



ROAD TRANSPORT REGULATIONS 2018

Index

Regulation	Page
1 Title	5
2 Commencement	5
3 Interpretation.....	5
PART 2 – ROAD TRANSPORT LICENSING COMMITTEE	6
<i>MEETINGS OF THE COMMITTEE</i>	6
4 Meetings of the Committee	6
5 Certain matters to be considered in public	6
6 Committee may make standing orders	7
7 Quorum.....	7
8 Presiding at a meeting.....	7
9 Voting.....	7
10 Minutes to be kept	7
<i>CIRCULAR TO BE PUBLISHED BY THE COMMITTEE</i>	8
11 Committee to publish circular	8
12 Contents of circular – applications.....	8
13 Contents of circular – actions taken by the Committee.....	8
14 Contents of circular – proceedings to be held in public.....	9
15 Contents of circular – decisions of the High Bailiff	9
16 Contents of circular – general notices	9
17 Contents of circular – representative bodies.....	9
18 Distribution of circular.....	9
19 Availability of circular to the public	10
<i>MISCELLANEOUS MATTERS</i>	10
20 Form of objections.....	10
21 Evidence on oath or affirmation	10
22 Inspection of premises	10
23 Committee may determine certain matters without appearance	11
PART 3 – REGISTERS ETC, LISTS, OPERATORS’ LICENCES, AND HIRING ARRANGEMENTS	11
24 Form of registers	11
25 Contents of registers.....	12

26	Registration as a goods vehicle operator to be granted with respect to the classified use of the relevant vehicles.....	13
27	Form and contents of lists of operators' licences	13
28	Form and contents of list of exemption certificates.....	13
29	Contents of operators' licences.....	13
30	Hiring arrangements — goods vehicle operators.....	14
PART 4 — PRESCRIBED WEIGHT IN RELATION TO GOODS VEHICLES		14
31	Weight which the maximum laden weight of goods vehicles must exceed if they are to be affected by the Act	14
PART 5 — EXEMPTIONS		14
32	Goods vehicles.....	14
PART 6 — CONDITIONS CAPABLE OF ATTACHMENT TO A REGISTRATION OR AN OPERATOR'S LICENCE		15
33	Conditions of a prescribed description	15
34	Operating centres	15
35	Vehicle classification.....	16
36	Limitations in respect of service licences	16
37	Records to be kept or maintained by operators	16
38	Use of goods vehicles to be subject to their adequate maintenance, inspection, parking, and compliance with road traffic law.....	16
PART 7 — CUSTODY, PRODUCTION, AND RETURN OF PRESCRIBED DOCUMENTS AND NOTIFICATION OF PRESCRIBED PARTICULARS		18
39	Application of this Part.....	18
40	Custody of documents.....	18
41	Production of documents	18
42	Return of documents.....	18
43	Notification of particulars with respect to passenger vehicles	19
44	Notification of particulars with respect to goods vehicles	19
45	Offence	20
PART 8 — OPERATORS' DISCS AND PLYING FOR HIRE PLATES		20
<i>OPERATORS' DISCS</i>		20
46	Where operators' discs are to be exhibited.....	20
47	Form of an operator's disc	20
48	Period of validity of an operator's disc	21
49	Return of an operator's disc on its ceasing to be valid or on a variation of a registration or licence.....	21
50	Production of an operator's disc on demand	21
51	Voluntary return of an operator's disc.....	21

52	Security of an operator's disc.....	22
53	Loss, destruction or defacement of an operator's disc	22
54	Offence	22
	PLYING FOR HIRE PLATES	22
55	Display of plying for hire plates.....	22
56	Form of a plying for hire plate.....	22
57	Period of validity of a plying for hire plate.....	23
58	Return of a plying for hire plate on its ceasing to be valid or on a variation of the district or districts to which it relates.....	23
59	Production of a plying for hire plate on demand.....	23
60	Voluntary return of a plying for hire plate	23
61	Security of a plying for hire plate	23
62	Loss, destruction or defacement of a plying for hire plate	23
63	Offence	24
PART 9 – CONTINUANCE OF REGISTRATION OR LICENCE ON DEATH, TRANSFER OF BUSINESS ETC		24
64	Continuance on death etc of an operator	24
65	Transfer of an operator's business or a part of it.....	25
PART 10 – REGISTRATION OR LICENSING WITH RESPECT TO VEHICLES WHOLLY OR PARTLY OWNED BY SUBSIDIARIES OF COMPANIES		26
66	Application for a registration or licence	26
67	Operating centres.....	26
68	Good repute.....	26
69	Financial standing.....	26
70	Professional competence.....	27
71	Conditions of a registration or licence.....	27
72	Revocation etc of a registration or licence.....	27
73	Service licences.....	27
PART 11 - FINANCIAL RESOURCES – GOODS VEHICLE OPERATORS		28
74	Financial resources of an applicant for, or a holder of, a registration or an operator's licence with respect to goods vehicles	28
PART 12 - TRANSITIONAL PROVISIONS AND REVOCATIONS		28
75	Transitional provisions – goods vehicle operators	28
76	Revocations.....	29

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*Road Transport Act 2001*

ROAD TRANSPORT REGULATIONS 2018

Approved by Tynwald: 18 July 2018
Coming into Operation: 1 January 2019

The Department of Infrastructure makes the following Regulations under section 2(1), 3, 5, 6, 7(1), 8(1), 11(4), 13, 16(1), 23, 24, 36, 47, 55(2), (3) and (4), 58, 62 and 63(5) of, and paragraph 6(2) of Schedule 1 to, the Road Transport Act 2001; after having consulted the Road Transport Licensing Committee and such representative bodies as the Department has thought fit as required under section 62(5) of the Road Transport Act 2001.

