



Court of Magistrates (Malta) as a Court of Criminal Judicature

THE POLICE (INSPECTOR NICHOLAS VELLA) V. JOLYON JAMES WARDLE (ID. 237225A)

MAGISTRATE: DR. VICTOR G. AXIAK

13/09/2022

THE COURT,

Having seen the charges proffered against the accused:

To. Jolyon James Wardle

ID. 237225A

Born : 29/05/1988 UK

Residing : 5, Howard Mans, Fl 13, Triq Guze' Howard, Sliema

THE GCHS FEAT No. 2, Triq G. DeG. Oliver, Sliema

As you have been charged that on the 14/03/2021 and before this date in the Maltese Islands where the several acts were committed by you, even at different times, constitute violations of the same provision of law which such acts shall be deemed to be a single offence, called a continuous offence **Art. 18, Chap 9**

1. As the owner of vehicle BMW with chassis number WBAVB12030KT94842 failed to inform the Authority of a change in your details or failed to deliver to the Authority the vehicle registration certificate for the necessary amendment. **Sec. 11, L.S. 368.02**
2. As the person who agreed to sell or sold or otherwise disposed of the motor vehicle BMW with chassis WBAVB12030KT94842 you failed to give notice of the disposal of the vehicle, within seven days to the Authority, where the buyers' details should be included and you failed to deliver the relative certificate of the said vehicle to the Authority. **Reg. 27 LS 368.02**

The Prosecution request the the mentioned person be disqualified from all his driving licence for a period of time that the court deems fit.

Having considered the testimony that was produced, that is, the testimony of PS 1301 Christian Bonello (affidavit);

Having seen all the acts of the case;

Is giving the following

Judgement

The first charge

Under Regulation 11 of the Registration and Licensing of Motor Vehicles Regulations (S.L. 368.02), upon a change of name and surname or residential address, the owner of a motor vehicle is obliged to forthwith inform Transport Malta and deliver to the said Authority the logbook for the necessary amendments against an administrative fee of €10. In this case the accused as the owner of the vehicle BMW with chassis number WBAVB12030KT94842 is being charged of having breached this legal obligation. Unfortunately the subsidiary legislation in question leaves much to be desired with regard to the provision of penalties for breaches of the regulations. Indeed the legislator did not provide any penalty for a breach of this regulation. The nearest applicable penalty is that provided under Regulation 44(7)(i) which imposes a multa/ammenda of €25 to €60 when an “owner fails to give notice to the Authority within the stipulated time of any alteration made to a motor vehicle”. This penalty however applies to alterations made to motor vehicles that affect the particulars in the registration certificate such as a change in the colour of the vehicle (as per Regulation 9 of S.L. 368.02) and does not actually apply when there is a change in the particulars of the owner. There is also no general penal provision in the mother act (i.e. the Motor Vehicles Registration and Licensing Act – Ch 368 of the Laws of Malta) that applies.

Moreover in any case as has been held by the Court of Criminal Appeal on numerous occasions, the penalties under Regulation 44(7) of S.L. 368.02 cannot be applied by Court as the fines established therein are neither classified as *multa* nor as *ammenda*.¹

Therefore the accused cannot be found guilty of this charge.

The second charge

Under Regulation 27(1) of the Registration and Licensing of Motor Vehicles Regulations (S.L. 368.02), any person who agrees to sell, or sells, or otherwise disposes of his or her motor vehicle shall, within seven days, give notice of the disposal of the vehicle to Transport Malta

¹ See [Pulizija v. Carmelo Sammut](#) (App Krim 85/2015 GG, 30/10/2017) and [Pulizija v. James Zammit](#) (App Krim 66/2021 GG, 29/11/2021)

including the name and address of the buyer of the said motor vehicle and shall also deliver to the Authority the relative logbook. Even in this case, there is no penalty provided for in the Regulations that would apply. Therefore this second charge does not result.

Decision

For the abovementioned reasons the Court acquits the accused of the charges brought against him.

**V.G. Axiak
Magistrate**

**Y.M. Pace
Dep. Registrar**