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L.N. 124 of 2017

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

**Motor Vehicle (Roadworthiness Test) (Amendment)
Regulations, 2017**

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

Title and Scope

S.L. 65.15.

1. (1) The title of these regulations is the Motor Vehicle (Roadworthiness Test) (Amendment) Regulations, 2017 and they shall be read and construed as one with the Motor Vehicle (Roadworthiness Test) Regulations, hereinafter referred to as "the principal regulations".

(2) The scope of these regulations is to implement the provisions of Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC; and of Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC.

Amends
regulation 2 of
the principal
regulations.

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

(a) immediately before the definition "ambulance" there shall be added the following new definition:

S.L. 65.22

" "ADR" shall have the same meaning assigned to it in the Motor Vehicles (Carriage of Goods by Road) Regulations;"

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

" "approval" means a procedure whereby a Member State certifies that a vehicle satisfies the relevant administrative provisions and technical requirements referred to in Directive 2002/24/EC, Directive 2003/37/EC and Directive 2007/46/EC;"

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

" "cargo" means all goods that would normally be placed in or on the part of the vehicle designed to carry a load and that are not permanently fixed to the vehicle, including objects within load carriers such as crates, swap bodies or containers on vehicles;"

(d) the definition "company" shall be deleted;

(e) immediately after the definition "chauffeur driven vehicle" there shall be added the following new definitions:

" "commercial vehicle" means a motor vehicle and its trailer or semi-trailer used primarily for the transport of goods or passengers for commercial purposes, such as transport for hire and reward or own-account transport, or for other professional purposes;"

"company" shall have the same meaning assigned to it in article 2 of the Companies Act; Cap. 386

"concerted roadside inspection" means a technical roadside inspection undertaken jointly by the competent authorities of two or more Member States;

"deficiencies" means technical defects and other instances of non-compliance found during a roadworthiness test or during a roadside technical inspection;

"designated roadside inspection facility" means a fixed area for the performance of initial and/or more detailed technical roadside inspections which may also be equipped with permanently installed test equipment;"

(f) immediately after the definition "Directive 2009/40/EC" there shall be added the following new definitions:

" "Directive 2014/45/EU" means Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC;

"Directive 2014/47/EU" means Directive 2014/47/EU of the European Parliament and of the Council of 3

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April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC;

S.L. 499.51

"Enforcement Officer" shall have the same meaning assigned to it in the Transport Enforcement Officers Regulations;;

(g) immediately after the definition "heavy goods vehicle" there shall be added the following new definitions:

" "holder of a registration certificate" means the legal or natural person in whose name the vehicle is registered;

"inspecting officer" means an Enforcement Officer authorised by the Authority to carry out initial and/or more detailed technical roadside inspections;;

(h) the word "Minister" shall be substituted by the following:

" "mobile inspection unit" means a transportable system of test equipment needed to carry out more detailed technical roadside inspections, staffed by inspecting officers who are competent to carry out more detailed roadside inspections;;

(i) the word "motor vehicle" shall be substituted by the following:

" "motor vehicle" means any power-driven vehicle on wheels which is moved by its own means with a maximum design speed exceeding 25km/h;;

(j) the word "public highway" shall be substituted by the following:

" "public road" means a road that is of general public utility and includes all national, arterial, distributor, access and local access roads;;

(k) immediately after the word "station" there shall be added the following new definition:

" "T5 vehicle" means a wheeled tractor with a maximum design speed exceeding 40 km/h, the use of which mainly takes place on public roads for commercial

road haulage purposes;"

(l) the words "technical roadside inspection" shall be substituted by the following:

" "technical roadside inspection" means an unexpected technical inspection of the roadworthiness of a commercial vehicle carried out by the Authority;"

(m) immediately after the word "Tribunal" there shall be inserted the following new definitions:

"undertaking" means an undertaking as defined in point 4 of Article 2 of Regulation (EC) No 1071/2009;

"vehicle roadworthiness test" means an inspection in accordance with regulations 18D and 18E, together with the prescribed requirements listed in the First Schedule, designed to ensure that a vehicle is safe to be used on public roads and that it complies with required and mandatory safety and environmental characteristics;"

3. Regulation 3A of the principal regulations shall be deleted. Deletes regulation 3A of the principal regulations

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

(a) sub-regulation (1) thereof shall be deleted and sub-regulation (2) thereof shall be renumbered as sub-regulation (1); and

(b) in sub-regulation (1) as renumbered thereof, immediately after the words "Armed Forces of Malta" there shall be added the words "are exempted from the provisions of these regulations, however; they".

5. In paragraph (g) of sub-regulation (1) of regulation 10 of the principal regulations the words "three classes" shall be substituted by the word "categories". Amends regulation 10 of the principal regulations.

6. Sub-regulation (4) of regulation 13 of the principal regulations shall be amended as follows: Amends regulation 13 of the principal regulations.

(a) in point (iv) thereof, the words "equivalent certificate;" shall be substituted by the words "equivalent certificate:" and immediately thereafter, the following new proviso shall be added:

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S.L. 327.431

"Provided that with effect from 20 May 2018 new applicants shall be in possession of a recognised qualification at a level not less than level 4 of the Malta Qualifications Framework as detailed in the First Schedule to the Malta Qualifications Framework for Lifelong Learning Regulations, which qualification shall confirm the requisite level of knowledge and understanding for road vehicles in the areas listed in point 1(a) of Annex IV of Directive 2014/45/EU;"

(b) in item (vi) thereof, the words "Member State." shall be substituted by the words "Member State:" and immediately thereafter, there shall be added the following new proviso:

"Provided that with effect from 20 May 2018 such course shall include the topics referred to in point 2(a) of Annex IV of Directive 2014/45/EU."; and

(c) sub-regulation (6) thereof shall be renumbered as sub-regulation (7) thereof and immediately after sub-regulation (5) thereof, there shall be added the following new sub-regulation:

"(6) The Authority shall issue a certificate of competence to all testers found on the register of testers. Such certificate shall be valid for a period of three years and shall only be renewed upon the successful completion of the refresher training referred to in regulation 14(3)."

