



EMERGENCY POWERS (CORONAVIRUS) (SUSPENSION OF THE ROAD TRANSPORT LICENSING COMMITTEE) REGULATIONS 2020

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Statutory Document No. 2020/0228



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (SUSPENSION OF THE ROAD TRANSPORT LICENSING COMMITTEE) REGULATIONS 2020

Laid before Tynwald: 14 April 2020
Approved by Tynwald: 14 April 2020
Coming into operation: in accordance with regulation 2

The Governor in Council, by Order¹, makes the following Regulations under section 4 of the Emergency Powers Act 1936.

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Suspension of the Road Transport Licensing Committee) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made².

3 Interpretation

In these Regulations —

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

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV2); and

“**the Coronavirus Proclamation period**” means the period for which the Proclamation of Emergency dated 16 March 2020 is in operation³.

¹ Section 4(1) specifies that “Where a proclamation of emergency has been made, and so long as such proclamation is in force, it shall be lawful for the Governor in Council, by Order, to make regulations ...”.

² By virtue of section 4(2) of the Emergency Powers Act 1936, the Regulations made under this Order must be laid before Tynwald within 7 days of being made and continue in force beyond 7 days of being so laid only if Tynwald passes a resolution to that effect.

³ SD 2020/0162

4 General

These Regulations contain temporary modifications of legislation relating to the functions of the Road Transport Licensing Committee under the Road Transport Act 2001 and to secondary legislation made under that Act.

5 Suspension of the Road Transport Licensing Committee

- (1) During the Coronavirus Proclamation period –
 - (a) the Road Transport Licensing Committee (“the Committee”) constituted under section 1 of the Act is suspended;
 - (b) the functions of the Road Transport Licensing Committee are to be carried out by the Department of Environment, Food and Agriculture (“DEFA”);
 - (c) all applications for licences and registrations which have not been determined at the date of the coming into operation of these Regulations shall be determined by DEFA;
 - (d) the registers required to be maintained by the Committee under section 3 of the Act shall be maintained by DEFA;
 - (e) DEFA may enforce any conditions imposed on any licence or registration issued by the Committee; and
 - (f) any reference to the “Road Transport Licensing Committee” or “the Committee” shall be read as **the** Department of Environment, Food and Agriculture **;**.
- (2) Where DEFA holds information which has at any time been provided pursuant to these Regulations, it –
 - (a) may use it if, and only if, the use is for the purposes of these Regulations;
 - (b) may disclose it to another person if, and only if, the disclosure is either for a purpose connected to these Regulations or for the purpose of complying with any enactment.

6 Temporary modification of the Act

During the Coronavirus Proclamation period, the Act is modified, as follows –

- (a) in section 1 (the Road Transport Licensing Committee) –
 - (i) subsections (1) to (5) (inclusive) and (7) are disapplied; and
 - (ii) in subsection (6) “Committee” shall be read as **the** Department of Environment, Food and Agriculture **;**;
- (b) section 2 (proceedings of the Committee) is disapplied;
- (c) in –
 - (i) section 3 (registers and licences);
 - (ii) section 6 (exemption for charities);

- (iii) section 9 (application for registration or licence);
- (iv) section 10 (registration and grant of licences);
- (v) section 11 (objections to application for registration or licence);
- (vi) section 13 (contents of registers and licences etc);
- (vii) section 12 (duration of registration and licence);
- (viii) section 16 (conditions of registration or licence);
- (ix) section 17 (variation of registration and operators' licences);
- (x) section 18 (revocation etc of registration or licence);
- (xi) section 19 (disqualification);
- (xii) section 20 (duty to inform Committee of certain convictions etc);
- (xiii) section 22 (display of certificate of registration or licence);
- (xiv) section 23 (operator's discs);
- (xv) section 24 (Regulations);
- (xvi) section 26 (application for licence for regular service);
- (xvii) section 27 (grant of licence for regular service);
- (xviii) section 28 (variation of licence for regular service);
- (xix) section 30 (application for licence to ply for hire);
- (xx) section 31 (grant of licence to ply for hire);
- (xxi) section 32 (duration of service licences);
- (xxii) section 33 (revocation etc of service licences);
- (xxiii) section 34 (appeals in connection with service licences);
- (xxiv) section 35 (fares and fare-meters);
- (xxv) section 36 (marking etc of vehicles);
- (xxvi) section 39 (returns to be provided by operators);
- (xxvii) section 47 (regulations: miscellaneous);
- (xxviii) section 50 (offences: general);
- (xxix) section 54 (admissibility of records as evidence);
- (xxx) section 55 (transfer of registration or licence);
- (xxxi) section 56 (fees);
- (xxxii) section 57 (supply of information);
- (xxxiii) section 57A (supply of information other than to the Committee);
- (xxxiv) section 62 (regulations: general);
- (xxxv) Schedule 1 (qualifications for registration and operator's licences),

