MALTA

TRIBUNAL TA' REVIZJONI AMMINISTRATTIVA

MAGISTRAT DR.
GABRIELLA VELLA

Seduta tal-11 ta' Lulju, 2013

Rikors Numru. 25/2010

Vella Investments Limited

Vs

Awtorità ghat-Trasport f'Malta

It-Tribunal,

Ra r-Rikors ipprezentat mis-socjetà Vella Investments Limited fid-19 ta' Awwissu 2010 permezz ta' liema titlob li t-Tribunal jirrevoka *in toto* d-Decizjoni ta' l-Awtorità ghat-Trasport f' Malta datata 2 ta' Awwissu 2010 stante li kull meta sar il-VRT test fuq il-vettura bin-Numru ta' Registrazzjoni CAG-648 is-socjetà qatt ma irriskontrat ebda tibdiliet li kienu jehtieg xi forma ta' bidla fil-klassifikazzjoni ta' l-istess vettura;

Ra r-Risposta ta' l-Awtorità ghat-Trasport f'Malta permezz ta' liema topponi ghat-talba tas-socjetà Rikorrenti u titlob li l-istess tigi michuda, bl-ispejjez kontra s-socjetà Rikorrenti, stante li: (i) d-Decizjoni kontestata hija legali,

gusta u ghandha tigi kkonfermata; u li (ii) il-vettura bin-Numru ta’ Registrazzjoni CAG-648, minkejja li kienet registrata bhala truck, effettivament kienet giet konvertita ghal bowser ghall-bejgh ta’ pitrolju. Din id-diskrepanza bejn kif hi registrata l-vettura u kif mibdula qatt ma giet innotata mis-socjetà Rikorrenti kif obbligata li taghmel skond il-Ligi;

Ra d-Digriet moghti fit-3 ta’ Mejju 2011 li bih giet ordnata l-korrezzjoni f’isem l-Awtorità intimata fis-sens illi l-kliem “Transport Malta” kull fejn jidhru fil-proceduri, inkluz l-okkju tal-kawza, jigu kkancellati u minflok jitnizzlu l-kliem “Awtorità ghat-Trasport f’Malta”;

Sema’ ix-xhieda ta’ John Vassallo[1] u ta’ Noel Vella[2] moghtija waqt is-seduta ta’ l-1 ta’ Dicembru 2011, ix-xhieda ta’ Lino Abela moghtija waqt is-seduti tad-29 ta’ Mejju 2012[3] u tas-26 ta’ Novembru 2012[4] u id-dokumenti minnu esebiti u markati Dok. “LA1” sa’ “LA13”[5], ix-xhieda ta’ Clint Mansueto moghtija waqt is-seduta tas-26 ta’ Novembru 2012[6];

Ikkonsidra li l-provi li tressqu f’dan il-kaz gew applikati wkoll ghall-kaz fl-ismijiet “Vella Investments Limited v. Awtorità ghat-Trasport f’Malta” Rik. Nru. 29/10 stante li z-zewg kawzi jittrattaw dwar l-istess mertu;

Sema’ t-trattazzjoni orali da parte tad-difensuri tal-partijiet;

Ra l-atti l-ohra kollha tal-kawza;

Ikkonsidra:

B’ittra datata 2 ta’ Awwissu 2010[7] is-socjetà Rikorrenti giet infurmata mill-Awtorità intimata li *according to our records it transpires that the above referred vehicles* [vettura bin-

[1] Fol. 14 u 15 tal-process.
[2] Fol. 16 tal-process.
[3] Fol. 36 sa’ 43 tal-process.
[4] Fol. 55 sa’ 57 tal-process.
[5] Dok. “LA1” sa’ Dok. “LA6” a fol. 20 sa’ 35 tal-process u Dok. “LA7” sa’ Dok. “LA13” a fol. 46 sa’ 53 tal-process.
[6] Fol. 58 sa’ 61 tal-process.
[7] Dok. “LA5” a fol. 34 ta’ dak il-process.

Numru ta' Registrazzjoni CAG-648] *had been VRT tested in your station as from 2004 up to 2009. Our records also show that no discrepancy Forms were issued to notify the Authority with the changes that has taken place with regards to the vehicle's classification. Please be informed that according the Legal Notice 43 of 2008 and Subsidiary Legislation 65.15 Schedule 12 item 7 you are therefore being penalised the total points of 20 (Twenty) that are equivalent to €220.*

Mill-atti processwali tal-kawza fl-ismijiet "Vella Investments Limited v. Awtorità ghat-Trasport f'Malta" Rik. Nru. 29/10 jirrizulta li b'ittra ohra datata 30 ta' Awwissu 2010 is-socjetà Rikorrenti giet infurmata li *further to our letter dated 2nd August 2010, **which is now being superseded by this letter[8],** the Transport Malta has revised the history of VRT tests carried out by your station on vehicle CAG 648. According to our records it transpires that between the year 2003 and 2009, the above mentioned vehicle has undergone a total of 5 (five) VRT tests at your station. Our records also show that in each case no discrepancy Forms were issued by your station to notify the Authority with the changes that have taken place in the vehicle's classification. In view of the above, and in terms of the relative provisions of the Motor Vehicles Roadworthiness Test Regulations (S.L. 65.15), please be informed that you have been imposed an Administrative Fine of €1,100 (one thousand, one hundred Euro) together with an equivalent total of 100 (one hundred) Penalty Points.*

Dan ifisser ghalhekk illi l-effetti tad-Decizjoni ta' l-Awtorità intimata tat-2 ta' Awwissu 2010 fil-konfront tas-socjetà Rikorrenti gew effettivament assorbiti fid-Decizjoni tat-30 ta' Awwissu 2010, b'dana ghalhekk illi in verità l-Awtorità intimata giet li hadet decizjoni wahda effettiva fil-konfront tas-socjetà Rikorrenti u cioè dik li timponi 100 punt ta' penalità u l-konsegwenti multa amministrattiva ta' €1,100 skond id-Decizjoni tat-30 ta' Awwissu 2010, minn liema Decizjoni s-socjetà Rikorrenti interponiet appell fl-ismijiet

[8] Enfasi tat-Tribunal.

"Vella Investments Limited v. Awtorità ghat-Trasport f'Malta" Rik. Nru. 29/10.

Peress illi b'sentenza moghtija llum stess it-Tribunal effettivament tratta u iddecieda l-appell interpost mis-socjetà Rikorrenti mid-Decizjoni ta' l-Awtorità intimata tat-30 ta' Awwissu 2010, li kif inghad tassorbi l-effetti tad-Decizjoni ta' l-Awtorità intimata tat-2 ta' Awwissu 2010, it-Tribunal huwa tal-fehma li ma hemmx il-htiega li jigi trattat u deciz l-appell in ezami b'mod separat.

Ghaldaqstant, it-Tribunal qed jastejni milli jiehu konjizzjoni ulterjuri ta' dan l-appell.

Fic-cirkostanzi, l-ispejjez ghandhom jibqghu bla taxxa bejn il-partijiet.

< Sentenza Finali >

-------------------------------TMIEM-------------------------------