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L.N. 55 of 2021

TRAFFIC REGULATION ORDINANCE (CAP. 65)

AUTHORITY FOR TRANSPORT IN MALTA ACT (CAP. 499)

Clamping and Removal of Motor Vehicles and Encumbering Objects (Amendment) Regulations, 2021

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 Clamping and Removal of Motor Vehicles and Encumbering Objects (Amendment) Regulations, 2021 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) immediately before the definition "Agency" there shall be added the following new definition:

" "abandoned vehicle" means a vehicle (which is not a derelict vehicle) which is parked or placed on the road and in respect of which the annual circulation fee for the current year has remained unpaid for a period of thirty days or more to be reckoned from the due date;"; and

(b) the definition "derelict vehicle" shall be substituted by the following new definition:

" "derelict vehicle" means a vehicle which is parked or placed on the road and in respect of which the annual circulation fee for the current year has remained unpaid for a period of thirty days or more to be reckoned from the due date and which:

(a) is in such a state that it cannot be

identified; and, or

(b) is in such a state whereby it is clearly unfit for use on the road; and, or

(c) whose current Maltese market value, when taking into consideration arrears of circulation licence fees and all other costs, dues and expenses payable to the Authority and, or any other public entity in order for the holder of the registration certificate of such vehicle to be able to retrieve it, amounts to less than seventy-five per cent (75%) of the Maltese market value of the said motor vehicle as established by the Authority for Transport in Malta or any other standard of motor vehicle valuation which may be adopted by the Authority from time to time;".

Substitutes regulation 6 of the principal regulations.

3. Regulation 6 of the principal regulations shall be substituted by the following new regulation:

"6. The Commissioner or the Council or the Authority or, where applicable, the Agency, shall be exempt from any liability for damages arising in connection with the fixing of clamps or the removal thereof, and the storage and disposal of encumbering objects or derelict or abandoned vehicles in accordance with regulations 3, 4, 5 and 8.".

Amends regulation 7 of the principal regulations.

4. In sub-regulation (1) of regulation 7 of the principal regulations, immediately after the words "in the Gazette" there shall be added the words "or on the website of the entity which has carried out the removal of the encumbering object or motor vehicle".

Amends regulation 8 of the principal regulations.

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

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

following new sub-regulation:

"(1) The Commissioner or the Authority or the Council or the Agency shall order the sale of an encumbering object or an abandoned 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 an abandoned vehicle, within seven (7) days from the date when a notice of removal is affixed on the encumbering object or abandoned vehicle or from the date when a notice of removal is published in the Gazette or on the website of the entity which has removed the encumbering object or abandoned vehicle, whichever is the latest, calling on such owner, in the case of an object, or the holder of the registration certificate, in the case of an abandoned vehicle, to retrieve such object or abandoned vehicle after producing evidence that he is the owner of the object or the holder of the registration certificate of such abandoned vehicle:

Provided that with regard to derelict vehicles the Commissioner or the Authority or the Council or the Agency shall have the right to proceed to destroy the said motor vehicle in accordance with the procedures established in the Waste Management (End of Life Vehicles) Regulations instead of ordering the sale thereof:

S.L. 549. 36.

Provided further that with regard to vehicles, whether abandoned or derelict, which have been sold under a hire purchase agreement, the Commissioner or the Authority or the Council or the Agency, prior to proceeding with the sale by auction or destruction thereof, as the case may be, shall first send a written notice by registered letter to the seller of the said vehicle under the hire purchase agreement informing him that the vehicle is being held in the custody of such entity and shall be sold by auction or destroyed, as the case may be, unless he proceeds to retrieve the vehicle in question by not later than fifteen (15) days from the date of notification of such notice upon paying in full and final settlement all amounts due to the Authority and, or any other public entity with regard to the said vehicle"; and

(b) sub-regulation (4) thereof shall be substituted by the following new sub-regulation:

"(4) The Commissioner or the Authority or the Council or the Agency may, in their discretion, dispose of those encumbering objects or motor vehicles which have not been returned or sold by public auction or after a call for tenders".

6. Regulation 8A of the principal regulations shall be deleted.

Deletes regulation 8A of the principal regulations.

7. Regulation 8B of the principal regulations shall be renumbered as regulation 8A and immediately after the word "derelict" there shall be added the word ", abandoned".

Renumbers and amends regulation 8B of the principal regulations.

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

Amends regulation 9 of the principal regulations.

(a) in paragraph (b) thereof, immediately after the word "derelict" there shall be added the words "or abandoned";

(b) in paragraph (c) thereof, immediately after the word "derelict" there shall be added the words "or abandoned"; and

(c) in paragraph (d) thereof, immediately after the word

"derelict" there shall be added the words "or abandoned".

Amends regulation 11 of the principal regulations.

9. In sub-regulation (1) of regulation 11 of the principal regulations, the words "in regulation 8A(1)" shall be substituted by the words " in regulation 8(1)".

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