1 Title

These Regulations are the Road Transport Regulations 2018.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 1 January 2019¹.

3 Interpretation

(1) In these Regulations –

“**the Act**” means the Road Transport Act 2001;

“**certificate of professional competence**” means a certificate issued to an individual who has passed the international goods vehicle certificate of professional competence examination set by the awarding organisation that is current at any given time, having been approved by the Department for Transport of Her Majesty’s Government in the United Kingdom, for the time being;

“**certificate of registration**” means a certificate issued by the Committee under section 22(1);

“**circular**” means the circular published by the Committee in accordance with these Regulations;

¹ Tynwald approval is required under section 62(6) of the Act

“**maximum gross weight**”, in relation to a vehicle, means the weight which the vehicle is designed or adapted not to exceed when travelling on a road laden;

“**operator’s disc**” means a disc supplied by the Committee in accordance with section 23(2);

“**plying for hire plate**” means the plate that must be displayed on a vehicle in respect of which a service licence granted by the Committee under section 31(1) is in force;

“**register**” means —

- (a) the register of passenger vehicle operators required to be maintained by the Committee under section 3(1)(a); or
- (b) the register of goods vehicle operators required to be so maintained under section 3(1)(b);

“**registration number**”, in relation to a vehicle, has the same meaning as in the *Licensing and Registration of Vehicles Act 1985*;

“**trade licence**” has the same meaning as in the *Licensing and Registration of Vehicles Act 1985*.

- (2) Any reference in these Regulations to a section by number is a reference to the section so numbered in the Act.

PART 2 — ROAD TRANSPORT LICENSING COMMITTEE

Meetings of the Committee

4 Meetings of the Committee

- (1) The Committee must hold meetings for the transaction of its business at such times as are necessary for the proper exercise of its functions.
- (2) A meeting of the Committee must be held if —
 - (a) the chairman so requests; or
 - (b) 2 members of the Committee make a written request to the Secretary of the Committee for a meeting.
- (3) A meeting of the Committee may be held in public.

5 Certain matters to be considered in public

- (1) This regulation applies when the Committee is to consider an application for, or a variation of, —
 - (a) a registration;
 - (b) an operator’s licence; or
 - (c) a service licence under section 25 (regular services).

- (2) The Committee's consideration of the application or variation must be held in public.

6 Committee may make standing orders

The Committee may make standing orders with respect to —

- (a) the summoning, notice, place, management and adjournment of its meetings; and
- (b) the transaction and management of business at its meetings.

7 Quorum

The Committee may not transact business at a meeting of the Committee unless —

- (a) at least 3 members of the Committee are present; and
- (b) one of the members present is the chairman or vice-chairman.

8 Presiding at a meeting

At a meeting of the Committee the chairman presides but the vice-chairman presides if the chairman is absent or the chairman so requests.

9 Voting

- (1) A question to be determined at a meeting of the Committee is to be decided by a majority of the votes of the members present and voting on the question.
- (2) If there is an equality of votes on a question, the person presiding has a second or casting vote.

10 Minutes to be kept

- (1) The Committee must keep minutes of its meetings.
- (2) The names of the members present at a meeting of the Committee must be recorded in the minutes of the meeting.
- (3) A member of the Committee is entitled to have his or her vote on any question before the Committee recorded in the minutes.
- (4) Minutes of the proceedings of the Committee must be signed at the next meeting of the Committee or within six weeks, by the person presiding at it.

Circular to be published by the Committee

11 Committee to publish circular

The Committee must publish a circular in such a manner and at such intervals as it thinks fit.

12 Contents of circular – applications

- (1) The circular must contain a notice of any applications made to the Committee –
 - (a) for a registration or an operator’s licence or for the variation of a registration or an operator’s licence;
 - (b) for an exemption certificate; or
 - (c) for a service licence that may be granted under section 25 (regular services) or for the variation of such a licence,and a subsequent notice of the Committee’s decision on each such application.
- (2) The circular –
 - (a) may contain a notice of an application for a service licence that may be granted under section 29 (plying for hire) or for the variation of such a licence;
 - (b) must contain notice of the Committee’s decision on each such application;
 - (c) must specify the date, time and place of the Committee’s meeting at which the application is to be considered.
- (3) A notice of an application mentioned in paragraph (1) or (2) must –
 - (a) contain sufficient particulars of the application to identify the applicant and matter applied for, and any operating centre specified in the application;
 - (b) be published in the circular not less than 21 days before the date of the meeting; and
 - (c) in the case of an application for a registration or an operator’s licence, state that any person wishing to object to it in accordance with section 11(2) or (3) may do so within 21 days from the date of such publication by notice in writing to the Secretary of the Committee who will then notify all relevant parties.

13 Contents of circular – actions taken by the Committee

The circular must also contain details of any action taken by the Committee under –

- (a) section 6(3) (variation or cancellation of an exemption certificate);

- (b) section 18 (revocation, suspension etc of a registration or operator's licence);
- (c) section 19 (disqualification); or
- (d) section 33 (revocation, suspension etc of a service licence).

14 Contents of circular — proceedings to be held in public

The circular must contain a notice of any proceedings of the Committee to be held in public.

15 Contents of circular — decisions of the High Bailiff

The circular must contain a notice of —

- (a) any decision of the High Bailiff on an appeal under the Act; and
- (b) the action (if any) taken by the Committee to give effect to any such decision.

16 Contents of circular — general notices

The Committee may publish in the circular any general notices issued by it.

