

## ROAD TRAFFIC (AMENDMENT) BILL 2014

---

### Explanatory Memorandum

1. This Bill, promoted by the Department of Infrastructure ("the Department"), makes a number of amendments to the legislation about driving licences and building control.
2. *Clauses 1 to 3* respectively give the resulting Act its short title and provide for its coming into operation and expiry.
3. *Clause 4* further amends Schedule 3 to the *Road Traffic Act 1985* with respect to the form of a driving licence, the information contained in or to be logically associated with it, and the maintenance by the Department of an electronic database containing information about driver licensing. It also permits the combination of that database with an existing one maintained by the Department and containing information about motor vehicles and their keepers. It also addresses the matter of access.
4. *Clause 5* amends section 25 of the *Building Control Act 1991* so that the powers exercisable by a local authority under its section 22 and 23 may also be exercised in certain circumstances by the Department in its capacity as the highway authority.
5. The changes made by clauses 4 and 5 are both expected to be cost neutral. The change made by clause 4 may lead to a slight reduction in costs due to the licence being produced in one rather than two parts. The change made by clause 5 merely confers on the Department a power that is already exercisable by the Department of Environment, Food and Agriculture and local authorities.
6. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.





*Ellan Vannin*

## ROAD TRAFFIC (AMENDMENT) BILL 2014

- 1 **A BILL** to amend the Road Traffic Act 1985 and the Building Control Act 1991;  
2 and for connected purposes.

**BE IT ENACTED** by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

3 **1 Short title**

4 The short title of this Act is the Road Traffic (Amendment) Act 2014.

5 **2 Commencement**

- 6 (1) This Act, other than section 1 and this section, comes into operation on  
7 such day or days as the Department of Infrastructure may by order  
8 appoint.  
9 (2) An order under subsection (1) may include consequential, incidental,  
10 supplemental, transitional and transitory provisions.

11 **3 Expiry**

12 This Act expires on the day after its promulgation or, if its provisions are not all  
13 then in operation, the day following that on which all its provisions are in  
14 operation.

15 **4 Road Traffic Act 1985, Schedule 3 amended**

- 16 (1) Schedule 3 to the *Road Traffic Act 1985* is amended as follows.  
17 (2) In paragraph 6 —  
18 (a) in subparagraph (1)(aa) —  
19 (i) omit “or” at the end of head (i);  
20 (ii) in head (ii) after “referred to in” insert “the former”; and  
21 (iii) at the end add —  
22 | “or

(iii) a licence previously granted to him which includes an image of the holder;”;

(b) for subparagraphs (3B) to (4) substitute —

“(4) A licence shall be in such form as the Department may determine, and shall contain or be logically associated with relevant information.

(4A) “Relevant information” is such information as the Department may determine should be kept about —

- (a) the holder;
- (b) the licence;
- (c) the classes of vehicle which it authorises the holder to drive; and
- (d) the conditions and restrictions, if any, subject to which it authorises the holder to drive vehicles.

(4B) If the relevant information is not contained in the licence, the way in which the licence is logically associated with that information must be such as to enable a constable or a person authorised for the purpose by the Department to access that information in such manner as the Department may determine.

(4C) For the sake of clarity, the information which may be contained in a licence or logically associated with it includes information about whether the holder has expressed a request that his or her body, or any specified part of it, be used for any of the purposes mentioned in section 1(1) of the *Human Tissue Act 1986*.

If information of the kind mentioned in this sub-paragraph is contained in, or logically associated with, the licence it shall be conclusively presumed that —

- (a) the holder had expressed such a request; and
- (b) the request had not been withdrawn before the holder’s death.

(4D) Despite the repeal of sub-paragraphs (3B) and (3C) by the *Road Traffic (Amendment) Act 2014* —

- (a) a licence which was in force immediately before the repeal of sub-paragraph (3B) continues in force until its expiry, revocation, surrender or amendment (whichever occurs first); and
- (b) a statement included in a licence in reliance on sub-paragraph (3C) continues to have the effect that it had under that sub-paragraph.”;

(c) in sub-paragraph (5)(b) for “there mentioned,” substitute “of competence to drive such a vehicle,”; and

1 (d) in sub-paragraph (9) for “sub-paragraph” substitute “paragraph”.

2 (3) At the end of Part I insert—

3 *“Driver licensing and vehicle information*

4 **10A.** (1) The Department may maintain an electronic database containing  
5 the information which the Department has determined should be kept under  
6 paragraph 6(4) to (4C) and may combine it with any database it maintains  
7 containing information about motor vehicles and their keepers.

8 (2) The Department shall ensure that databases maintained under  
9 subparagraph (1) may be accessed, so far as may be necessary for the  
10 performance of the relevant person’s official duties, by —

- 11 (a) a constable;  
12 (b) an officer of a court;  
13 (c) an officer of the Department of Health so far as relates to  
14 information of the kind mentioned in paragraph 6(4C); and  
15 (d) such other person, and for such purposes, as may be  
16 prescribed.

17 (3) For the sake of clarity the Department may associate information  
18 about a licenceholder with information about any motor vehicle of which the  
19 licenceholder is or has been the registered keeper, or which the licenceholder is  
20 insured to drive.”.

21 **5 Building Control Act 1991, section 25 amended**

22 (1) Section 25 of the *Building Control Act 1991* (powers of Department of  
23 Environment, Food and Agriculture) is amended as follows.

24 (2) In the marginal note to the section after "Department of Environment,  
25 Food and Agriculture" insert “and the Department”.

26 (3) Before section 25(2) insert —

27 “(1) The powers conferred on a local authority by sections 22 and 23  
28 may be exercised by the Department if it appears to the  
29 Department that a building or structure (or part of a building or  
30 structure) is in such a condition, or is used to carry such loads, as  
31 to be dangerous to people on roads; and accordingly references in  
32 those sections to the local authority shall be taken as including the  
33 Department acting under this subsection.”.

IN THE KEYS

---

**ROAD TRAFFIC (AMENDMENT) BILL 2014**

---

A **BILL** to amend the Road Traffic Act 1985 and the Building Control Act 1991; and for connected purposes.

Approved by the Council of Ministers  
for introduction in the House of Keys.

---

MR GAWNE

---

OCTOBER 2014