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Motorists being fined for parking lawfully

ADT does not have enough personnel to check illegal signs

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This blue sign in Sliema should merely act a guide - but motorists are being fined.

Hundreds of motorists are effectively being fined for parking legally because some local councils are erecting traffic signs without the approval of the Malta Transport Authority, The Sunday Times has learnt.

Sources said that councils were putting up irregular traffic signs that were confusing motorists as well as the wardens who issued fines.

The ADT is aware that the signs are illegal, but according to sources, it does not have enough personnel to check all the signs that have been put up by councils. Moreover, it only investigates whether a particular sign is irregular or not after receiving a formal complaint from a disgruntled motorist.

A spokesman for the authority said: "All signs and markings on our roads need to be approved by ADT prior to being put up. Any signage or road markings without approval are effectively illegal."

Several local tribunals have upheld motorists' claims that signs are illegal. However, many other vehicle owners simply pay their fine because they do not want to go through the hassle of contesting the issue.

Signs approved by the ADT are listed in the Signage and Carriageway Markings Section of the Motor Vehicle Regulations.

Other signs, such as one requesting drivers to park their vehicles with the front facing buildings, are illegal and do not have the blessing of the ADT.

The authority refers to these as 'advisory signs', and as such they cannot be enforced by traffic police or local wardens.

Other illegal signs and markings include loading and unloading bays. A typical example of this can be seen on the roundabout outside the Hilton Malta hotel in St Julian's. There are also several illegal reserved parking bays.

When contacted, a legal expert said that according to law, local councils and tribunals could not reimburse motorists once a fine had been paid. Motorists could only receive a refund if they took the council to court, which would end up being a more costly exercise than the fine itself.

The ADT was less than forthcoming when questioned, opting for a technical reply that leaves the ordinary citizen none the wiser: "Even after we express our own views, and the competent authorities enforce the law through due process in a tribunal or court, the rule of law applies. Decisions of the courts are the correct source of interpretation of what the law says."

The ADT spokesman said the authority was continuously investigating reports about illegal signs and ensured they were removed once a case had been established.

Local Councils' Association president Michael Cohen said when contacted that he had requested an urgent meeting with the ADT to establish which traffic signs were legal and which were not.

When asked to comment about the illegal 'park front bumper to pavement' signs, Mr Cohen said this was a sign that needed to be discussed. "We should not make an issue about such a sign that had good intentions. The only thing we can do about this specific sign is bring it in order," he said.