17 Contents of circular — representative bodies

The Committee must from time to time publish in the circular a notice specifying —

- (a) the name and address of each representative body to which a notice of an application for a registration, an operator's licence, or a service licence under section 25 will be sent in accordance with section 11 or 26; and
- (b) the class or classes of operators that each body appears to the Committee to represent.

18 Distribution of circular

The Committee —

- (a) must send a copy of each issue of the circular to —
 - (i) the Department;
 - (ii) the Chief Constable;
 - (iii) each local authority; and
 - (iv) such representative bodies as appear to the Committee to be appropriate; and
- (b) may send a copy of an issue of the circular to any other person.

19 Availability of circular to the public

- (1) The Committee must —
 - (a) make each issue of the circular available for purchase by any person either as a single issue or on subscription at such reasonable price as the Department may determine; and
 - (b) make available for inspection by any person free of charge all issues of the circular published by it in the previous 6 months.
- (2) For the purpose of paragraph (1)(b) the Committee must make such issues available at its office and at the Department's head office at the Sea Terminal Building.

MISCELLANEOUS MATTERS

20 Form of objections

- (1) This regulation applies in a case where objections may be made in accordance with section 11(2) or (3) with respect to an application for a registration or an operator's licence.
- (2) Notice of such objections must specify —
 - (a) the name and address of the person making the objections; and
 - (b) particulars of the grounds on which the objections are made.

21 Evidence on oath or affirmation

- (1) This regulation applies to proceedings of the Committee relating to —
 - (a) an application for, or a variation of, a registration, an operator's licence, an exemption certificate, or a service licence; or
 - (b) any action or intended action under section 6(3), 18, 19 or 33.
- (2) The Committee may require any oral evidence tendered to it to be given on oath.
- (3) For that purpose the chairman, vice-chairman or Secretary of the Committee may administer the oath or affirmation.

22 Inspection of premises

- (1) This regulation applies in a case where the Committee requires to be satisfied that any premises are suitable as an operating centre.
- (2) The Committee may authorise any person appearing to it to be suitably qualified (who may be a member of the Committee) to inspect the premises and to make a written report on them to the Committee.

- (3) The Committee must not consider such a report unless a copy of it has been served on the applicant or operator in question at least 7 days before the meeting at which it is to be considered.
- (4) If so required by the applicant or operator, the person who made the report must attend that meeting and give oral evidence.
- (5) A requirement by the applicant or operator under paragraph (4) must be given in writing to the Secretary of the Committee at least 3 days before that meeting.
- (6) The Committee must not consider the report if the person who made it fails to attend that meeting when duly required to do so.

23 Committee may determine certain matters without appearance

- (1) The Committee may determine any of the following matters without the attendance of the applicant or any other person —
 - (a) an application by a registered or licensed operator to renew or terminate his or her registration or licence;
 - (b) an application for the variation of a registration or operator's licence by correcting any particulars in it or by changing the name and address of the registered or licensed operator;
 - (c) an application for a temporary dispensation under section 16(3);
 - (d) an application to remove the suspension of a registration or licence;
 - (e) an application for the supply of new or additional operator's discs; or
 - (f) any action to give effect to a decision of the High Bailiff on an appeal under the Act.
- (2) However, the Committee must not refuse an application mentioned in paragraph (1) without giving the applicant an opportunity to appear before it and give evidence in support of the application.

PART 3 — REGISTERS ETC, LISTS, OPERATORS' LICENCES, AND HIRING ARRANGEMENTS

24 Form of registers

- (1) The Committee must keep a register on a computer.
- (2) The register of Passenger Vehicle Operators must contain a Part A and a Part B.
- (3) Parts A and B of the register of passenger vehicle operators are prescribed for the purpose of section 5(1)(a)(ii).

- (4) Any registered operator who uses a passenger vehicle commercially for the carriage of passengers in connection with a business prescribed by or under section 5(2) is to be entered in Part A of the register of passenger vehicle operators.
- (5) A business prescribed for the purpose of section 5(2) is one involving the commercial use of —
- (a) any vehicle constructed or adapted to carry more than 8 passengers in addition to its driver;
 - (b) 2 or more passenger vehicles; or
 - (c) any passenger vehicle operated in accordance with booking arrangements made by means of radio communication with its driver.
- (6) Once the condition is met, any registered operator who uses a passenger vehicle commercially for the carriage of passengers is to be entered in Part B of the register of passenger vehicle operators.
- In this paragraph, “the condition” is that the vehicle being so used is a vehicle of a class prescribed for the purpose of section 5(1)(b).
- (7) A passenger vehicle of a class prescribed for the purpose of section 5(1)(b) is —
- (a) one which —
 - (i) does not fall within the description set out in paragraph (5)(c);
 - (ii) is constructed or adapted to carry no more than 8 passengers in addition to its driver; and
 - (iii) is the only passenger vehicle used commercially by the business in question for the carriage of passengers; or
 - (b) one which is otherwise used in connection with a business not prescribed in paragraph (5).

25 Contents of registers

- (1) The Committee must include the following particulars in a register in respect of each registered operator entered in it —
- (a) any trading name of the operator;
 - (b) the maximum period that may elapse between inspections of the operator’s vehicles to ensure that they are being properly maintained;
 - (c) any condition attached to the registration of the operator under section 16(1).
- (2) The particulars mentioned in paragraph (1) are additional to those that must be entered in the register under section 13(1).

26 Registration as a goods vehicle operator to be granted with respect to the classified use of the relevant vehicles

- (1) The Committee must not grant a registration as a goods vehicle operator unless the registration restricts the commercial use of the related vehicles to such use in the Island.
- (2) Any person who is taken to be a registered goods vehicle operator by virtue of regulation 75(1) and (2) is not subject to the restriction specified in paragraph (1) for the period of one year from the date on which these Regulations come into operation.