“Committee” shall be read, wherever occurring, as **63** Department of Environment, Food and Agriculture **62**;

- (d) in —
- (i) section 21 (rights of appeal);
 - (ii) section 25 (licence for regular service);
 - (iii) section 29 (licence to ply for hire);
 - (iv) section 40 (drivers’ licences);
 - (v) section 53 (evidence by certificate);
 - (vi) section 60 (appeals: general),

“Committee” shall be read, wherever occurring, as **63** Committee or the Department of Environment, Food and Agriculture **62**;

- (e) section 21(5) shall be read as if it said —

63(5) Where an appeal lies under subsection (1), (2), (3) or (4) against any decision of the Committee or the Department of Environment, Food and Agriculture, any notice of the decision must include a statement of the Committee’s or the Department of Environment, Food, and Agriculture’s reasons for its decision. **62**;

- (f) in the definitions of “authorised officer” and “representative body” in section 63 (interpretation), “Committee” shall be read, wherever occurring, as **63** Committee or the Department of Environment, Food and Agriculture **62**.

7 Temporary modification of the Public Passenger Vehicles (Fares and Fare-Meters) Regulations 2002

During the Coronavirus Proclamation period, the Public Passenger Vehicles (Fares and Fare-Meters) Regulations 2002⁴ are modified, as follows —

- (a) in regulation 1 (citation, commencement and interpretation)—
- (i) in the definition of “Applications, Decisions and Notices” for “regulation 2 of the Road Transport Licensing Committee Regulations 2001” substitute **63** regulation 11 of the Road Transport Regulations 2018 **62**;
 - (ii) omit the definition of “the Committee”;
- (b) in —
- (i) regulation 3 (regular service licences under section 25);
 - (ii) regulation 4 (ply for hire service licences under section 29)
 - (iii) regulation 5 (fare meters);
 - (iv) regulation 6 (offences and penalties),

⁴ SD 44/02.

“Committee” shall be read, wherever occurring, as **64** Department of Environment, Food and Agriculture **62**.

8 Temporary modification of the Public Passenger Vehicles (Conduct of Drivers, Inspectors and Conductors) Regulations 2002

During the Coronavirus Proclamation period, the Public Passenger Vehicles (Conduct of Drivers, Inspectors and Conductors) Regulations 2002⁵ are modified, as follows —

- (a) in regulation 1 (citation, commencement and interpretation); omit the definition of “the Committee”;
- (b) in regulation 3 (conduct of drivers) “Committee” shall be read as **64** the Committee or the Department of Environment, Food and Agriculture **62**.

9 Temporary modification of the Public Passenger Vehicles (Driver’s Licences) Regulations 2002

During the Coronavirus Proclamation period, the Public Passenger Vehicles (Driver’s Licences) Regulations 2002⁶ are modified, as follows —

- (a) in regulation 1 (citation, commencement and interpretation)—
 - (i) omit the definition of “the Committee”;
 - (ii) in the definition of “licence”, “Committee” shall be read as **64** the Committee or the Department of Environment, Food and Agriculture **62**;
- (b) in —
 - (i) regulation 2 (classes of licence);
 - (ii) regulation 3 (general conditions of licences);
 - (iii) regulation 4 (vehicles for which sufficient knowledge of the Island is required),

“Committee” shall be read, wherever occurring, as **64** Department of Environment, Food and Agriculture **62**.

10 Temporary modification of the Road Transport (Marking of Vehicles) Regulations 2002

During the Coronavirus Proclamation period, the Road Transport (Marking of Vehicle) Regulations 2002⁷ are modified, as follows —

- (a) in regulation 1 (citation, commencement and interpretation), omit the definition of “the Committee”;

⁵ SD 46/02.

⁶ SD 47/02, as amended by SD 0328/12.

⁷ SD 50/02.

- (b) in regulation 5 (issue of identification plate) “Committee” shall be read as **63** Department of Environment, Food and Agriculture **62**.