Amends
regulation 14 of
the principal
regulations.

7. Regulation 14 of the principal regulations shall be amended as follows:

(a) sub-regulations (1) and (2) thereof shall be renumbered as sub-regulations (2) and (4) thereof;

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

"(1) When carrying out a roadworthiness test, a tester shall be free from any conflict of interest so as to ensure, to the satisfaction of the Authority, that a high level of impartiality and objectivity is maintained.";

(c) in sub-regulation (2) as renumbered thereof, immediately after the words "employed shall", there shall be added the word "also";

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

"(3) In order to renew the certificate of competence referred to in regulation 13(6), a tester shall receive refresher training organized by the Authority or by a body accredited by the Authority, which training shall be in relation to the topics listed in point 2(a) of Annex IV of Directive 2014/45/EU."; and

(e) in sub-regulation (4) as renumbered thereof, the words "sub-regulation (1)" shall be substituted by the words "sub-regulations (1), (2) and (3)".

8. Regulation 18 of the principal regulations shall be deleted.

Deletes regulation 18 of the principal regulations.

9. Regulation 18A of the principal regulations shall be substituted by the following:

Substitutes regulation 18A of the principal regulations.

"Vehicles to be tested and interval of testing.

18A. The categories of vehicles that are subject to periodic vehicle roadworthiness tests and the intervals of such tests shall be those prescribed in the Eighth Schedule.

Test after serious accidents.

18B. Notwithstanding the date of a vehicle's last roadworthiness test, a vehicle shall be required to undergo a roadworthiness test before the intervals prescribed in the Eighth Schedule in the following cases:

(a) after an accident affecting the main safety-related components of the vehicle, such as wheels, suspension, deformation zones, air-bag systems, steering or brakes,

(b) when the safety and environmental systems and components of the vehicle have been altered or modified.

Vehicles to be photographed.

18C.(1) Every motor vehicle undergoing a roadworthiness test in accordance with the provisions of these regulations shall be photographed in the testing station by the operator or by the tester.

(2) The photographs referred to in sub-regulation (1) shall be taken and presented to the Authority in accordance with the procedure laid down in the Thirteenth Schedule.

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Items to be tested
until 19 May 2018.

18D. The items to be tested until 19 May 2018 shall be those listed in Annex II of Directive 2009/40/EC as amended by Commission Directive 2010/48/EU and those listed in items C to I in the First Schedule.

Testing provisions
applicable from 20
May 2018.

18E. The following provisions with regard to testing shall apply with effect from 20 May 2018:

Areas to be covered
and items to be
tested.

(1) a roadworthiness test shall cover the following:

(a) the areas and items, including the recommended methods of testing, listed in Annex I of Directive 2014/45/EU, with the exception of the following items:

(i) 2.4, 3.6, 5.3.2.1, 6.1.9,

(ii) 7.2 (only in respect of M1 vehicles not used for hire),

(iii) 7.4 (only in respect of M1 vehicles not used for hire, N, O and T5 category vehicles),

(iv) 7.5 (only in respect of M1 vehicles not used for hire, N, O and T5 category vehicles),

(v) 7.6, 8.3,

(vi) 9.3 (in respect of all vehicle categories, except motor route buses, M2 and M3 vehicles for hire),

(vii) 9.5 (in respect of all vehicle categories, except motor route buses),

(viii) 9.8 (in respect of all vehicle categories, except electric trolley vehicles, Malta heritage buses, open top buses and trackless trains – all as defined in the Passenger Transport Services Regulations),

(ix) 9.9 (only in respect of M1 vehicles not used for hire, N, O and T5 category vehicles),

(x) 9.12; and

(b) items C to I of the First Schedule;

S.L.499.56

Failed items and
levels of security.

(2) For each item that has failed the test, the possible deficiencies and the corresponding level of severity provided in Annex I of Directive 2014/45/EU shall be applied;

Assessment of deficiencies.

(3) Deficiencies that are found during vehicle roadworthiness tests shall be categorized in one of the following groups:

(a) minor deficiencies having no significant effect on the safety of the vehicle or impact on the environment, and other minor non-compliances;

(b) major deficiencies that may prejudice the safety of the vehicle or have an impact on the environment or put other road users at risk, or other more significant non-compliances;

(c) dangerous deficiencies constituting a direct and immediate risk to road safety or having an impact on the environment which justify that the Authority prohibits the use of the vehicle on public roads.

Classification of deficiencies.

(4) A vehicle having deficiencies falling into more than one of the deficiency groups referred to in sub-regulation (3) shall be classified in the group corresponding to the more serious deficiency. A vehicle showing several deficiencies within the same inspection area as identified in point 2 of Annex 1 of Directive 2014/45/EU, shall be classified in the next most serious deficiency group if the tester deems that the combined effect of those deficiencies results in a higher risk to road safety.

Follow-up of deficiencies.

(5) The following provisions shall apply when deficiencies have been encountered during a roadworthiness test:

(a) in the case of minor deficiencies only, the test shall be deemed to have been passed, the deficiencies shall be rectified by the vehicle owner, and the vehicle shall not be re-tested;

(b) in the case of major deficiencies, the test shall be deemed to have been failed and the vehicle shall be allowed to be used on public roads for a period not exceeding sixteen days, within which period the necessary repairs to comply with the prescribed requirements may be effected and the vehicle submitted for a re-test:

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Provided that the appointment for such re-test shall be set prior to the vehicle owner leaving the station following the initial 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 requirements, a fee not exceeding fifty per cent of the full test fee as specified in the Eighth Schedule, shall be payable:

Provided further that if the vehicle is not submitted for the re-test within sixteen days, the licence authorizing the use of that vehicle in road traffic shall be suspended until such time as the deficiencies are rectified and a new roadworthiness certificate is issued testifying that the vehicle is in a roadworthy condition;

