

L.N. 193 of 2020

**TRAFFIC REGULATION ORDINANCE
(CAP. 65)**

**AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)**

**Motor Vehicles (Driving Licences) (Amendment No. 2)
Regulations, 2020**

IN EXERCISE of the powers conferred by article 54 of the Traffic Regulation Ordinance and by article 43 of the Authority for Transport in Malta Act, the Minister for Transport, Infrastructure and Capital Projects, after consultation with the Authority for Transport in Malta, has made the following regulations:-

1. The title of these regulations is Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations, 2020 and these regulations shall be read and construed as one with the Motor Vehicles (Driving Licences) Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 65.18.

2. Sub-regulation (1) of regulation 2 of the principal regulations shall be amended as follows:

Amends
regulation 2 of
the principal
regulations.

(a) the definition "the Directive" thereof, shall be substituted by the following:

"the Directive" means Directive 2006/126/EC of the European Parliament and the Council on driving licences as amended by Commission Directive 2009/113/EC of 25 August, 2009, Commission Directive 2011/94/EU of 28 November, 2011, Commission Directive 2012/36/EU of 19 November, 2012, Council Directive 2013/22/EU of 13 May 2013, Commission Directive 2013/47/EU of 2 October, 2013, Commission Directive 2014/85/EU of 1 July, 2014, Commission Directive (EU) 2015/653 of 24 April, 2015 and Commission Directive (EU) 2018/645/EU of the European Parliament and the Council of 18 April, 2018;"; and

(b) immediately after the definition "Directive 2002/24/EC" thereof, there shall be added the following new definition:

"Directive 2003/59/EC" means Directive 2003/59/EC

of the European Parliament and of the Council relating on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC;"

Substitutes
regulation 28 of
the principal
regulations.

3. Regulation 28 of the principal regulations shall be substituted by the following:

"Exempt drivers.

28. The provisions of regulation 27 shall not apply to the drivers of:

(a) vehicles with a maximum authorised speed not exceeding forty-five (45) kilometres per hour;

(b) vehicles used by, or under the control of, the armed forces, civil defence, the fire and rescue service and forces responsible for maintaining public order; and emergency ambulance services, when the carriage is undertaken as a consequence of the tasks assigned to those services;

(c) vehicles undergoing road tests for technical development, repair or maintenance purposes, or the drivers of new or rebuilt vehicles which have not yet been put into service;

(d) vehicles for which a driving licence of category D or D1 is required and which are driven without passengers by maintenance personnel to or from a maintenance centre situated in the vicinity of the nearest maintenance base which is used by the transport operator, provided that driving the vehicle does not constitute the driver's principal activity;

(e) vehicles used in states of emergency or assigned to rescue missions, including vehicles used in the non-commercial transport of humanitarian aid;

(f) vehicles used for driving instruction for, and examination of, any person wishing to obtain a driving licence or a Certificate of Professional Competence (CPC), in accordance with regulation 29, provided that they are not being used for the commercial carriage of goods and passengers;

(g) vehicles used for non-commercial carriage of passengers or goods; and

(h) vehicles carrying material, equipment or machinery to be used by the drivers in the course of their work, provided that driving the vehicles is not the drivers' principal activity:

Provided that paragraph (f) shall not apply to any person wishing to obtain a driving licence or a Certificate of Professional Competence (CPC), in accordance with regulation 29, when that person is undergoing additional driving training during work-based learning, where that person is accompanied by another person certified by a Certificate of Professional Competence (CPC), or a driving instructor, for the category of vehicle used for the purpose set out in that paragraph."

4. In the First Schedule to the principal regulations, in item "B", under the column with the heading "Class of vehicle", the words from "Motor vehicles" to "or tricycle", shall be substituted by the words:

Amends the First Schedule to the principal regulations.

"Motor vehicles with a maximum authorised mass not exceeding three-thousand and five-hundred (3,500) kg and designed and constructed for the carriage of no more than eight (8) passengers in addition to the driver; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed seven-hundred and fifty (750) kg.

Without prejudice to the provisions of type-approval rules for the vehicles concerned, motor vehicles in this category may be combined with a trailer with a maximum authorised mass exceeding seven-hundred and fifty (750) kg, provided that the maximum authorised mass of a vehicle combined with a trailer does not exceed four-thousand, two-hundred and fifty (4,250) kg. Where a vehicle combined with a trailer exceeds three-thousand and five-hundred (3,500) kg it shall be driven only after a driver has passed a test of skills and behaviour, in accordance with Annex V of the Directive.