11 Temporary modification of the Road Transport (Visiting Drivers or Vehicles) (Modification of Enactment etc) Regulations 2006

During the Coronavirus Proclamation period, the Road Transport (Visiting Drivers or Vehicles) (Modification of Enactment etc) Regulations 2006⁸, in regulation 10 (prescribed documentation to be carried by drivers of visiting vehicles) “Road Transport Licensing Committee” shall be read as **63** Department of Environment, Food and Agriculture **62**.

12 Temporary modification of Licensing and Registration of Vehicles Regulation 2015

During the Coronavirus Proclamation period, in regulation 3 (interpretation) of the Licensing and Registration of Vehicles Regulations 2015⁹, in the definition of “hire and drive vehicle”, “Road Transport Licensing Committee” shall be read as **63** Department of Environment, Food and Agriculture **62**.

13 Temporary modification of Road Vehicles (Maintenance and Use) Regulations 2012

During the Coronavirus Proclamation period, paragraph 1 of Schedule 4 (taxis and certain other hire cars – supplementary) to the Road Vehicles (Maintenance and Use) Regulations 2012¹⁰ is modified, as follows –

- (a) in sub-paragraph 2(a), “Road Transport Licensing Committee” shall be read as **63** Department of Environment, Food and Agriculture **62**;
- (b) in sub-paragraph (2), “that Committee” shall be read as **64** that Department **62**.

14 Temporary modification of Road Transport (Fees) Order 2017

During the Coronavirus Proclamation period, the Road Transport (Fees) Order 2017¹¹ is modified, as follows –

- (a) in article 3 (interpretation) –
- (i) omit the definition of “the Committee”;
- (ii) in the definitions of “operator’s disc”, “plying for hire” and “register”, “Committee” shall be read as **64** Department of Environment, Food and Agriculture **62**;

⁸ SD 458/06.

⁹ SD 2015/0355.

¹⁰ SD 0323/12.

¹¹ SD 2017/0016.

- (b) in –
 - (i) article 4 (fees); and
 - (ii) schedule (fees) regulation 4 (vehicles for which sufficient knowledge of the Island is required),“Committee” shall be read, wherever occurring, as **the** Department of Environment, Food and Agriculture **is**.

15 Temporary modification of the Road Transport Regulations 2018

During the Coronavirus Proclamation period, the Road Transport Regulations 2018¹² are modified, as follows –

- (a) in –
 - (i) regulation 11 (committee to publish circular);
 - (ii) regulation 13 (contents of circular – actions taken by the committee);
 - (iii) regulation 16 (contents of circular – general notices);
 - (iv) regulation 17 (contents of circular – representative bodies);
 - (v) regulation 18 (distribution of circular);
 - (vi) regulation 19(1) (availability of circular to the public);
 - (vii) regulation 22 (inspection of premises);
 - (viii) regulation 24 (form of registers);
 - (ix) regulation 25 (contents of registers);
 - (x) regulation 26 (registration as a good vehicle operator);
 - (xi) regulation 27 (form and contents of lists of operator’s licences);
 - (xii) regulation 28 (form and contents of list of exemption certificates);
 - (xiii) regulation 29 (contents of operators’ licences);
 - (xiv) regulation 34 (operating centres);
 - (xv) regulation 35 (vehicle classification);
 - (xvi) regulation 36 (limitation in respect of service licences);
 - (xvii) regulation 37 (records to be kept or maintained by operators);
 - (xviii) regulation 38 (use of good vehicles to be subject to their adequate maintenance, inspection, parking and compliance with road traffic law);
 - (xix) regulation 42 (return of documents);

¹² SD 2018/0178, as amended by SD 2019/0407.

- (xx) regulation 43 (notification of particulars with respect to passenger vehicles);
 - (xxi) regulation 44 (notification of particulars with respect to good vehicles);
 - (xxii) regulation 49 (return of an operator's disc on its ceasing to be valid or on a variation of a registration or licence);
 - (xxiii) regulation 50 (production of an operator's disc on demand);
 - (xxiv) regulation 51 (voluntary return of an operator's disc);
 - (xxv) regulation 53 (loss, destruction or defacement of an operator's disc);
 - (xxvi) regulation 58 (return of a plying for hire plate on its ceasing to be valid or on a variation of district or districts to which it relates);
 - (xxvii) regulation 59 (production of a plying for hire plate on demand);
 - (xxviii) regulation 60 (voluntary return of a plying for hire plate);
 - (xxix) regulation 64 (continuance on death etc of an operator);
 - (xxx) regulation 65 (transfer of an operator's business or part of it);
 - (xxxi) regulation 66 (application for a registration or licence);
 - (xxxii) regulation 67 (operating centres);
 - (xxxiii) regulation 68 (good repute);
 - (xxxiv) regulation 69 (financial standing);
 - (xxxv) regulation 70 (professional competence);
 - (xxxvi) regulation 71 (conditions of a registration or licence)
 - (xxxvii) regulation 72 (revocation etc of a registration or licence);
 - (xxxviii) regulation 73 (service licences),
- "Committee" shall be read, wherever occurring as **the** Department of Environment, Food and Agriculture **and**;
- (b) in —
- (i) regulation 3 (interpretation);
 - (ii) regulation 15 (contents of circular – decisions of the High Bailiff);
 - (iii) regulation 47 (form of an operator's disc);
 - (iv) regulation 56 (form of a plying for hire plate);
 - (v) regulation 75 (transitional provisions – goods vehicle operators),