(c) in the case of dangerous deficiencies, the test shall be deemed to have been failed and the use of the vehicle shall be prohibited with immediate effect. The test result shall include a notice informing the driver that the vehicle in question is prohibited from being used on the road until those deficiencies have been rectified. The use of such vehicle shall only be permitted in order to enable it to reach one of the closest workshops where those deficiencies can be rectified and in order to enable it to return back to the station to be submitted for a re-test. That vehicle shall be allowed a period not exceeding sixteen days for the necessary repairs to be effected and to be submitted for a re-test:

Provided that the appointment for such re-test shall be set prior to the vehicle owner leaving the station following the initial 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 requirements, a fee not exceeding fifty per cent of the full test fee as specified in the Eighth Schedule, shall be payable:

Provided further that if the vehicle is not submitted for the re-test within sixteen days, the licence authorising the use of that vehicle in road traffic shall be suspended until such time as the deficiencies are rectified and a new roadworthiness certificate is issued testifying that the vehicle is in a roadworthy condition.

Responsibilities of drivers and holders of registration certificates of vehicles.

18F. (1) A driver or a holder of the registration certificate of a vehicle that is submitted for a roadworthiness test shall at all times cooperate with the tester and any other authorized officials of the authority and shall abide by their lawful instructions or orders.

(2) A driver or a holder of the registration certificate of a vehicle that is submitted for a roadworthiness test who fails to comply with the provisions of sub-regulation (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding €500.

(3) The holder of the registration certificate of a vehicle which has been found to have an odometer that has been manipulated with the aim of reducing or misrepresenting the distance record of that vehicle, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding €200."

10. Regulation 19 of the principal regulations shall be amended as follows:

Amends regulation 19 of the principal regulations.

(a) in the second proviso to paragraph (b) of sub-regulation (1) thereof, for the words "shall apply." shall be substituted by the words "shall apply:", and immediately thereafter there shall be added the following new proviso:

"Provided further that with effect from 20 May 2018 the above two provisos shall no longer apply and the provisos to sub-regulations (5)(b) and (5)(c) of regulation 18E shall apply instead."

(b) points (viii), (ix) and (x) of sub-regulation (4)(a) thereof shall be renumbered as points (ix), (x) and (xi), and immediately before point (ix) as renumbered thereof, there shall be added the following new point:

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"(viii) the identified deficiencies and their level of severity (applicable with effect from 20 May 2018);".

Adds new regulation 19A to the principal regulations

11. Immediately after regulation 19 of the principal regulations, there shall be added the following new regulation:

"Proof of test.

19A. For each vehicle that has passed a roadworthiness test, the Authority shall indicate the date by which the next test is to take place on the licence disc issued in respect of that vehicle in accordance with regulation 14 of the Registration and Licensing of Motor Vehicles Regulations."

S.L. 368.02

Deletes sub-regulation (3) of regulation 20 of the principal regulations.

12. Sub-regulation (3) of regulation 20 of the principal regulations shall be deleted.

Adds new regulation 28A to the principal regulations.

13. Immediately after regulation 28 of the principal regulations there shall be added the following new regulation:

"Supervision of VRT stations.

28A. In order to ensure that a high quality of testing is maintained over time, and in addition to what is already provided for in these regulations, the Authority shall regularly supervise VRT stations and shall, with effect from 1 January 2023, perform the tasks provided for in point 1 of Annex V of Directive 2014/45/EU and shall fulfil the requirements laid down in points 2 and 3 of that Annex."

Amends Part VIII of the principal regulations.

14. In Part VIII of the principal regulations, the words "PART VIII" shall be substituted by the following:

"PART VIII
(This Part shall apply until 19 May 2018)".

Adds new Part IX to the principal regulations.

15. Immediately after Part VIII of the principal regulations there shall be added the following new Part:

"PART IX
(This Part shall apply with effect from 20 May 2018) Technical
Roadside Inspection of Commercial Vehicles

Vehicles to be subjected to technical roadside inspections.

35. Commercial vehicles with a design speed exceeding 25 km/h in Category I, Category II, Category III (O3 and O4 trailers only) and Category VIII as defined in the Second Schedule, whether registered in Malta or in another country, shall be subjected to random technical roadside inspections when circulating on public roads in Malta.

Roadside inspection system.

36. The technical roadside inspection system shall include initial technical roadside inspections as detailed in regulation 42(1) and more detailed technical roadside inspections as detailed in regulation 42(3).

Percentage of vehicles to be inspected.

37. For vehicles in Category I, Category II and Category III (O3 and O4 trailers only), the total number of initial technical roadside inspections shall, in every calendar year, correspond to at least 5% of the total number of these vehicles that are registered in Malta.

Risk rating system.

38. (1) For vehicles in Category I, Category II and Category III (O3 and O4 trailers only), the information concerning the number and severity of deficiencies set out in Annex II and, where applicable, Annex III of Directive 2014/47/EU found on vehicles operated by individual undertakings shall be introduced into the risk rating system established under Article 9 of Directive 2006/22/EC. For the attribution of a risk profile to an undertaking, the Authority shall use the criteria set out in Annex I of Directive 2014/47/EU. That information shall be used to check undertakings with a high risk rating more closely and more often.

(2) For the purpose of implementing sub-regulation (1), the Authority shall use the information received from other Member States pursuant to Article 18(1) of Directive 2014/47/EU.

(3) The Authority shall allow additional voluntary roadworthiness tests on vehicles subject to the provisions of these regulations. Information on compliance with roadworthiness requirements obtained from voluntary tests shall be taken into account in order to improve the risk profile of an undertaking.

(4) The provisions of sub-regulations (1), (2) and (3) shall apply with effect from 20 May 2019.

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Responsibilities of undertakings.