27 Form and contents of lists of operators' licences

- (1) The Committee must keep on a computer —
 - (a) a list of all passenger vehicle operators' licences; and
 - (b) a list of all goods vehicle operators' licences.
- (2) Each entry in a list must include any condition attached under section 16(1) to the grant of the operator's licence in question.
- (3) The particulars mentioned in paragraph (2) are additional to those that must be included in an operator's licence by or under section 13(2).

28 Form and contents of list of exemption certificates

- (1) The list of exemption certificates required to be kept by the Committee under section 6(6) must be kept on a computer.
- (2) Each entry in the list must include in respect of the voluntary organisation in question —
 - (a) the organisation's address; and
 - (b) details of any conditions specified in the organisation's exemption certificate under section 6(2).

29 Contents of operators' licences

- (1) The Committee must include in an operator's licence —
 - (a) the same particulars as are prescribed in regulation 25(1)(a), and (b);,
 - (b) any condition attached to the grant of the licence under section 16(1); and
 - (c) the name of the operator's transport manager.
- (2) The particulars mentioned in paragraph (1) are additional to those that must be included in the licence by or under section 13(2).

30 Hiring arrangements — goods vehicle operators

- (1) This regulation applies in a case where a registered goods vehicle operator or the holder of a goods vehicle operator's licence makes available a goods vehicle to another under a hiring arrangement.
- (2) A person who uses such a vehicle under such an arrangement is to be regarded as using the vehicle under the registration or licence that he or she holds.
- (3) The number of goods vehicles that may be used under that registration or licence must not exceed —
 - (a) the maximum number of vehicles; and
 - (b) the maximum number of vehicles of any class,specified under section 15(1) either in the related entry in the register or in the licence.

PART 4 — PRESCRIBED WEIGHT IN RELATION TO GOODS VEHICLES**31 Weight which the maximum laden weight of goods vehicles must exceed if they are to be affected by the Act**

The weight for the purpose of section 7(1) is a weight of 3,500 kg.

PART 5 — EXEMPTIONS**32 Goods vehicles**

- (1) By virtue of section 8(2), a person not authorised to do so by section 8(1) may use a goods vehicle commercially for the carriage of goods in such cases or circumstances or under such conditions as are specified in this regulation.
- (2) Such a person may so use a goods vehicle in a case where it is —
 - (a) a vehicle used to clear snow from a highway or to spread grit on it;
 - (b) a works truck;
 - (c) engineering plant;
 - (d) an agricultural motor vehicle or an agricultural trailer;
 - (e) a vehicle being used in circumstances described in section 18(3) of the *Road Traffic Act 1985*;
 - (f) a breakdown vehicle;

- (g) a vehicle going to or from the Vehicle and Driving Test Centre operated by the Department;
 - (h) a vehicle operated by an airport and going to or from a place of maintenance or repair;
 - (i) a vehicle being used by any of the armed services of the Crown; or
 - (j) a vehicle which is lawfully being used in accordance with a trade licence and has a trade plate affixed to it.
- (3) In this regulation —
- "breakdown vehicle"** means a vehicle used to attend an accident or breakdown or to draw a broken down vehicle to a place of repair; and other expressions that are defined in the Road Vehicles (Maintenance and Use) Regulations 2012 have the same meanings here as they have there.

PART 6 — CONDITIONS CAPABLE OF ATTACHMENT TO A REGISTRATION OR AN OPERATOR'S LICENCE

33 Conditions of a prescribed description

The conditions of a prescribed description for the purpose of section 16(1) are such conditions as —

- (a) relate to —
 - (i) operating centres;
 - (ii) vehicle classification;
 - (iii) limitations in respect of service licences; and
 - (iv) the records to be maintained by operators; and
- (b) require the use of goods vehicles to be subject to their adequate maintenance, inspection, parking, and conformity with road traffic law.

34 Operating centres

On granting an application for a registration or an operator's licence, the Committee may attach to the registration or licence such conditions as —

- (a) limit the times during which an operating centre may be used by an operator;
- (b) limit the period, being not less than 6 months, during which an operating centre may be so used and require the operator to begin using a different operating centre approved by the Committee on or before the expiry of the period; or
- (c) give effect to any undertakings given by the operator under section 10(7).

35 Vehicle classification

- (1) This regulation applies in a case where the Committee, on granting an application for a registration or an operator's licence, attaches to the registration or licence such conditions as restrict or regulate the use of vehicles by an operator.
- (2) Such conditions may use any classification of vehicles prescribed by regulations under section 62(3).

36 Limitations in respect of service licences

On granting an application for a registration or an operator's licence, the Committee may attach to the registration or licence conditions that —

- (a) prohibit the use of a specified operating centre under a service licence;
- (b) limit the number or types of vehicles that may be used under a service licence;
- (c) prohibit an application for a service licence from being made by the operator, either before a specified date or at all; or
- (d) take into account the following matters in connection with a service licence —
 - (i) the unsuitability of the operator's premises; or
 - (ii) knowledge of the previous conduct of the operator or of his or her directors or managers.

37 Records to be kept or maintained by operators

On granting an application for a registration or an operator's licence, the Committee may attach to the registration or licence conditions requiring the operator —

- (a) to keep or maintain such records, and for such periods, as the Committee thinks fit; and
- (b) to produce them to the Committee or to an authorised examiner or authorised officer when required by the Committee or the examiner or authorised officer to do so.