Alternatively fuelled vehicles, as referred to in Article 2 of the Council Directive 96/53/EC with a maximum authorized mass above three-thousand and five-hundred (3,500) kg but not exceeding four-thousand, two-hundred and fifty (4,250) kg for the transport of goods operating without a trailer by holders of a

category B driving licence which was issued at least two (2) years before, provided that the mass in excess of three-thousand and five-hundred (3,500) kg is due exclusively to the excess of mass of the propulsion system in relation to the propulsion system of a vehicle of the same dimensions, which is equipped with a conventional internal combustion engine with positive ignition or compression ignition, and provided that the cargo capacity is not increased in relation to the same vehicle.

Motor tricycles with a power exceeding fifteen (15) kW provided that the holder of the licence is at least twenty-one (21) years old.

Motorcycles or tricycles listed under Code 111 in the Seventh Schedule, provided the holder had undergone a training course of ten (10) hours organised by a licensed motoring school as prescribed by the Authority and has been issued with a certificate at the end of the said course. The holder shall not carry a pillion while driving the motorcycle or tricycle."

Amends the
Second
Schedule to the
principal
regulations.

5. In Column 2 with the heading "Age in years", in paragraph (b) of the Second Schedule to the principal regulations, the row relative to Category D1, D1E, the number "20" shall be substituted by the number "21".

Substitutes the
Thirteenth
Schedule to the
principal
regulations.

6. The Thirteenth Schedule to the principle regulations shall be substituted by the following:

"THIRTEENTH SCHEDULE (Regulations 29, 30)

Minimum qualification and training requirements

Section 1: List of subjects

1. The knowledge to be taken into account when establishing the driver's initial qualification and periodic training must include at least the subjects in this list. Trainee drivers must reach the level of knowledge and practical competence necessary to drive in all safety vehicles of the relevant licence category.

The minimum level of qualification shall be comparable at least to level 2 of the European Qualifications Framework as provided for in Annex II to Recommendation of the European Parliament and of the Council of 23 April 2008.

Advanced training in rational driving based on safety regulations

All licences

- 1.1. Objective: to know the characteristics of the transmission system in order to make the best possible use of it:

curves relating to torque, power, and specific consumption of an engine, area of optimum use of revolution counter, gearbox-ratio cover diagrams.

- 1.2. Objective: to know the technical characteristics and operation of the safety controls in order to control the vehicle, minimise wear and tear, and prevent disfunctioning:

limits to the use of brakes and retarder, combined use of brakes and retarder, making better use of speed and gear ratio, making use of vehicle inertia, using ways of slowing down and braking on downhill stretches, action in the event of failure, use of electronic and mechanical devices such as Electronic Stability Program (ESP), Advanced Emergency Braking Systems (AEBS), Anti-Lock Braking System (ABS), traction control systems (TCS) and in vehicle monitoring systems (IVMS) and other, approved for use, driver assistance or automation devices.

- 1.3. Objective: ability to optimise fuel consumption:

optimisation of fuel consumption by applying know-how as regards points 1.1 and 1.2, importance of anticipating traffic flow, appropriate distance to other vehicles and use of the vehicle's momentum, steady speed, smooth driving style and appropriate tyre pressure, and familiarity with intelligent transport systems that improve driving efficiency and assist in route planning.

- 1.3a. Objective: ability to anticipate, assess and adapt to risks in traffic:

to be aware of and adapt to different road, traffic and weather conditions, anticipate forthcoming events; to understand how to prepare and plan a journey during abnormal weather conditions; to be familiar with the use of related safety equipment and to understand when a journey has to be postponed or cancelled due to extreme weather conditions; to adapt to the risks of traffic, including dangerous behaviour in traffic or distracted driving (through the use of electronic devices, eating, drinking, etc.); to recognise and adapt to dangerous situations and to be able to cope with stress deriving therefrom, in particular related to size

and weight of the vehicles and vulnerable road users, such as pedestrians, cyclists and powered two wheelers;

to identify possible hazardous situations and properly interpret how these potentially hazardous situations may turn into situations where crashes can no longer be averted and selecting and implementing actions that increase the safety margins to such an extent that a crash can still be averted in case the potential hazards should occur.