39. (1) Undertakings shall be required to keep on board the vehicle the roadworthiness certificate corresponding to the most recent periodic roadworthiness test or a copy thereof or, in the case of an electronically produced roadworthiness certificate, a certified or original printout of that certificate, and the report of the most recent technical roadside inspection, when they are available. The Authority shall accept electronic evidence of such inspections when information in that regard is accessible.

(2) Undertakings and drivers of a vehicle subject to a technical roadside inspection shall cooperate with the inspecting officers and provide access to the vehicle, its parts and all relevant documentation for the purposes of the inspection.

(3) For undertakings found in breach of sub-regulation (1) there shall be levied the relative administrative penalty established in the Fourteenth Schedule.

(4) An undertaking or a driver who fails to comply with the provisions of sub-regulation (2) shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than €120 and not exceeding €250 for a first conviction, and to a fine of not less than €250 and not exceeding €1,200 for each subsequent conviction.

Inspecting officers.

40. (1) The Authority may appoint inspecting officers to carry out initial and/or more detailed technical roadside inspections and any other duties in relation to these regulations.

(2) A person may qualify as an inspecting officer if such person –

(i) has held the position of Enforcement Officer with the Authority for not less than two consecutive years;

(ii) is in possession of a driving licence for the categories of vehicles he is qualified to inspect;

(iii) is in possession of a recognized qualification covering the areas listed in point 1(a) of Annex IV of Directive 2014/45/EU;

(iv) has at least three years of documented experience or equivalent, such as documented mentorship or studies, and appropriate training in the road vehicle field;

(v) is in possession of a certificate of competence issued by the Authority following the successful completion of a training course organized by the Authority or a body accredited by the Authority, which training shall be in relation to the topics listed in point 2(a) of Annex IV of Directive 2014/45/EU; or is in possession of an equivalent certificate issued by the competent authority of a Member State:

Provided that the requirements listed in items (ii) to (v) shall only apply for inspecting officers who are authorised to carry out more detailed technical roadside inspections in accordance with regulation 42(3):

Provided further that inspecting officers employed as such by the Authority on the entry into force of these requirements shall be considered as being in possession of the necessary qualifications, training and experience required by this sub-regulation.

(3) An inspecting officer shall, when required to do so by the Authority, receive refresher training organized by the Authority or a body accredited by the Authority, which training shall be in relation to the topics listed in point 2(a) of Annex IV of Directive 2014/45/EU.

(4) Inspecting officers shall have the same powers assigned to Enforcement Officers in the Transport Enforcement Officers Regulations.

(5) When carrying out a technical roadside inspection, an inspecting officer shall be free from any conflict of interest that could have any influence on the impartiality and objectivity of his decision.

(6) When selecting a vehicle for a technical roadside inspection and when carrying out that inspection, inspecting officers shall refrain from any discrimination on grounds of the nationality of the driver or of the country of registration or entry into service of the vehicle.

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Selection of vehicles
for initial technical
roadside inspection.

41. (1) When identifying vehicles to be subject to an initial technical roadside inspection, inspecting officers may select, as a priority, vehicles operated by undertakings with a high-risk profile as referred to in Directive 2006/22/EC. Vehicles may also be selected randomly for inspection, or where there is a suspicion that the vehicle presents a risk to road safety or to the environment.

(2) Vehicles selected in accordance with sub-regulation (1) shall be subjected to an initial technical roadside inspection.

Methods of technical
roadside inspections.

42.(1) In each initial technical roadside inspection of a vehicle, the inspecting officer:

(a) shall check the latest roadworthiness certificate and technical roadside inspection report, where available, kept on board, or electronic evidence thereof in accordance with regulation 39(1);

(b) shall carry out a visual assessment of the technical condition of the vehicle;

(c) shall carry out a visual assessment of the securing of the vehicle's cargo in accordance with regulation 45;

(d) may carry out technical checks by any method deemed appropriate. Such technical checks may be carried out in order to substantiate a decision to submit the vehicle to a more detailed technical roadside inspection, or to request that the deficiencies be rectified without delay in accordance with regulation 46(1);

(e) shall verify whether any deficiencies indicated in the previous technical roadside inspection report have been rectified.

(2) On the basis of the outcome of the initial inspection, the inspecting officer shall decide whether the vehicle or its trailer should be subject to a more detailed roadside inspection.

(3) A more detailed technical roadside inspection shall cover those items listed in Annex II of Directive 2014/47/EU that are considered necessary and relevant, taking into account in particular the safety of the brakes, tyres, wheels, chassis and nuisance, and the recommended methods applicable to the testing of those items.

(4) Where the roadworthiness certificate or a roadside inspection report demonstrates that an inspection of one of the items listed in Annex II of Directive 2014/47/EU has been carried out in the course of the preceding three months, the inspector shall not check that item, except where such a check is justified on the grounds of an obvious deficiency.

Inspection facilities.

43. (1) A more detailed technical roadside inspection shall be carried out using a mobile inspection unit or a designated roadside inspection facility, or in a VRT station;

(2) Where a more detailed inspection is to be carried out in a VRT station or designated roadside inspection facility, it shall be carried out as soon as possible in one of the closest practicable stations or facilities.

(3) Mobile inspection units and designated roadside inspection facilities shall include appropriate equipment for carrying out a more detailed technical roadside inspection, including the equipment necessary to assess the condition of the brakes and brake efficiency, steering, suspension and nuisance of the vehicle as required. Where mobile inspection units or designated roadside inspection facilities do not include the equipment required to check an item indicated in an initial inspection, the vehicle shall be directed to a VRT station or facility where a detailed check of that item can be performed.

Assessment of deficiencies.

44. (1) For all items to be inspected, there shall be assigned the possible deficiencies and the corresponding level of severity found in the list provided in Annex II of Directive 2014/47/EU.