38 Use of goods vehicles to be subject to their adequate maintenance, inspection, parking, and compliance with road traffic law

- (1) On granting an application for a registration of a goods vehicle operator or for a goods vehicle operator's licence, the Committee may attach to the registration or licence such conditions as require —
 - (a) the operator's goods vehicles —

- (i) to be regularly checked with respect to roadworthiness by a suitably competent person; and
 - (ii) to be adequately maintained;
 - (b) the operator to ensure that the drivers of such vehicles undertake a visual check of them on each working day and make a written report to the operator of any defects likely to affect their roadworthiness;
 - (c) the operator to ensure that no such vehicle is used until any defect likely to affect its roadworthiness is rectified (this sub-paragraph does not limit either of sub-paragraphs (d) and (e));
 - (d) the operator to permit such vehicles to be inspected by an authorised examiner —
 - (i) without notice, if the examiner considers that an immediate inspection is urgently required; and
 - (ii) in any other case, on the examiner's giving to the operator 48 hours' notice of the proposed inspection,and, before any such vehicle is used, to rectify to the examiner's satisfaction any defect found by the examiner that is likely to affect its roadworthiness;
 - (e) the operator —
 - (i) to arrange for any semi-trailer used under the registration or licence to be inspected at the VDTC by an authorised examiner during each specified period; and
 - (ii) before the vehicle is used, to rectify to the examiner's satisfaction any defect found by the examiner that is likely to affect its roadworthiness;
 - (f) the operator to ensure that —
 - (i) such vehicles comply with the relevant provisions made by or under the *Road Traffic Act 1985*, the *Road Traffic Regulation Act 1985*, and the Act; and
 - (ii) without limitation of sub-paragraph (f)(i), no such vehicle exceeds its maximum laden weight or, if no such weight applies, its maximum gross weight; and
 - (g) the operator to ensure that —
 - (i) when not engaged in an operation that involves the carriage of goods, such vehicles will be parked at the place specified as the related operating centre either in the relevant register or in the operator's licence; and
 - (ii) no such vehicles parked there will exceed the maximum number specified in the relevant entry in that register or in the licence.
- (2) In this regulation —

"**bank holiday**" means a day which is a bank holiday under the Bank Holidays Act 1989;

"**semi-trailer**" has the same meaning as in the Road Vehicles (Maintenance and Use) Regulations 2012;

"**specified period**" means a period commencing on each anniversary of the grant of a registration or an operator's licence and ending one month later;

"**VDTC**" means the Vehicle and Driving Test Centre at Ballafletcher Road, Cronkbourne, Douglas or such other place as the Department may from time to time appoint for the purpose of this regulation.

PART 7 – CUSTODY, PRODUCTION, AND RETURN OF PRESCRIBED DOCUMENTS AND NOTIFICATION OF PRESCRIBED PARTICULARS

39 Application of this Part

- (1) This Part applies to –
 - (a) operators' licences;
 - (b) certificates of registration; and
 - (c) exemption certificates.
- (2) In this Part, "holder", in relation to such a document, means the operator of a vehicle to which the document relates.

40 Custody of documents

The holder of a document to which this Part applies must keep the document safe and in good condition.

41 Production of documents

The holder of a document to which this Part applies must produce the document to an authorised officer if the officer requires him or her to do so.

42 Return of documents

The holder of a document to which this Part applies must return the document to the Committee if –

- (a) the Committee –
 - (i) authorises an amendment or variation of the document under the Act;

- (ii) revokes the registration or licence of the operator in accordance with section 18(1) or (2)(a) or cancels the exemption certificate in accordance with section 6(3); or
 - (iii) suspends the registration or licence of the operator in accordance with section 18(2)(b); or
- (b) the document expires.

43 Notification of particulars with respect to passenger vehicles

- (1) The holder of a document to which this Part applies must, within one month of a passenger vehicle commencing or ceasing to be used under the document, notify the Committee in writing of the following particulars —
- (a) the registration number of the vehicle;
 - (b) the seating capacity and the standing capacity (if any) of the vehicle;
 - (c) the maximum gross weight of the vehicle, if it is constructed or adapted to carry more than 16 passengers in addition to the driver; and
 - (d) the date on which the vehicle commenced or ceased to be so used.
- (2) The requirement under paragraph (1) may be met by the holder supplying the Committee with a list of the vehicles being used for the time being under the document in question updated to the date mentioned in paragraph (1)(d).

44 Notification of particulars with respect to goods vehicles

- (1) The holder of a document to which this Part applies must, within 7 days of a goods vehicle commencing or ceasing to be used under the document, notify the Committee in writing of the following particulars —
- (a) the registration number of the vehicle or, if the vehicle is a trailer displaying a Manx Operator's Disc, its chassis number or other identifying mark;
 - (b) the maximum gross weight of the vehicle; and
 - (c) the date on which the vehicle commenced or ceased to be so used.
- (2) The requirement under paragraph (1) may be met by the holder supplying the Committee with a list of the vehicles being used for the time being under the document in question, updated to the date mentioned in paragraph (1)(c).

45 Offence

A person who contravenes a requirement imposed on him or her by this Part commits an offence and liable on summary conviction to a fine not exceeding £500.

PART 8 — OPERATORS' DISCS AND PLYING FOR HIRE PLATES

Operators' discs

46 Where operators' discs are to be exhibited

- (1) This regulation applies in a case where section 23(1) or (3) requires an operator's disc to be exhibited on a vehicle.
- (2) The operator of a vehicle must ensure that an operator's disc in the prescribed form is exhibited —
 - (a) in the case of a trailer, on its near-side chassis member or on its headboard; and
 - (b) in any other case, on the left side of the windscreen adjacent to the vehicle's licence disc.
- (3) However, in a case where a vehicle displays at its rear a plying for hire plate, the operator must ensure that the operator's disc is exhibited adjacent to that plate.
- (4) In this regulation —

"**trailer**" has the same meaning as that term has in the Road Vehicles (Maintenance and Use) Regulations 2012; and

"**vehicle's licence disc**" means the disc issued in respect of the vehicle under section 6(4) of the *Licensing and Registration of Vehicles Act 1985*.

