



Isle of Man

Ellan Vannin

AT 24 of 2006

ROAD TRAFFIC (AMENDMENT) ACT 2006



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ROAD TRAFFIC (AMENDMENT) ACT 2006

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AN ACT to amend enactments relating to road traffic and its regulation, road transport, highways and the licensing and registration of vehicles; and for connected purposes.

PART 1 – DRIVERS

1 Samples from drivers

- (1) [Inserted section 7DA in the *Road Traffic Act 1985*]
- (2) [Amended section 6(4) of the *Road Traffic Act 1985*]
- (3) [Inserted section 6(4A) in the *Road Traffic Act 1985*]
- (4) [Amended section 7E(2) of the *Road Traffic Act 1985*]
- (5) [Inserted section 7E(2A) in the *Road Traffic Act 1985*]
- (6) [Substituted section 7E(4) of the *Road Traffic Act 1985*]
- (7) [Substituted section 7A of the *Road Traffic Act 1985*]
- (8) [Inserted entry relating to section 7DA in Part I of Schedule 6 to the *Road Traffic Act 1985*]
- (9) [Amended paragraph 11(3)(b) of Part II of Schedule 3 to the *Road Traffic Act 1985*]
- (10) In section 7C of the [*Road Traffic Act 1985*] –
 - (a) [Amended subsection (2)]
 - (b) [Amended subsection (3)(a)]
 - (c) [Substituted subsection (4)]
 - (d) [Inserted subsection (6)]
- (11) In section 7D of the [*Road Traffic Act 1985*] –

- (a) [Amended subsection (1)]¹
- (b) [Amended subsection (2)]

2 Newly qualified drivers

- (1) In Schedule 3 to the [*Road Traffic Act 1985*] —
 - (a) [Amended paragraph 6B]
 - (b) [Substituted paragraph 6C]
 - (c) [Inserted paragraph 6D]
- (2) This section shall not apply in respect of any person driving a motor vehicle of any class on a road if that person passed a test of competence to drive that class of motor vehicle pursuant to paragraph 2 or an order under paragraph 11(5) of Schedule 3 to the 1985 Act before the date on which this section comes into operation.

3 Payment for driving instruction

In paragraph 3 of Schedule 4 to the [*Road Traffic Act 1985*] —

- (a) [Amended sub-paragraph (1)]
- (b) [Amended sub-paragraph (2)]
- (c) [Inserted sub-paragraphs (6) to (8)]

4 Driving Instructors

- (1) [Substituted sub-paragraphs (1) and (2) and inserted sub-paragraphs (2A) and (2B) in paragraph 8 of Schedule 4 to the *Road Traffic Act 1985*.]
- (2) [Inserted sub-paragraph (c) in paragraph 11 of Schedule 4 to the *Road Traffic Act 1985*.]

PART 2 – VEHICLES

5 Registration

- (1) In section 11 of the *Licensing and Registration of Vehicles Act 1985* (in this Act referred to as “the Registration Act”) —
 - (a) in subsection (1), after “Every vehicle” insert “(whether or not on a public road)”;
 - (b) after subsection (3) add —
 - ☐(4) This section does not apply to a prescribed vehicle or in such cases or circumstances as are prescribed.
 - (5) The keeper of any vehicle who fails to register that vehicle in accordance with subsection (1) shall be guilty of an offence and

shall be liable on summary conviction to a fine not exceeding £5,000. ~~22~~.

- (2) In section 12(2) of the Registration Act, for the words from “and” to the end of the subsection substitute “and, where the vehicle was being driven on a public road, it was being driven for the purpose of being so registered.”.
- (3) After section 13(1)(f) of the Registration Act, insert —
- ~~23~~(ff) require any person who ceases to be the keeper of a vehicle to furnish to the Department a prescribed statement signed by that person and a prescribed statement signed by the person who becomes the keeper of the vehicle and in any case where both such statements are not furnished to the Department, regulations may provide for the person ceasing to be the keeper of the vehicle to be treated for the purposes of this Act as continuing to be the keeper until both such statements are so furnished; ~~22~~.
- (4) After section 13 of the Registration Act insert —

~~23~~ 13A Restriction of cancellation of registration of vehicles and registration where vehicle used other than on public roads

- (1) Regulations under section 13(1) may in particular include provision —
- (a) that the registration of a vehicle shall not be cancelled on the application of the person who is registered as the keeper of the vehicle unless that person produces such evidence as may be prescribed that the vehicle no longer exists or that it has been permanently removed from the Island;
- (b) requiring any person who is registered as the keeper of a vehicle that —
- (i) is not on a public road and will not be used or kept on a public road; or
- (ii) is taken on a public road only in prescribed circumstances, to apply for a continuation of registration certificate in accordance with regulations;
- (c) for the continuation of registration for a prescribed period where —
- (i) no vehicle licence is in force in respect of a vehicle; and
- (ii) the Department is satisfied that it will not be used or kept on a public road, and for the issue in such