(2) Deficiencies that are found during technical roadside inspections of vehicles shall be categorized in one of the following groups:

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(a) minor deficiencies having no significant effect on the safety of the vehicle or impact on the environment, and other minor non-compliances;

(b) major deficiencies that may prejudice the safety of the vehicle or have an impact on the environment or put other road users at risk, or other more significant non-compliances;

(c) dangerous deficiencies constituting a direct and immediate risk to road safety or having an impact on the environment.

(3) A vehicle having deficiencies falling into more than one of the deficiency groups referred to in sub-regulation (2) shall be classified in the group corresponding to the more serious deficiency. A vehicle showing several deficiencies within the same inspection area as defined in the scope of the technical roadside inspection referred to in point 1 of Annex II of Directive 2014/47/EU, shall be classified in the next most serious deficiency group if the inspecting officer deems that the combined effect of those deficiencies results in a higher risk to road safety.

Inspection of cargo securing.

45. (1) During a roadside inspection a vehicle may also be subjected to an inspection of its cargo securing in accordance with Annex III of Directive 2014/47/EU, in order to ensure that the cargo is secured in such a way that it does not interfere with safe driving, or pose a threat to life, health, property or the environment. Checks may be carried out to verify that during all kinds of operation of the vehicle, including emergency situations or uphill starting manoeuvres

- loads can only minimally change their position relative to each other, against walls or surfaces of the vehicle, and

- loads cannot leave the cargo space or move outside the loading surface.

(2) Without prejudice to the requirements applicable to transport of certain categories of goods, such as those covered by the ADR, cargo securing and inspection of the securing of cargo may be carried out in accordance with the principles and, where appropriate, the standards laid down in Section I of Annex III of Directive 2014/47/EU. The latest version of the standards laid down in point 5 of Section I of Annex III of the same Directive may be used.

(3) The follow-up procedures referred to in regulation 46 may also apply in the case of major or dangerous deficiencies related to cargo securing.

(4) Inspecting officers involved in cargo securing checks shall be appropriately trained for that purpose by the Authority or by a body accredited by the Authority.

Follow-up in the case of major or dangerous deficiencies.

46. (1) Without prejudice to sub-regulation (3), inspecting officers shall ensure that any major or dangerous deficiency revealed by an initial or more detailed inspection is rectified before the vehicle is allowed to be used on public roads.

(2) If the vehicle is registered in Malta, the inspecting officer shall issue a notice to the undertaking informing him that the vehicle is to undergo a full roadworthiness test within a specified time limit following the inspection. If the vehicle is registered in another Member State, the inspecting officer or any other authorized officer of the Authority shall request the competent authority of that other Member State, via the contact points referred to in Article 17 of Directive 2014/47/EU, to carry out a new roadworthiness test of the vehicle in accordance with the procedure laid down in Article 18(2) of the same Directive. Where major or dangerous deficiencies are found in a vehicle registered outside the Union, the inspecting officer or any other authorised officer of the Authority shall inform the competent authority of the country of registration of the vehicle.

(3) In the case of any deficiencies which require prompt or immediate rectification due to any direct and immediate risk to road safety, use of the vehicle shall be prohibited and the inspecting officer shall issue a notice to the undertaking informing him that the vehicle in question is prohibited from being used on the road until those deficiencies have been rectified. The inspecting officer may also order that the vehicle is either clamped or towed away to an available location where it can be repaired.

(4) Except as otherwise provided in these regulations, every notice issued by the Authority and inspecting officers to undertakings shall be made in writing.

47. (1) The Authority shall have the discretionary power to impose the administrative penalties prescribed in the Fourteenth Schedule on any undertaking who breaches regulation 39(1) and/or whose vehicle has been found to have major or dangerous deficiencies following a more detailed inspection.

Administrative penalties for undertakings.

(2) Where an administrative penalty has been imposed in accordance with sub-regulation (1), the inspecting officer shall request the driver to pay a deposit equal to such administrative penalty. The inspecting officer may clamp the vehicle until such deposit has been settled in full; provided that an official receipt shall be given by the inspecting officer to the driver evidencing payment of such deposit. The deposit shall be refunded in the event that an appeal is lodged by the person on whom it is imposed and the Tribunal revokes the administrative penalty imposed upon such person. Where no appeal is lodged within the time stipulated in these regulations or an appeal is lodged and the Tribunal confirms the administrative penalty, the deposit shall be set-off by the Authority against such administrative penalty.

Fees to be paid for inspections, clamping and towing of vehicles.

48. (1) Where deficiencies have been found following a more detailed inspection which has been carried out at a VRT station, there shall be levied on the undertaking under whose name the vehicle is registered the relative test fee for that vehicle as specified in the Eighth Schedule.

S.L. 65.13. (2) Where the vehicle has been clamped or towed away in accordance with regulations 46(3) or 47(2), there shall be levied on the undertaking under whose name the vehicle is registered the relative fees established in the Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations.

Inspection report and record keeping of technical roadside inspections.

49. (1) For each initial technical roadside inspection carried out, the inspecting officer shall communicate the following information to the Authority:

- (a) country of registration of the vehicle;
- (b) category of the vehicle;
- (c) outcome of the initial technical roadside inspection.

(2) On completion of a more detailed inspection, the inspecting officer shall draw up a report in accordance with Annex IV of Directive 2014/47/EU and shall provide a copy of such report to the driver of the vehicle.

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(3) The inspecting officer shall communicate to the Authority the results of the more detailed technical roadside inspection within two working days following that inspection. The Authority shall keep that information in accordance with the applicable provisions of the Data Protection Act for not less than 36 months from the date of its receipt.

Concerted technical roadside inspections.

50. Inspecting officers shall undertake concerted roadside inspection activities on a yearly basis in accordance with the provisions of Article 19 of Directive 2014/47/EU."

16. The First Schedule to the principal regulations shall be amended as follows:

Amends the First Schedule to the principal regulations.