47 Form of an operator's disc

- (1) An operator's disc is in the prescribed form if, besides containing the particulars required by section 23(1) or (3), it complies with the relevant requirements of this regulation.
- (2) A disc must be circular with a diameter of 75 mm.
- (3) A disc may be coloured and a different colour may be assigned to it by the Committee in respect of the grant of each of the following —
 - (a) a passenger vehicle operator's licence;
 - (b) a goods vehicle operator's licence;
 - (c) a registration as a passenger vehicle operator;
 - (d) a registration as a goods vehicle operator;

- (e) a trailer; or
 - (f) an exemption certificate.
- (4) A disc must contain –
- (a) its expiry date;
 - (b) in the case of a motor vehicle used under a goods vehicle operator's licence, its registration number; and
 - (c) in the case of a trailer, its chassis number or, if that number cannot be found, details of an identification mark stamped on its chassis or welded on to it.

48 Period of validity of an operator's disc

- (1) An operator's disc is valid for a period of 12 months from its date of issue.
- (2) However, it ceases to be valid earlier if during that period –
- (a) the operator's licence or exemption certificate expires or otherwise ceases to have effect; or
 - (b) the operator's registration ceases to have effect.

49 Return of an operator's disc on its ceasing to be valid or on a variation of a registration or licence

An operator to whom an operator's disc has been issued must return it to the Committee –

- (a) if the Committee so requires on the ground that there has been a variation of the operator's registration or licence which has had the effect of reducing the number of vehicles, or the maximum number of vehicles of any class, that may be used under the registration or licence; or
- (b) within 7 days of its ceasing to be valid.

50 Production of an operator's disc on demand

An operator to whom an operator's disc has been issued must produce it to an authorised officer or an inspector of the Committee on demand, but the surrender of such a disc is not required unless it has ceased to be valid or any of the circumstances set out in sections 17 to 19 applies.

51 Voluntary return of an operator's disc

An operator may at any time voluntarily return to the Committee any operator's disc that he or she holds.

52 Security of an operator's disc

An operator to whom an operator's disc has been issued must keep the disc in a secure place when it is not being displayed on a vehicle.

53 Loss, destruction or defacement of an operator's disc

- (1) An operator to whom an operator's disc has been issued must report the circumstances to the Committee if the disc is lost, destroyed or defaced.
- (2) If —
 - (a) the Committee is satisfied that the disc has been lost, destroyed or significantly defaced; and
 - (b) any prescribed fee has been paid,the Committee may issue a replacement.

54 Offence

Any person who contravenes a requirement imposed on him or her by regulation 46(2) or (3), 49, 50, 52 or 53(1) commits an offence and liable on summary conviction to a fine not exceeding £500.

*PLYING FOR HIRE PLATES***55 Display of plying for hire plates**

- (1) This regulation applies to a public passenger vehicle that is being used for standing or plying for hire in a road or other public place under a service licence granted under section 31(1).
- (2) The person using the vehicle must ensure that a plying for hire plate in the prescribed form is displayed on the rear of the vehicle.

56 Form of a plying for hire plate

- (1) A plying for hire plate is in the prescribed form if it complies with the requirements of this regulation.
- (2) The plate must be rectangular with the transverse width having a diameter of 240mm and the opposing length having a diameter of 175mm.
- (3) The plate must contain within it an oval border measuring at most 180 mm transversely by 95mm longitudinally.
- (4) There must appear within that border —
 - (a) the words "PLY FOR HIRE" at the top;
 - (b) the operator number allocated by the Committee to the operator;
 - (c) the registration number of the vehicle; and

- (d) the number of passengers that the vehicle may carry in accordance with the operator's service licence.
- (5) As long as paragraph 3 of Schedule 2 to the Act —
- (a) remains in operation; and
 - (b) has not been replaced by the alternative provision set out in paragraph 4(1) of that Schedule,
- there must also appear within that border the district or districts by name where plying for hire is authorised in the operator's service licence.

57 Period of validity of a plying for hire plate

A plying for hire plate remains valid from its date of issue until the operator's service licence expires or otherwise ceases to have effect.

58 Return of a plying for hire plate on its ceasing to be valid or on a variation of the district or districts to which it relates

The operator of a vehicle in respect of which a plying for hire plate has been issued must return the plate to the Committee —

- (a) if the Committee so requires on the ground that there has been a variation in the district or districts specified in the operator's service licence; or
- (b) within 7 days of its ceasing to be valid.

59 Production of a plying for hire plate on demand

An operator to whom a plying for hire plate has been issued must produce it to an authorised officer or an inspector of the Committee on demand, but no such plate shall be required to be surrendered unless it has ceased to be valid or any of the circumstances set out in sections 17 to 19 and 33 applies.

60 Voluntary return of a plying for hire plate

An operator may at any time voluntarily return to the Committee any plying for hire plate that he or she holds.

61 Security of a plying for hire plate

The operator of a vehicle in respect of which a plying for hire plate has been issued must keep the plate in a secure place when it is not being displayed on a vehicle.

62 Loss, destruction or defacement of a plying for hire plate

Regulation 53 applies in respect of a plying for hire plate as it applies in respect of an operator's disc.

63 Offence

Any person who contravenes a requirement imposed on him or her by regulation 53(1) (as applied by regulation 62), 55, 58, 59, or 61 commits an offence and liable on summary conviction to a fine not exceeding £500.