“Committee” shall be read as **the** Committee or the Department of Environment, Food and Agriculture **;**

- (c) regulations 4 (meetings of the committee), 5 (certain matters to be considered in public), 6 (committee may make standing orders), 7 (quorum), 8 (presiding at a meeting), 9 (voting), 10 (minutes to be kept), 14 (contents of circular – proceedings to be held in public), 19(2) (availability of circular to the public), 21 (evidence on oath or affirmation) and 23 (committee may determine certain matter without appearance) are disapplied;
- (d) in regulation 12 (contents of circular – applications) –
 - (i) in paragraphs (1) and (2)(b) “Committee” shall be read as **the** Committee or the Department of Environment, Food and Agriculture **;**
 - (ii) paragraph (2)(c) is disapplied;
 - (iii) in paragraph (3)(c) “Secretary of the Committee” shall be read as **the** Department **;**
- (e) in regulation 22 (inspection of premises) –
 - (i) in paragraph (1) “Committee” shall be read as **the** Department of Environment, Food and Agriculture **;**
 - (ii) paragraph (2) shall be read as **The** Department of Environment, Food and Agriculture may authorise any person appearing to it to be suitably qualified to inspect the premise and to make a written report on them to that Department. **;**
 - (iii) paragraph (3) shall be read as **The** Department of Environment, Food and Agriculture 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 it is to be considered by that Department. **;**
 - (iv) paragraphs (4) to (6) (inclusive) are disapplied.

16 Temporary modification of the Rehabilitation of Offenders Act 2001 (Exceptions) Order 2018

During the Coronavirus Proclamation period, the Rehabilitation of Offenders Act 2001 (Exceptions) Order 2018¹³ is modified, as follows—

in Schedule 1, part 3, paragraph 8 (excepted professions, offices, employments, work and occupations) “Road Transport Licensing Committee” shall be read as **the** Department of Environment, Food and Agriculture **;**.

¹³ SD 2018/0327.

MADE AT 14:43 ON 9 APRIL 2020

Signed by the authority of the Chief Secretary

K HEMSLEY

Interim Director of Change & Reform

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Governor in Council under section 4 of the Emergency Powers Act 1936 and following a proclamation of a state of emergency under section 3 of that Act.

These Regulations are made for the purpose of securing the essentials of life to the community of the Island and for the protection of the economy of the Island.

These Regulations make emergency provision in respect of Road Transport Licensing for the duration of the Coronavirus Proclamation period.

These Regulations suspend the Road Transport Licensing Committee and transfers their functions to the Department of Environment, Food and Agriculture for the duration of the Coronavirus Proclamation period.

These Regulations makes temporary modifications to the following enactments:

- (a) Road Transport Act 2001;
- (b) The Public Passenger Vehicles (Fares and Fare-Meters) Regulations 2002 (SD 44/02);
- (c) The Public Passenger Vehicles (Conduct of Drivers, Inspectors and Conductors) Regulations 2002 (SD 46/02);
- (d) The Public Passenger Vehicles (Driver's Licences) Regulations 2002 (SD 47/02);
- (e) The Road Transport (Marking of Vehicle) Regulations 2002 (SD 50/02);
- (f) The Road Transport (Visiting Drivers or Vehicles) (Modification of Enactment etc) Regulations 2006 (SD 458/06);
- (g) Road Vehicle (Maintenance and Use) Regulations 2012 (SD 0323/12);
- (h) Licensing and Registration of Vehicles Regulations 2015 (SD2015/0355);
- (i) Road Transport (Fees) Order 2017 (SD 2017/0016);
- (j) Road Transport Regulations 2018 (SD 2018/0178); and
- (k) Rehabilitation of Offenders Act 2001 (Exceptions) Order 2018 (SD 2018/0327).