicle, to retrieve such object or motor vehicle after producing evidence that he is the owner of the object or the holder of the registration certificate of such vehicle.";

(b) in sub-regulation (2) thereof, for the word "compensate" there shall be substituted by word "settle"; and immediately after the words "storage fees due to them," there shall be added the words "as well as the payment of any registration tax, administrative fines, administrative fees, any fines imposed by a court order or judgment or an order or judgment given by a tribunal, any arrears of circulation licence fees and all other amounts due to the Authority;"; and

VERŻJONI ELETTRONIKA

(c) in sub-regulation (4) thereof, for the words "one month's notice" there shall be substituted the words "fifteen days' notice".

Amends regulation 8A of the principal regulations.

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

(a) in sub-regulations (1), (2) and (3) thereof, immediately after the words "the Commissioner", wherever they appear, there shall be added the words "or the Authority";

(b) in sub-regulation (3) thereof, for the words "its legitimate owner" there shall be substituted the words "holder of the registration certificate";

(c) in the proviso to sub-regulation (3) thereof, for the words "shall have the right to impose a fee of not more than one thousand one hundred and sixty-four euros and sixty-nine cents (1,164.69)" there shall be substituted the words "shall impose a fee of not more than two thousand and five hundred euro (€2,500)"; and

(d) sub-regulation (4) thereof shall be deleted.

Amends regulation 9 of the principal regulations.

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

(a) in paragraph (a) thereof, for the figure "€70" there shall be substituted the figure "€180";

(b) in paragraph (b) thereof, for the figure "€105" there shall be substituted the figure "€200";

(c) in paragraph (c) thereof, for the figure "€7" there shall be substituted the figure "€15"; and

(d) in paragraph (d) thereof, for the figure "€1,165" there shall be substituted the figure "€2,500".

Deletes the Schedule to the principal regulations.

9. The Schedule to the principal regulations shall be deleted.

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