Licences C, C+E, C1, C1+E

1.4. Objective: ability to load the vehicle with due regard for safety rules and proper vehicle use:

forces affecting vehicles in motion, use of gearbox ratios according to vehicle load and road profile, use of automatic transmission systems, calculation of payload of vehicle or assembly, calculation of total volume, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity, types of packaging and pallets;

main categories of goods needing securing, clamping and securing techniques, use of securing straps, checking of securing devices, use of handling equipment, placing and removal of tarpaulins.

Licences D, D+E, D1, D1+E, f

1.5. Objective: ability to ensure passenger comfort and safety:

adjusting longitudinal and sideways movements, road sharing, position on the road, smooth breaking, overhang operation, using specific infrastructures (public areas, dedicated lanes), managing conflicts between safe driving and other roles as a driver, interacting with passengers, specificities of certain groups of passengers (disabled persons, children).

1.6. Objective: ability to load the vehicle with due regard for safety rules and proper vehicle use:

forces affecting vehicles in motion, use of gearbox-ratios according to vehicle load and road profile, use of automatic transmission systems, calculation of payload of vehicle or assembly, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity.

Application of regulations

All licences

- 2.1. Objective: to know the social environment of road transport and the rules governing it:

maximum working periods specific to the transport industry; principles, application and consequences of Regulations (EC) No 561/2006 and (EU) No 165/2014 of the European Parliament and of the Council; penalties for failure to use, improper use of and tampering with the tachograph; knowledge of the social environment of road transport: rights and duties of drivers as regards initial qualification and periodic training.

Licences C, C+E, C1, C1+E

- 2.2. Objective: to know the regulations governing the carriage of goods:

transport operating licences, documents to be carried in the vehicle, bans on using certain roads, road-use fees, obligations under standard contracts for the carriage of goods, drafting of documents which form the transport contract, international transport permits, obligations under the Convention on the Contract for the International Carriage of Goods by Road, drafting of the international consignment note, crossing borders, freight forwarders, special documents accompanying goods.

Licences D, D+E, D1, D1+E, f

- 2.3. Objective: to know the regulations governing the carriage of passengers:

carriage of specific groups of passengers, safety equipment on board buses, safety belts, vehicle load.

3. Health, road and environmental safety, service, logistics

All licences

- 3.1. Objective: to make drivers aware of the risks of the road and of accidents at work:

types of accidents at work in the transport sector, road accident statistics, involvement of lorries/coaches, human, material and financial consequences.

- 3.2. Objective: ability to prevent criminality and trafficking in illegal immigrants:

general information, implications for drivers, preventive measures, check list, legislation on transport operator liability.

3.3. Objective: ability to prevent physical risks:

ergonomic principles; movements and postures which pose a risk, physical fitness, handling exercises, personal protection.

3.4. Objective: awareness of the importance of physical and mental ability:

principles of healthy, balanced eating, effects of alcohol, drugs or any other substance likely to affect behaviour, symptoms, causes, effects of fatigue and stress, fundamental role of the basic work/rest cycle.

3.5 Objective: ability to assess emergency situations:

behaviour in an emergency situation: assessment of the situation, avoiding complications of an accident, summoning assistance, assisting casualties and giving first aid, reaction in the event of fire, evacuation of occupants of a lorry/bus passengers, ensuring the safety of all passengers, reaction in the event of aggression; basic principles for the drafting of an accident report.

3.6. Objective: ability to adopt behaviour to help enhance the image of the company:

behaviour of the driver and company image: importance for the company of the standard of service provided by the driver, the roles of the driver, people with whom the driver will be dealing, vehicle maintenance, work organisation, commercial and financial effects of a dispute.

Licences C, C+E, C1, C1+E

3.7. Objective: to know the economic environment of road haulage and the organisation of the market:

road transport in relation to other modes of transport (competition, shippers), different road transport activities (transport for hire or reward, own account, auxiliary transport activities), organisation of the main types of transport company and auxiliary transport activities, different transport specialisations (road tanker, controlled temperature, dangerous goods, animal transport, etc.), changes in the industry (diversification of services provided, rail-road, subcontracting, etc.).

