

L.N. 48 of 2019**TRAFFIC REGULATION ORDINANCE
(CAP. 65)****AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)****Motor Vehicles (Amendment) Regulations, 2019**

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, Infrastructure and Capital Projects, after consultation with the Authority for Transport in Malta, has made the following regulations:

Citation.

1. The title of these regulations is the Motor Vehicles (Amendment) Regulations, 2019 and these regulations shall be read and construed as one with the Motor Vehicles Regulations, hereinafter referred to as "the principal regulations".

S.L. 65.11

Amends
regulation 74 of
the principal
regulations.

2. Regulation 74 of the principal regulations shall be amended as follows:

(a) regulation 74 shall be renumbered as regulation 74(1); and

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

"(2) Photographs, film, video-recordings, electronic images or any other record produced by a prescribed parking monitoring device shall be admissible in evidence and shall constitute proof of their contents if they are accompanied by a certificate signed by a police officer or community officer (in the same or in another document) as to the circumstances of date, time and place in which the photograph, film, video-recording, electronic image or other record was produced.

(3) Any device referred to in sub-regulation (2) shall be a device prescribed by order of the Minister responsible for transport who may in any such order lay down any conditions as to the purposes for which, and the manner and other circumstances in which, the device is to be used.

(4) A document purporting to be a document, record or signed certificate of the kind mentioned in sub-regulation (2) shall be deemed to be such a document, record or certificate signed as aforesaid unless the contrary is proved.

(5) The owner of the vehicle which is identified in any document, record or signed certificate referred to in sub-regulation (2) shall be responsible for any offence proved by the same document, record or signed certificate unless the driver of the vehicle when the offence was committed is shown to have been stopped and identified by a police officer or a community officer upon or immediately after the commission of the offence.

(6) Any image recorded by any means referred to in sub-regulation (2) may be converted from one format to another, transmitted, stored or reproduced by electronic or any other means that allows the recorded image to be reproduced in intelligible form including, without limitation, electronically.

(7) Where a recorded image has been stored in electronic format as provided in sub-regulation (2), the recorded image may be reproduced in paper format which shall have the same effect for all purposes as if it were an original document if the reproduction is certified to be such in the certificate mentioned in sub-regulation (2).

(8) Any device prescribed under sub-regulation (2) shall be deemed to have been functioning correctly at the time that any document or record referred to in the said sub-regulation (2) was produced by it, unless the contrary is proved.

(9) The person against whom a certificate under sub-regulation (2) is produced may require the attendance of the police officer or community officer who purportedly signed the certificate for the purpose of cross-examination.

(10) For the purposes of sub-regulations (2) to (9), 'parking monitoring device' means a device prescribed under sub-regulation (2) that is capable of photographing or capturing the image of a motor vehicle when in a stationary position".