(a) the title thereof shall be substituted by the following:

"FIRST SCHEDULE
(Regulations 2, 18D and 18E)
Prescribed Requirements";

(b) item A thereof shall be substituted by the

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following:

"A. the requirements established by the Driver and Vehicle Standards Agency of the United Kingdom as contained in the following manuals and their subsequent updates and amendments (this item shall apply until 19 May 2018):

(a) The Motor Bicycle and Sidecar Testing Manual (latest edition);

(b) The Private Passenger and Light Commercial Testing Manual (latest edition);

(c) The Heavy Goods Vehicle Inspection Manual (latest edition);

((d) The Public Service Vehicle Inspection Manual (latest edition).";

(c) in the second paragraph of item C thereof, the words "Category V and Category VI vehicles -" shall be substituted with the words "Category V, Category VI and Category VIII vehicles -"; and

(d) in item I thereof, the words "M2 and M3 vehicles." shall be substituted with the words "M2, M3 and T5 vehicles."

Amends the
Second
Schedule to the
principal
regulations.

17. The Second Schedule to the principal regulations shall be amended as follows:

(a) The title thereof, shall be substituted with the following:

"SECOND SCHEDULE
(Regulations 4, 10, 30 and 35)
Classification of Vehicles";

(b) in Category VII thereof, immediately after the word "Quad bikes" there shall be inserted the words "(L3e, L4e, L5e and L7e vehicles with an engine displacement of more than 125cm³); and

(c) immediately after Category VII thereof there shall be added the following new category:

"CATEGORY VIII - Wheeled tractors with a maximum design speed exceeding 40 km/h, the use of which mainly takes place on public roads (T5 vehicles)."

18. In item 4 of the Third Schedule to the principal regulations, for the words "vehicles in category I, II, III (exceeding 3.5 tonnes)" there shall be substituted the words "vehicles in category I, II, III, VIII (exceeding 3.5 tonnes)".

Amends the Third Schedule to the principal regulations.

19. The Fourth Schedule to the principal regulations shall be amended as follows:

Amends the Fourth Schedule to the principal regulations.

(a) for points 1, 2 and 3 thereof shall be substituted by the following:

"1. Roller Brake Tester for motor vehicles and trailers with a maximum permissible mass of 3,500kgs and over; or Roller Brake Tester for motor vehicles and trailers with a maximum permissible mass of less than 3,500Kg; or Roller Brake Tester for motorcycles; or Plate Brake Tester as an option to above in weight category:

Provided that with effect from 20 May 2023, such Roller Brake and Plate Brake Testers shall be in accordance with Annex A to standard ISO 21069-1 on the technical requirements of roller brake tester or equivalent standards;

2. Headlamp aiming device allowing the setting of the headlight to be tested:

3. Exhaust Gas Analyser - Petrol and Diesel:

Provided that with effect from 20 May 2023, such analyser shall be a 4-gas analyser in accordance with Directive 2004/22/EC of the European Parliament and of the Council);"; and

(b) immediately after point 8 thereof there shall be inserted the following new point: "9. With effect from 20 May 2023, a device to connect to the electronic vehicle interface, such as an OBD scan tool."

20. The Eighth Schedule to the principal regulations, there shall be substituted by the following:

Substitutes the Eighth Schedule to the Principal regulations.

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"EIGHTH SCHEDULE
(Regulations 18A, 18B, 18E, 19 and 48)
Fees* and Frequency of Tests

Category of vehicle	Full Fee €	Frequency of Tests
Category I		
Motor vehicles used for the carriage of passengers and with more than eight seats excluding the driver's seat (M2 and M3 vehicles)	26.32	B
Vehicles with a maximum permissible mass not exceeding 3.5 tonnes Vehicles with a maximum permissible mass exceeding 3.5 tonnes	31.10	B
Category II		
Motor vehicles used for the carriage of goods and having a maximum permissible mass exceeding 3.5 tonnes (N2 and N3 vehicles)	31.10	B
Category III		
Trailers and semi-trailers		
- with a maximum permissible mass not exceeding 3.5 tonnes (O1 and O2 vehicles)	26.32	C
- with a maximum permissible mass exceeding 3.5 tonnes (O3 and O4 vehicles)	31.10	B
Category IV		
Taxis	20.27	B
Chauffeur driven vehicles	20.27	B
M1 vehicles licensed for hire or leasing	20.27	D/E
Ambulances	20.27	B
Caravans	20.27	B
Category V		
Motor vehicles having at least four wheels, normally used for the road carriage of goods and with a maximum permissible mass not exceeding 3.5 tonnes (N1 vehicles)	26.32	B
Category VI		
Motor vehicles having at least four wheels, used for the carriage of passengers and with no more than eight seats excluding the driver's seat, including Hearses (M1 vehicles)	20.27	D/E
Category VII**		
Mopeds, Motorcycles, Motor Tricycles, Quadracycles and Quad Bikes (L3e, L4e, L5e and L7e vehicles with an engine displacement of more than 125cm ³)	14.33	A
Category VIII***		
Wheeled tractors, the use of which mainly takes place on public roads with a maximum design speed exceeding 40 km/h (T5 vehicles)	31.10	D

Imported used vehicles

1. Without prejudice to Regulation 18B, a used vehicle brought into Malta from another Member State shall be deemed to be covered by a valid roadworthiness certificate in accordance with these regulations if that vehicle is already covered by a roadworthiness certificate issued by that Member State that is still valid in terms of the frequency intervals established in Annex 1 of Directive 2009/40/EC and, with effect from 20 May 2018, those established in article 5 of Directive 2014/45/EU. The Authority may however; for justified reasons require any such vehicle to be submitted for a roadworthiness test prior to its registration in Malta. As above according to category
2. A used vehicle imported from a third country shall undergo a roadworthiness test in accordance with these regulations prior to registration in Malta irrespective whether or not that vehicle is already covered by a valid roadworthiness certificate issued by that country or by any other Member State. As above according to category

Change of holder of the registration certificate of a vehicle

1. Without prejudice to regulation 18B, a vehicle which is covered by a valid roadworthiness certificate in accordance with these regulations, shall not be required to undergo another roadworthiness test in the event that the holder of the registration certificate of that vehicle changes. The Authority may however; for justified reasons require any such vehicle to be submitted for a roadworthiness test prior to changing the holder of the registration certificate of such vehicle. As above according to category
- * Fees inclusive of VAT
- ** Subject to test with effect from such a date as the Minister responsible for transport may by notice in the Gazette establish
- *** Subject to test with effect from 20 May 2018

Frequency of test:

- A. Such frequency as the Minister responsible for transport may by notice in the Gazette establish
- B. One year from date of first registration and annually thereafter
- C. Two years from date of first registration and biennially thereafter
- D. Four years from date of first registration and biennially thereafter
- E. One year from reaching a distance driven of more

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than 160,000km in a roadworthiness test and annually thereafter".