PART 9 – CONTINUANCE OF REGISTRATION OR LICENCE ON DEATH, TRANSFER OF BUSINESS ETC

64 Continuance on death etc of an operator

- (1) This regulation applies if —
 - (a) an operator dies;
 - (b) a receiver is appointed for an operator under section 103 of the *Mental Health Act 1998*;
 - (c) a receiving order or an order of adjudication is made on the bankruptcy of an operator;
 - (d) an operator that is a body corporate goes into liquidation; or
 - (e) a receiver or manager of the trade or business of an operator is appointed.
- (2) If an event mentioned in paragraph (1)(a) or (b) happens, the Committee may direct that the registration or licence in question is not to be treated as terminated when the operator died or the receiver was appointed, but is to be treated as suspended until the date on which a direction under paragraph (3) comes into force.
- (3) If an event mentioned in paragraph (1) happens with respect to an operator, the Committee may direct that a person carrying on the trade or business of that operator is to be treated for the purposes of the Act as if he or she were the holder of the registration or licence in question for such purpose and to such extent as is specified in the direction.
- (4) A direction under paragraph (3) may remain in force —
 - (a) for up to 12 months; but
 - (b) if it appears to the Committee that there are special circumstances, for up to 18 months,as the Committee may determine.
- (5) The power of the Committee under paragraph (3) is exercisable whether or not the person carrying on the trade or business of the operator in question satisfies the requirement of professional competence.
- (6) If a person is to be treated as if he or she were the holder of a registration or licence by virtue of a direction under paragraph (3), —

- (a) the person is to be treated for the purposes of the Act as if he or she were in lawful possession of any vehicle that had been in the lawful possession of the operator falling within paragraph (1); and
- (b) nothing in the Act is to be taken as requiring the Committee to revoke the registration or licence by reason only that the person does not satisfy the requirement of professional competence.

65 Transfer of an operator's business or a part of it

- (1) This regulation applies in a case where the Committee –
 - (a) receives a notice from an operator ("the transferor") that he or she proposes to transfer the operator's business to another person ("the transferee") whether permanently or temporarily; and
 - (b) receives at the same time or shortly afterwards an application from the transferee for a registration or an operator's licence in respect of the business.
- (2) However, if the business proposed to be transferred includes an operation that requires a service licence, this regulation applies only if the application mentioned in paragraph (1)(b) is accompanied by an application for the relevant service licence.
- (3) The Committee may direct that until the application or applications are determined, the registration or any licence is to be treated as being held by the transferee and not by the transferor.
- (4) A direction under paragraph (3) ceases to have effect –
 - (a) upon the Committee's determination of the application; but
 - (b) if the Committee refuses to grant the registration or licence and the transferee appeals to the High Bailiff within 28 days of the refusal, upon the determination or abandonment of the appeal.
- (5) If an operator's business is to be transferred temporarily, –
 - (a) any registration or licence granted by the Committee to the transferee must be limited in its period of validity to the period of the temporary transfer; and
 - (b) the registration or any licence of the transferor is to be taken as suspended during that period.
- (6) Any application under this regulation must be made in such form as the Committee may require.
- (7) In this regulation a reference to the transfer or temporary transfer of an operator's business includes the transfer or temporary transfer of a part of the business.

PART 10 – REGISTRATION OR LICENSING WITH RESPECT TO VEHICLES WHOLLY OR PARTLY OWNED BY SUBSIDIARIES OF COMPANIES

66 Application for a registration or licence

- (1) A body corporate may apply to the Committee for a registration or an operator's licence with respect to vehicles which consist of or include vehicles belonging to or in the possession of any of its subsidiaries.
- (2) In determining whether or not to grant such an application, the Committee must satisfy itself that –
 - (a) any subsidiary in question is under the effective management and control of the applicant; and
 - (b) it is reasonable to treat the business of any such subsidiary as part of the business of the applicant.
- (3) An application under paragraph (1) must include the name, the registered address, and any trading name of any subsidiary in question.
- (4) The Committee may include in any registration or licence granted by it the information specified in paragraph (3).

67 Operating centres

- (1) If required to do so by the Committee, a body corporate making an application under regulation 66 must –
 - (a) specify each operating centre proposed to be used;
 - (b) state whether the applicant or any subsidiary will be operating from such a centre; and
 - (c) specify the number and class or classes of vehicles that will be based at such a centre.
- (2) The Committee may record the details required by paragraph (1) on any registration or licence granted by it in pursuance of the application.

68 Good repute

The Committee must require the applicant, the nominated transport manager and any subsidiary in question to be of good repute.

69 Financial standing

The Committee may –

- (a) consider either jointly or separately the financial standing of –
 - (i) the applicant;
 - (ii) the nominated transport manager; and

- (iii) any subsidiary in question; and
- (b) apply such criteria as appear to it to be appropriate, having regard to the operations to be undertaken by the persons listed in subparagraph (a).

70 Professional competence

The Committee must satisfy itself that the applicant, the nominated transport manager and any subsidiary in question meet the requirements of professional competence imposed by the Act.

71 Conditions of a registration or licence

The Committee may under section 16(1) impose such conditions as it thinks fit for restricting or regulating all or particular operations to be undertaken by the applicant or any subsidiary in question under a registration or licence granted by the Committee in pursuance of an application under regulation 66.

72 Revocation etc of a registration or licence

In considering whether to take any action under section 18 with respect to such a registration or licence, the Committee may —

- (a) take action, either jointly or separately, with respect to the registered or licensed operator and any subsidiary in question; or
- (b) determine that the registration or licence be revoked and be replaced by the grant of separate registrations or licences.

