



THE ROAD TRANSPORT ACT 2001

**THE PUBLIC PASSENGER VEHICLES (ONGOING FITNESS)
REGULATIONS 2002**

Approved by Tynwald

20th March 2002

Coming into operation

1st April 2002

In exercise of the powers conferred on the Department of Transport by section 38 of the Road Transport Act 2001¹, and of all other enabling powers, and after consultation with the Road Transport Licensing Committee and certain representative bodies in accordance with section 62(5) of that Act, the following Regulations are hereby made: —

1. Citation and commencement

These Regulations may be cited as the Public Passenger Vehicles (Ongoing Fitness) Regulations 2002 and, subject to section 62(6) of the Road Transport Act 2001, shall come into operation on 1st April 2002.

2. Interpretation

In these Regulations, unless the context otherwise requires, —

“appeal officer” means an authorised examiner appointed by the Department for the purposes of an appeal made to the Department under these Regulations;

“certified”, in relation to a vehicle, means certified under section 13(1)(c) of the Licensing and Registration of Vehicles Act 1985 that the vehicle meets the requirements relating to it which are prescribed thereunder, and “prescribed requirements” shall be construed accordingly;

“the Department” means the Department of Transport;

“prescribed alteration”, in relation to a vehicle, means any alteration to the vehicle or its equipment which results in the vehicle's no longer complying with the prescribed requirements relating to it;

¹ 2001 c.27

“the VTC” means the Vehicle and Driver Testing Centre at Ballafletcher Road, Cronkbourne, Douglas; and

“vehicle” means a public passenger vehicle within the meaning of the Road Transport Act 2001.

3. Notification of prescribed alterations

If, at any time after a vehicle was last certified, a prescribed alteration is made to the vehicle or its equipment, any person using the vehicle shall forthwith notify the Department of the alteration by writing to the VTC.

4. Examination of vehicles with respect to ongoing fitness

If, at any time after a vehicle was last certified, it appears to an authorised examiner that —

- (a) the vehicle no longer complies with the prescribed requirements; or
- (b) a prescribed alteration to the vehicle or its equipment has been made,

then —

- (i) when required to do so by the examiner, the person using the vehicle shall submit it to the VTC for examination on such date and at such time as the examiner may specify, and
- (ii) that person shall pay the prescribed fee for the examination if in the opinion of the examiner a prescribed alteration to the vehicle or its equipment has been made.

5. Prohibition notices

If, on examination of a vehicle under regulation 4, an authorised examiner concludes that the vehicle no longer complies with the prescribed requirements, he may issue a notice prohibiting the commercial use, or any class of commercial use specified in the notice, of the vehicle for the carriage of passengers -

- (a) absolutely; or
- (b) until the work specified in the notice (being work required to comply with any prescribed requirement) has been carried out.

6. Re-examination of a vehicle subject to a prohibition notice

(1) Any person wishing to use a vehicle in respect of which a notice mentioned in regulation 5 has been issued may apply to the VTC for a re-examination of the vehicle by an authorised examiner.

(2) On payment of the prescribed fee by the person making the application, the VTC shall cause an authorised examiner to re-examine the vehicle at that place on such date and at such time as the VTC may specify.

7. Cancellation of prohibition notices

After re-examination of a vehicle under regulation 6, an authorised examiner shall cancel the notice to which it refers if he is satisfied that the vehicle complies with the prescribed requirements.

8. Appeals

(1) Paragraph 6G (appeals) of Schedule 2 to the Road Traffic Act 1985 shall apply to—

- (a) a determination made by an authorised examiner on an examination or re-examination of a vehicle under regulation 4 or 6; and
- (b) a notice issued under regulation 5,

as it applies to a determination mentioned in that paragraph.

(2) Any person aggrieved by such a determination or such a notice may appeal to the Department.

(3) Any appeal to the Department shall be lodged at the VTC not later than fourteen days from the date on which the determination was made or the notice was issued.

(4) Every appeal shall -

- (a) be made on a form approved by the Department;
- (b) contain the particulars required by that form; and
- (c) be accompanied by the prescribed fee.

(5) As soon as reasonably practicable after the date on which the appeal is received, the appeal officer shall send a notice, addressed to the appellant at the address given by him in the form of appeal, stating where and when an examination is to take place for the purpose of determining the issues raised on the appeal.

(6) The place to be selected by the appeal officer for the examination (which shall be carried out by him) may be either the VTC or such other place as he may consider convenient for the purposes of carrying out the examination.

(7) The vehicle shall be submitted for the examination at the place and time, and on the date, specified in the notice sent to the appellant under paragraph (5).

(8) The person submitting the vehicle for examination shall, if requested to do so by the appeal officer, give such information as may be reasonably required in relation to —

- (a) any alteration or repair; or
- (b) any accident or other event,

which may have affected the vehicle since it was last certified.

(9) On completion of the examination by the appeal officer, the Department shall —

- (a) uphold or modify the determination or the notice appealed against; or
- (b) quash that determination or notice,

as it thinks fit, and the Department's decision shall be final.

9. Supplementary provisions as to fees

(1) Where any fee under regulation 6(2) or 8(4)(c) has been paid, the fee shall be payable notwithstanding that the vehicle is not submitted for examination or re-examination at the place, on the date, or at the time fixed under these Regulations.

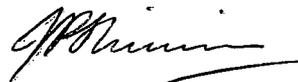
(2) After an examination has been completed for the purposes of an appeal under regulation 8, the Department may repay to the appellant, as it thinks fit, the whole or part of the fee paid on appeal, where it appears to the Department that there were substantial grounds for contesting the whole or part of the determination or notice against which the appeal was made.

10. Offences

Any person who fails to comply with a requirement under regulations 3, 4(i) or (ii), 5 or 8(9)(a) is guilty of an offence and liable on summary conviction to a fine not exceeding —

- (a) £100 in the case of a contravention of regulation 4(ii), and
- (b) £2500 in any other case.

MADE 21st February 2002



Minister for Transport

EXPLANATORY NOTE
(This Note is not part of the Regulations)

These Regulations make provision for the ongoing fitness of public passenger vehicles between the date when they were last certified in connection with applications for vehicle licences and the date when such licences are to be renewed.

Certification in connection with applications for vehicle licences is carried out under section 13(1)(c) of the Licensing and Registration of Vehicles Act 1985.

The matters for which provision is made in these Regulations are notification of prescribed alterations; the examination and re-examination of vehicles if questions arise about their ongoing fitness; notices (and their cancellation) prohibiting the commercial use of vehicles for the carriage of passengers if they no longer comply with the prescribed requirements; appeals; the payment of prescribed fees; and the creation of certain offences.