Licences D, D+E, D1, D1+E, f

3.8. Objective: to know the economic environment of the carriage of passengers by road and the organisation of the market:

carriage of passengers by road in relation to other modes of passenger transport (rail, private car), different activities involving the carriage of passengers by road, disability awareness, crossing borders (international transport), organisation of the main types of companies for the carriage of passengers by road.

Section 2: Compulsory initial qualification provided for in regulation 29

The Authority or an entity designated by it shall organise the following theoretical and practical tests to check whether the trainee driver has the level of knowledge required in section 1 for the subjects and objectives listed there.

(a) The theoretical test shall consist of at least two parts:

(i) questions including multiple-choice questions, questions requiring a direct answer, or a combination of both;

(ii) case studies.

The minimum duration of the theoretical test must be four hours.

(b) The practical test shall consist of two parts:

(i) a driving test aimed at assessing training in rational driving based on safety regulations. The test must take place, whenever possible, on roads outside built-up areas, on fast roads and on motorways (or similar), and on all kinds of urban highways presenting the different types of difficulties that a driver is liable to encounter. It would be desirable for this test to take place in different traffic density conditions.

The driving time on the road must be used optimally in order to assess the candidate in all traffic areas likely to be encountered. The minimum duration of this test must be 90 minutes;

(ii) a practical test covering at least points 1.4, 1.5, 1.6, 3.2, 3.3 and 3.5.

The minimum duration of this test must be 30 minutes.

The vehicle used for the practical test must meet at least the requirements for test vehicles as defined in the Third Schedule.

The practical test may be supplemented by a third test taking place on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way they change with different atmospheric conditions and the time of day or night.

The duration of this optional test is not fixed. Should the driver undergo such a test, its duration may be deducted from the 90 minutes of the driving test referred to under (i), but the time deducted may not exceed 30 minutes.

For new drivers, the theoretical test must be limited to the subjects, referred to in section 1, which are relevant to the vehicles to which the new initial qualification applies. However, such drivers must undergo the whole practical test.

Section 3: Compulsory periodic training

Compulsory periodic training courses must be organised by an approved training centre. Their duration must be of 35 hours every five years, given in periods of at least seven hours, which may be split over two consecutive days. Whenever e-learning is used, the approved training centre shall ensure that the proper quality of the training is maintained, including by selecting the subjects where ICT tools can most effectively be deployed. In particular, the Authority shall require reliable user identification and appropriate means of control. The maximum duration of the e-learning training shall not exceed 12 hours. At least one of the training course periods shall cover a road safety subject. The content of the training shall take into account training needs specific to the transport operations carried out by the driver and relevant legal and technological developments and should, as far as possible, take into account specific training needs of the driver. A range of different subjects should be covered over the 35 hours, including repeat training where it is shown that the driver needs specific remedial training.

Section 4: Approval of the initial qualification and periodic training

- 4.1. The training centres taking part in the initial qualification and periodic training must be approved by the Authority.

Approval may be given only in response to a written application. The application must be accompanied by documents including:

- 4.1.1 a suitable qualification and training programme specifying the subjects taught and setting out the proposed implementing plan and teaching methods;
- 4.1.2. the instructors' qualifications and fields of activity;
- 4.1.3. information about the premises where the courses are given, the teaching materials, the resources made available for the practical work, and the vehicle fleet used;
- 4.1.4. the conditions regarding participation in the courses (number of participants).
- 4.2. The Authority must give approval in writing subject to the following conditions:
 - 4.2.1. the training must be given in accordance with the documents accompanying the application;
 - 4.2.2. the Authority must be entitled to send authorised persons to assist in the training courses of the approved centres, and must be entitled to monitor such centres, with regard to the resources used and the proper running of the training courses and tests;
 - 4.2.3. the approval may be withdrawn or suspended if the conditions of approval are no longer complied with.

The approved centre must guarantee that the instructors have a sound knowledge of the most recent regulations and training requirements. As part of a specific selection procedure, the instructors must provide certification showing a knowledge of both the subject material and teaching methods. As regards the practical part of the training, instructors must provide certification of experience as professional drivers or similar driving experience, such as that of driving instructors for heavy vehicles.

The programme of instruction must be in accordance with the approval and must cover the subjects in the list in section 1."