Amends the Ninth Schedule to the principal regulations.

22. The Ninth Schedule to the principal regulations shall be amended as follows:

(a) Category VII and the corresponding administrative charge thereof shall be substituted by the following:

"Category VII

Mopeds, Motorcycles, Motor Tricycles, Quadracycles and Quad Bikes

(L3e, L4e, L5e and L7e vehicles with an engine displacement of more than 125cm³) 0.70"; and

(b) immediately after Category VII thereof there shall be inserted the following new category and corresponding administrative charge:

"Category VIII

Wheeled tractors with a maximum design speed exceeding 40km/h, the use of which mainly takes place on public roads (T5 vehicles) 0.70".

Substitutes the Twelfth Schedule to the principal regulations.

23. The Twelfth Schedule to the principal regulations there shall be substituted by the following:

"TWELFTH SCHEDULE

(Regulation 21)

Penalty Points System used to determine the number of penalty points to be endorsed for breaches committed by an operator or by a tester

Item	Offence	Points	
		Operator	Tester
1	Operating without an assistant tester	5	
2	No MOT inspection manual in test lane	5	
3	VRT station not clean or unsafe for the tester and the public	30	
4	Testing with faulty or without VRT equipment, or with an expired calibration certificate	50	
5	Conducting and providing services other than a service which forms part of a VRT test within the designated area approved by the Authority for Transport in Malta during operating hours	20	
6	Test carried out by unregistered tester	1,000	

7	Conviction of a serious offence not necessarily connected with vehicle mandatory testing but which could affect the proper conduct of testing	1,000	150
8	Additional penalty points to operators who have five offences totaling at least 250 points within a period of thirty six months	1,000	
9	Not carrying out all preliminary checks		5
10	Not updating the online system within stipulated times and/or not adhering to other administrative procedures	5	5
11	Not checking chassis number (or VIN) properly		20
12	Failure to carry out the correct test procedures as stipulated in the Directive or VRT manual and its amendments or to input correct vehicle data as stipulated in the VRT manual prior to carrying out an official test on that particular vehicle		20
13	Overlooking a fault in, or failing to test for, position lights		10
14	Overlooking a fault in, or failing to test for, signaling lights		10
15	Overlooking a fault in, or failing to test for, driving lights		10
16	Overlooking a fault in, or failing to test for, tell-tale lights		10
17	Overlooking a fault in, or failing to test for, service brakes		100
18	Overlooking a fault in, or failing to test for, parking brakes		20
19	Overlooking a fault in, or failing to test for, steering other than torn bellows		50
20	Overlooking a fault in, or failing to test for, tyres		50
21	Overlooking a fault in, or failing to test for, suspension		50
22	Overlooking a fault in, or failing to test for, windscreen		20
23	Overlooking a fault in, or failing to test for, exhaust system		25
24	Overlooking a fault in, or failing to test for, noise		30
25	Overlooking a fault in, or failing to test for, emission from spark ignition engines		50
26	Overlooking a fault in, or failing to test for, compression ignition engine exhaust smoke		50
27	Overlooking a missing or tampered with diesel pump seal		50
28	Overlooking a fault in, or failing to test for, wipers		15
29	Overlooking a half shaft torn bellows		20

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7	Conviction of a serious offence not necessarily connected with vehicle mandatory testing but which could affect the proper conduct of testing	1,000	150
8	Additional penalty points to operators who have five offences totaling at least 250 points within a period of thirty six months	1,000	
9	Not carrying out all preliminary checks		5
10	Not updating the online system within stipulated times and/or not adhering to other administrative procedures	5	5
11	Not checking chassis number (or VIN) properly		20
12	Failure to carry out the correct test procedures as stipulated in the Directive or VRT manual and its amendments or to input correct vehicle data as stipulated in the VRT manual prior to carrying out an official test on that particular vehicle		20
13	Overlooking a fault in, or failing to test for, position lights		10
14	Overlooking a fault in, or failing to test for, signaling lights		10
15	Overlooking a fault in, or failing to test for, driving lights		10
16	Overlooking a fault in, or failing to test for, tell-tale lights		10
17	Overlooking a fault in, or failing to test for, service brakes		100
18	Overlooking a fault in, or failing to test for, parking brakes		20
19	Overlooking a fault in, or failing to test for, steering other than torn bellows		50
20	Overlooking a fault in, or failing to test for, tyres		50
21	Overlooking a fault in, or failing to test for, suspension		50
22	Overlooking a fault in, or failing to test for, windscreen		20
23	Overlooking a fault in, or failing to test for, exhaust system		25
24	Overlooking a fault in, or failing to test for, noise		30
25	Overlooking a fault in, or failing to test for, emission from spark ignition engines		50
26	Overlooking a fault in, or failing to test for, compression ignition engine exhaust smoke		50
27	Overlooking a missing or tampered with diesel pump seal		50
28	Overlooking a fault in, or failing to test for, wipers		15
29	Overlooking a half shaft torn bellows		20