- cases of a continuation of registration certificate to the keeper of a vehicle which shall be evidence of such continuation;
- (d) for the amount of fees to be paid by the keeper of the vehicle when a certificate is issued in accordance with regulations under paragraph (b), and for the time when the fee must be paid;
 - (e) for the keepers of vehicles that are the subject of a certificate under paragraph (b) to notify the Department if the vehicle no longer exists or has been permanently removed from the Island; and for the form and content of the notification and the period within which such notification must be given;
 - (f) for the keepers of vehicles to notify the Department —
 - (i) of any vehicle kept by them in respect of which there is no vehicle licence; or
 - (ii) where a vehicle licence in respect of that vehicle expires and is not renewed, a notification of non-renewal, and for the form and content of the notification and the period within which the notification must be given;
 - (g) for the circumstances in which a certificate issued under paragraph (b) shall expire or be cancelled.
- (2) This section is without prejudice to the power of the Department to cancel registration under section 13(1)(k) and (l), (3)(b) and (4)(c).²
- (5) In section 14 —
- (a) in subsection (1)(b), after “licence” insert “, certificate”;
 - (b) in subsection (2) —
 - (i) after “vehicle licence”, wherever occurring, insert “, continuation of registration certificate”.²

6 Construction and use: penalties

[Amended the entry relating to Schedule 2 paragraph 1(5) in the table in Part I of Schedule 6 to the *Road Traffic Act 1985*]

7 Duration of licences

[Substituted subsections (1) and (2) in section 2 of the *Licensing and Registration of Vehicles Act 1985*]

8 Trade licences

In the [*Licensing and Registration of Vehicles Act 1985*] —

- (a) [Amended section 10(1)]
- (b) [Amended section 20]
- (c) [Amended paragraph 5 of Part II of Schedule 1]

PART 3 – HIGHWAYS**9 Parking: excess charge**

In the *Road Traffic Regulation Act 1985* (in this Act referred to as “the Regulation Act”) —

- (a) in section 14A(2) —
 - (i) the word “either” is repealed; and
 - (ii) for paragraph (a) substitute —
 - █(a) as an amount which is either —
 - (i) (an “initial charge”) payable in respect of an initial period, and an amount (an “excess charge”) payable in addition to an initial charge in respect of any excess over an initial period; or
 - (ii) an amount (an “overstay charge”) payable in respect of a period in excess of an initial period for which there is no charge, or █;
- (b) after section 14A(2) insert —
 - █(2A) In this Act (except in sections 14B(5) and 14C(1)), any reference to an excess charge includes an overstay charge under subsection (2)(a)(ii). █;
- (c) in section 38(1), at the end of the definition of “excess charge” add “and, in accordance with section 14A(2A) includes an overstay charge under section 14A(2)(a)(ii)”.³

PART 4 – TRAFFIC REGULATION**10 [Repealed]⁴****11 Temporary prohibition or restriction of traffic**

[Amended section 3 of the *Road Traffic Regulation Act 1985*]

12 Speed limit exemptions

[Amended section 27 of the *Road Traffic Regulation Act 1985*]

13 Traffic regulation: exemptions

(1) [Inserted section 35A in the *Road Traffic Regulation Act 1985*]

(2) [Amended section 18(3) of the *Road Traffic Regulation Act 1985*]

PART 5 – GENERAL**14 Rear seat belts: persons under 14 years**

(1) In section 25 of the [*Road Traffic Act 1985*] —

(a) [Substituted subsection (5)]

(b) [Repealed subsection (5A)]

(c) [Amended subsection (6)]

(d) [Inserted paragraph (d)]

(e) [Amended subsection (7)]

(2) [Repealed section 4 of the *Road Traffic (Amendment) Act 1991*]

15 Interpretation

In this Act —

“**the 1985 Act**” means the *Road Traffic Act 1985*;

“**the Registration Act**” means the *Licensing and Registration of Vehicles Act 1985*;

“**the Regulation Act**” means *Road Traffic Regulation Act 1985*.

16 Citation and commencement⁵

(1) This Act may be cited as the Road Traffic (Amendment) Act 2006.

(2) This Act shall come into force on such day as the Department of Infrastructure may by order appoint and different days may be so appointed for different provisions and for different purposes.⁶

(3) An order under subsection (2) may make such transitional provisions or savings as the Department of Infrastructure may consider necessary in connection with any provision brought into force by the order.⁷

ENDNOTES

Table of Endnote References

¹ Para (a) amended by Road Traffic and highways (Miscellaneous Amendments) Act 2012 s 53..

² S 5 not yet operative.

³ S 9 not yet operative.

⁴ S 10 repealed by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 54.

⁵ ADO (s 2) 1/9/2007 (SD533/07); (ss 3 and 6) (ss 4 and 14, but only for the purposes of making regulations) 12/3/2007 (SD241/07); (s 4 fully operative) 1/7/2007 (see art 3(2)(a) SD241/07 and SD242/07); (ss 8, 11, 12, 13) 1/9/2008 (SD708/08); (s 14 fully operative) 1/7/2007 (see art 3(2)(b) SD241/07 and SD244/07); (ss 1 and 7) 1/4/2010 (SD156/10).

⁶ Subs (2) amended by SD155/10 Sch 5.

⁷ Subs (3) amended by SD155/10 Sch 5.