



The Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Regulations, 2019

Made

21st March, 2019

Coming into operation

29th March, 2019

THE COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE, in exercise of the powers conferred on it by sections 1 to 3 of the Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019^a, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Scheme for periodic testing of public service vehicles.

1. (1) There is established in accordance with the following provisions of these regulations a scheme for the periodic technical inspection of public service vehicles.

(2) For the purpose of paragraph (1), "**public service vehicle**" means a motor vehicle the use of which on a public highway is prohibited under section 4 of the Public Transport Ordinance, 1986^b (the "**1986 Ordinance**") unless a licence under section 7 of the 1986 Ordinance has been granted.

^a Ordinance made by the Policy & Resources Committee on 14th January, 2019.

^b Recueil d'Ordonnances Tome XXIII, p. 351; amended by Ordres en Conseil Vol. XXXI, p. 278; Tome XXIV, pp. 103 and 265; Tome XXVI, pp. 152 and 370;

Inspection of public service vehicles.

2. (1) Subject to paragraph (2), an examination of a public service vehicle under, and in accordance with, the requirements of section 10(1)(a)(v) of the 1986 Ordinance shall constitute an inspection of such public service vehicle for the purposes of the Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019^c (the "2019 Ordinance").

(2) The purpose of an inspection of a public service vehicle under paragraph (1) is to ensure –

- (a) compliance with the requirements of the Vienna Convention, and any prescribed statutory requirements relating to the construction and condition of public service vehicles, and
- (b) that the condition of public service vehicles should not be such that their use on a public highway would involve a danger of injury to any person.

Test certificates.

3. (1) Where it is found on an inspection of a public service vehicle under regulation 2 that the conditions as to fitness prescribed by the Committee for that purpose are fulfilled in respect of it, the Committee shall issue a test certificate in respect of that public service vehicle certifying that, as at the date of the inspection, the public service vehicle complies with the conditions of fitness listed in the certificate.

Ordinance Nos. VI and XXI of 2001; No. XXXIII of 2003; Nos. VII and LIII of 2008; No. XLIII of 2013; Nos. IX and XXIV of 2016; No. XLI of 2017; Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019; G.S.I. No. 10 of 2013; No. 40 of 2017.

^c Ordinance made by the Policy & Resources Committee on 14th January, 2019.

(2) Where it is found, on such an inspection of a public service vehicle, that some or all of the said conditions of fitness are not fulfilled, the examiner shall issue notice in writing of the defects noted and (as necessary) any steps to be taken to remedy such defects, and may (depending on the nature and extent of the defects found and subject to paragraph (3)) –

- (a) permit the public service vehicle to be submitted for re-inspection within 14 days, or such longer period as the examiner may specify in writing, or
- (b) refuse to issue a test certificate.

(3) Where, on such an inspection of a public service vehicle, the examiner considers that the vehicle is unfit for the carriage of passengers by reason of some defect therein, or that it may become unfit for such purpose unless such defect is remedied, the examiner shall report the fact in writing to the Committee.

(4) Where a test certificate is refused, the examiner shall issue a notification of the refusal, stating the grounds of the refusal, and a person aggrieved by the refusal may appeal to the Committee.

(5) On any such appeal the Committee must cause a further examination to be made and either –

- (a) issue a test certificate, or
- (b) issue a notification of the refusal stating the grounds of the refusal.

Frequency of inspections.

4. For the purpose of section 3(2) of the 2019 Ordinance, the appropriate period in respect of a public service vehicle to which the scheme established by regulation 1 applies is one year.

Fees.

5. (1) There shall be paid to the States Treasurer in respect of an examination pursuant to regulation 2(1), the sum of £30.

(2) In the event of the failure by any person to present a vehicle for inspection under these regulations at the agreed time and date the Committee may require the fee paid, or payable, under paragraph (1) to be forfeit; and upon any subsequent examination the full fee shall be paid in accordance with paragraph (1).

Transitional provisions.

6. For the purpose of section 3 of the 2019 Ordinance, a certificate issued prior to the commencement of these Regulations pursuant to section 10(1)(a)(v) of the 1986 Ordinance shall be deemed to be a test certificate issued, on the date when the certificate was in fact issued, in accordance with regulation 3(1).

Interpretation.

7. In these Regulations, unless the context otherwise requires –

"1986 Ordinance": see regulation 1(2),

"2019 Ordinance": see regulation 2(1),

"public service vehicle": see regulation 1(2).

Citation and commencement.

8. These Regulations may be cited as the Road Traffic (Periodic Technical Inspections) Regulations, 2019 and shall come into force on the 29th March, 2019.

Dated this 21st day of March, 2019



B. BREHAUT

President of the Committee for the Environment & Infrastructure

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish, for the purposes of the Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019 ("the 2019 Ordinance"), a scheme for the annual periodic technical inspection of public service vehicles. The scheme satisfies, for the purpose of compliance with the Vienna Convention, the first stage in the schedule for the phased introduction of periodic technical inspections set out in the 2019 Ordinance; and is established by reference to the existing requirements, with minor modifications, for the inspection of public service vehicles for licensing purposes set out in the Public Transport Ordinance 1986.

These Regulations come into force on the 29th day of March, 2019.