30	Overlooking a steering torn bellows		20
31	Overlooking tinted glass		5
32	Overlooking a fault in, or failing to test for, seatbelts		30
33	Overlooking lack of pedal rubber pads		5
34	Overlooking a fault in, or failing to test for, seat structure		10
35	Overlooking, or failing to test for, body rust		20
36	Overlooking a fault in, or failing to test for, windscreen washers		10
37	Overlooking a fault in, or failing to test for, wheel bearings		10
38	Overlooking a fault in, or failing to test for, wheel studs		10
39	Overlooking a fault in, or failing to test for, rear view mirrors		15
40	Overlooking lack of fire extinguisher		10
41	Overlooking lack of glass breaking hammer		10
42	Overlooking lack of spray suppression system		10
43	Overlooking a fault in, or failing to test for, braking system warning device		50
44	Overlooking a fault in, or failing to test for, fuel system		20
45	Overlooking a fault on, or failing to test for, couplings devices		50
46	Overlooking a fault in, or failing to test for, door locks		10
47	Overlooking a missing First Aid Kit (Public Transport Vehicle only)		10
48	Overlooking a fault on, or failing to test for, securities of batteries		10
49	Photo procedure not followed	10	10
50	Four repeat offences of the same type by the same tester		5
51	Conducting a test on a vehicle the class of which the tester is not qualified to test	50	50
52	Preconditioning a vehicle owner to effect repairs or adjustments as indicated in the test result at the same premises	100	100
53	Carrying out a roadworthiness test on a motor vehicle on which the tester has, immediately prior the test, carried out repairs to testable items		100
54	Failing to note a malfunctioning or tampered odometer (if available)		50
55	Failing to note or overlooking discrepancies in odometer readings		30

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56	Overlooking a fault in, or failing to test Airbag warning Light	20	
57	Overlooking a fault in, or failing to test ESC (electronic stability control) warning light	50	
58	Overlooking a fault in, or failing to test EPB (electronic parking brake) warning lights	20	
59	Overlooking a fault in, or failing to test power steering warning lights	50	
60	Overlooking a fault in, or failing to test engine check warning lights	20	
61	Overlooking a fault in, or failing to test door handles	10	
62	Overlooking a fault in, or failing to test vehicle's windows other than windscreen	10	
63	Overlooking a fault in, or failing to test number plate lights	10	
64	Overlooking a deficiency in vehicle registration plate	20	
65	Overlooking, or failing to check for, corrosion on vehicle stress points	50	
66	Overlooking a fault in, or failing to test the audible warning system	10	
67	Overlooking a fault in, or failing to test excessive oil leak in dumpers	10	
68	Overlooking a fault in, or failing to test CV joints	20	
69	Failing to check vehicle registration document data with actual vehicle data	20	
70	Failure to give notice to the Authority of any change in the names of persons authorised to personally carry out or supervise tests at the station	10	
71	Failure to put up and keep exhibited at the station the details specified in regulation 10(1)(c)	5	
72	Failure to make the station and equipment available to officials of the Authority for the purpose of carrying out any test which they may require	30	
73	Failure to inform the Commissioner of Police that a vehicle brought in for a test is a stolen vehicle or was used in the commitment of a criminal offence	100	
74	Failure to give prior notice to the Authority in the circumstances envisaged in regulation 10(1)(f)	10	
75	Failure to provide Authority with copy of manuals provided for testing equipment when so required to do	10	
76	Failure to provide for the safe-keeping of all documents, forms and stamps in his possession	30	
77	Charging of fee in excess of the prescribed amount	50	50
78	Failure to remove from station a person with regard to whom Authority has objected in terms of regulation 10(2)	50	

79	Failure to inform Authority within 7 days of termination of employment of tester	5	
80	Failure to inform Authority within 7 days of any reason for which authorization should cease to have effect in terms of regulation 11	20	
81	Carrying out tests during period of temporary closure of station or suspension of authorization	100	
82	Failure to make station available for a re-test ordered by the officials of the Authority	30	
83	Failure to have in place adequate insurance coverage as required by regulation 17	50	
84	Requiring indemnity from clients for any damages which may be occasioned in the station in violation of regulation 17(2)	10	
85	Failure to inform Authority of a break-down in the online retrieval system	5	
86	Assignment of authorization to third party without Authority's approval	300	
87	Destruction of official documents or forms	1,000	
88	Failure to keep records as required in regulation 26(1)	50	
89	Failure to send records and/or copies of test results to the Authority	20	
90	Failure to issue duplicate test result when so requested	10	
91	Refusal to test vehicle within the class of his authorization except in the cases specified in paragraphs (i) to (v) of regulation 10(1)(o)	10	10
92	Failure to abide by lawful instructions of Authority's officials	200	200
93	Issued a pass result either without conducting a complete test or where a fail result should have been issued	1,000	1,000
94	Making improper use of VRT certificate blanks	1,000	1,000
95	Back-dating of VRT certificate	1,000	1,000
96	Falsification of data recorded during testing of a vehicle	1,000	1,000
97	Carrying out test on vehicle for which the vehicle registration certificate is not produced		150
98	Carrying out test on vehicle the details of which do not tally with the details shown on its vehicle registration certificate		150".

24. The title of the Thirteenth Schedule to the principal regulations there shall be substituted by the following:

Substitutes the title of the Thirteenth Schedule to the principal regulations.

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"THIRTEENTH SCHEDULE
(Regulation 18C)".

Adds new
Fourteenth
Schedule to the
principal
regulations.

25. Immediately after the Thirteenth Schedule to the principal regulations there shall be inserted the following new Schedule:

"FOURTEENTH SCHEDULE
(Regulations 39 and 47)

Administrative penalties to be levied on undertakings for breaches found
during technical roadside inspections

Description of Breach	First Breach €	Second Breach €	Third and any other subsequent Breach €
Roadworthiness certificate and/or most recent technical roadside inspection report not kept on board the vehicle	25	50	100
Vehicle found to have major deficiencies	100	200	400
Vehicle found to have dangerous deficiencies	300	600	1,200

".