73 Service licences

- (1) If a body corporate —
 - (a) becomes a registered or licensed operator pursuant to an application made under regulation 66; and
 - (b) applies to the Committee for, and is granted, a service licence, the licence is to be held in the name of the body corporate.
- (2) However, the Committee may —
 - (a) require any application for a service licence to specify the name of any subsidiary that is to operate the service; and
 - (b) make the operation of the service by the subsidiary a condition of the licence.
- (3) Where a service licence is granted to a body corporate mentioned in paragraph (1), the returns required to be made under section 39 may be limited to the records of any subsidiary operating the service.

PART 11 - FINANCIAL RESOURCES – GOODS VEHICLE OPERATORS

74 Financial resources of an applicant for, or a holder of, a registration or an operator's licence with respect to goods vehicles

- (1) In order to satisfy the requirement laid down in Regulation 3(1)(c) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009, an applicant must at all times be able to meet its financial obligations. To this end, the applicant must declare it has at its disposal capital and reserves totalling at least EUR 9,000 when only one vehicle is used and EUR 5,000 for each additional vehicle used.
- (2) For the purpose of paragraph (1), the value of the Euro is fixed every year. The rates to be applied will be those obtained on the first working day of October and will have effect from 1 January of the following calendar year.

PART 12 - TRANSITIONAL PROVISIONS AND REVOCATIONS

75 Transitional provisions – goods vehicle operators

- (1) This regulation applies to any person who immediately before the commencement of these Regulations uses a goods vehicle commercially for the carriage of goods, being a vehicle to which the Act applies by virtue of regulation 31.
- (2) For the purposes of the Act, any person referred to in paragraph (1) who is registered for a period of one year from the date on which these Regulations come into operation is deemed to be a goods vehicle operator.
- (3) If during that period such a person applies for and is granted an indefinite registration or an operator's licence, paragraph (2) ceases to apply from the date of such grant.
- (4) For the purposes of these Regulations, any such person who is deemed to be a goods vehicle operator shall have the transitional period hereunder specified for the corresponding purpose –
 - (a) the period within which the deemed goods vehicle operator must obtain relevant certificate of professional competence qualifications is three years; and
 - (b) the period within which the deemed goods vehicle operator must obtain, in respect of his or her operating centre, –
 - (i) planning approval under section 10 of the *Town and Country Planning Act 1999*; or

- (ii) a certificate of lawfulness of use or development under section 24 of the *Town and Country Planning Act 1999*,
is five years,
and in each case the specified transitional period commences on the date on which these Regulations come into operation
- (5) A deemed goods vehicle operator who —
- (a) fails to obtain the required certificate or approval, as the case may be, within the transitional period prescribed in paragraph (4); and
- (b) after the applicable transitional period has elapsed, continues to engage in activities for which he or she is required by section 10 of the Act to either be registered or be in possession of a licence, is in breach of Section 8(2) of the Act.

76 Revocations

The Regulations specified in columns 1 and 2 of the following table are revoked.

<i>1</i> <i>SD No.</i>	<i>2</i> <i>Title</i>
43/02	Road Transport Licensing Committee Regulations 2002
49/02	Public Passenger Vehicles (Registration of Operators) Regulations 2002
87/02	Road Transport (Continuance of Registration or Licence on Death etc.) Regulations 2002
88/02	Road Transport Operators (Companies and Partnerships) Regulations 2002
89/02	Road Transport Operators (Registration or Licence Conditions) Regulations 2002
93/02	Road Transport (Operator's Discs and Plying for Hire Plates) Regulations 2002
94/02	Road Transport Licensing Committee (General) Regulations 2002
2016/0212	Road Transport Regulations 2016

2016/0310	Road Transport (No 2) Regulations 2016
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MADE 19 JUNE 2018

R K HARMER
Minister for Infrastructure



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate with amendments the Regulations revoked by regulation 76. The Road Transport Regulations 2016 are also revoked. The amendments are as follows.

Regulation 24 caters for the first time for a register of goods vehicle operators to be maintained.

Regulation 25 prescribes additional particulars to be included in entries in a register.

Regulation 26 has the effect of restricting the commercial use of goods vehicles used by a registered operator to such use in the Island. The commercial use of goods vehicles used under an operator's licence is not so restricted.

Regulation 29 prescribes additional particulars to be included in an operator's licence.

Regulation 30 specifies that a registered or licensed goods vehicle operator who uses a goods vehicle made available to him or her under a hiring arrangement is to be regarded as using the vehicle under his or her registration or licence.

Regulation 31 prescribes the weight which the maximum laden weight of goods vehicles must exceed if they are to be affected by the Road Transport Act 2001 ("the Act"). In doing so the regulation brings the Act into operation in so far as it relates to the commercial use of affected goods vehicles for the carriage of goods.

Regulation 32 makes provision with respect to exemptions from the requirement that persons commercially using affected goods vehicles be authorised by the Road Transport Licensing Committee ("RTLC").

Regulation 38 enables the RTLC to attach such conditions to the grant of a goods vehicle operator's registration or licence as require the adequate maintenance, inspection, and parking of the related goods vehicles and their compliance with road traffic law.

Regulation 44 deals with the notification to the RTLC of prescribed particulars of goods vehicles in prescribed circumstances.

Regulation 46(2)(a) provides for the first time for the exhibition of operators' discs on trailers.

Regulation 47 caters for the colouring of different operators' discs and for information about trailers to be included on them.

Regulation 74 prescribes the financial resources of a goods vehicle operator, or of an applicant to become such an operator, that are to be regarded as sufficient if he or she is to be of the appropriate financial standing for the purposes of the Act.

Regulation 75 makes transitional arrangements consequent upon the coming into operation of the Act with respect to affected goods vehicles by virtue of regulation 31.