

1972
Jan. 20

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IOANNIS
SAVVA SISIS
v.
THE POLICE

IOANNIS SAVVA SISIS,

Appellant,

v.

THE POLICE,

Respondents.

(Criminal Appeal No. 3305).

Motor Vehicle—Chassis—“Change” of chassis—Regulation 55(2) of the Motor Vehicles Regulations, 1959—What amounts to a change of chassis—Change of dimensions of existing chassis by joining thereto half of the chassis of another vehicle—Held to be a change of chassis in the sense of the aforesaid Regulation.

Chassis—“Change”—See supra.

Words and Phrases—“Change” in Regulation 55(2) of the Motor Vehicles Regulations, 1959—“Change of the engine or cylinder block together with a change of chassis.....”.

The facts sufficiently appear in the judgment of the Court dismissing this appeal against conviction.

Appeal against conviction.

Appeal against conviction by Ioannis Savva Sisis who was convicted on the 11th November, 1971 at the District Court of Limassol (Criminal Case No. 7677/71) on two counts of the offences of driving an unregistered motor vehicle contrary to Regulations 6 and 66 of the Motor Vehicles Regulations, 1959 and section 13 of the Motor Vehicles and Road Traffic Law, Cap. 332 and of using a motor vehicle without having in force a policy in respect of third party risks contrary to section 3 of the Motor Vehicles (Third Party Insurance) Law, Cap. 333 as amended by Law 7 of 1960 and was sentenced by Kronides, Ag. D.J. to pay a fine of £6.- on the first count and a fine of £14.- on the second count.

A. Neocleous, for the Appellant.

A. Frangos, Senior Counsel of the Republic, for the Respondents.

The judgment of the Court was delivered by:—

TRIANTAFYLIDIS, P.: This is an appeal against the conviction of the Appellant of the offences of driving an unregistered motor vehicle, contrary to regulation 6 of the Motor Vehicles Regulations, 1959, and of using such motor vehicle without there being in force in relation to its user a policy in respect of third party risks, contrary to section 3 of the Motor Vehicles (Third Party Insurance) Law, Cap. 333. The motor vehicle in question is an omnibus belonging to the Appellant.

The trial Court has found that there took place a change not only of the engine of the omnibus—a matter which is not in dispute—but also of the chassis of the omnibus, with the result that, under regulation 55(2) of the Motor Vehicles Regulations, 1959, the existing registration of the omnibus was rendered void and a new registration was required; and also, that, consequently, the omnibus was being driven unregistered and, therefore, without being covered by an insurance policy in respect of third party risks.

Counsel for the Appellant has submitted that the finding of the trial Court that there has also taken place a change of the chassis of the omnibus, and not only a change of its engine, is erroneous because the chassis was not replaced by a new one but merely the dimensions—the width and length—of the existing chassis were altered by joining thereto half of the chassis of another vehicle.

We have to decide whether or not what the Appellant has done is a change of the chassis within the meaning of the word “change” in the text of paragraph (2) of regulation 55 which reads as follows:—

“The change of the engine or cylinder block together with a change of the chassis shall render the existing registration of the motor vehicle void and a new registration shall be required in respect thereof”.

We take the view that the notion of a “change” of the chassis, in the sense of paragraph (2) of regulation 55, is not restricted only to an occasion when a chassis is replaced by a new one but also includes an occasion when an existing chassis is altered to such an extent that thereby its nature is altered; whether or not an alteration of a chassis results in a “change” of the

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chassis is a matter which depends on the circumstances' of each particular case.

We have no doubt that in the present case there has, indeed, taken place an alteration of the nature of the chassis which is a "change" of the chassis in the sense of paragraph (2) of regulation 55.

As a result the registration of the omnibus was rendered void and, as the omnibus was unregistered, there ceased to be in force in relation to its user a policy in respect of third party risks.

For the above reasons this appeal fails and is dismissed.

Appeal dismissed.