I assent.

(L.S.)

GUIDO DE MARCO
President

4th August, 2000

ACT No. XXIII of 2000

AN ACT to amend the Public Transport Authority Act, Cap.332.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

Short title and commencement.

1. (1) The title of this Act is the Public Transport Authority (Amendment) Act, 2000 and shall be read and construed as one with the Public Transport Authority Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such date as the Minister may by notice in the Gazette appoint and different dates may be so appointed for different provisions and for different purposes of this Act.

Amendment of the heading to the principal Act.

2. In the heading to the principal Act for the word "Public" there shall be substituted the word "Malta".

Amendment of the long title to the principal Act.

3. In the long title to the principal Act for the words "as the Public Transport Authority" there shall be substituted the words "as the Malta

Transport Authority" and for the words "relating to public transport; to provide for the constitution and functions" there shall be substituted the words "relating to roads and transport; to provide for the establishment and functions of Directorates and".

Amendment of section 1 of the principal Act.

4. In section 1 of the principal Act for the word "Public" there shall be substituted the word "Malta".

Amendment of section 2 of the principal Act.

5. Section 2 of the principal Act shall be amended as follows:-

(a) the definition of "appointed day" shall be deleted;

(b) immediately before the definition of "Authority" there shall be inserted the following new definition-

" "advisory committee" or "committee" means an advisory committee established in accordance with section 29 of this Act;

(c) in the definition of "Authority" for the word "Public" there shall be substituted the word "Malta";

(d) in the definition of "the Board" for the words "section 15" there shall be substituted the words "section 30";

(e) for the proviso to the definition of "Chairman" there shall be substituted the following-

"Provided that in relation to section 29 of this Act, "Chairman" means the Chairman of an advisory committee;";

(f) immediately after the definition of "Chairman" there shall be added the following new definitions:-

" "Chief Executive" means the Chief Executive appointed under section 5 of this Act;

"contractor" means a person acting in pursuance of an agreement entered into with the Authority or a Directorate in accordance with subsection (5) of section 5 of this Act;

"Directorates" means such directorates as are or may be established under section 5 of this Act;";

(g) the definition of "the Committee" shall be deleted;

(h) in the definition of "financial year" the proviso thereto shall be deleted;

(i) in the definition "licence" for the words "or which the Authority" there shall be substituted the words "or a Directorate or which the Authority or a Directorate";

(j) immediately after the definition of "license" there shall be added the following new definition:-

" "motor vehicle" means any vehicle propelled by means of a motor;";

(k) in the definition of Minister for the words "for public transport" there shall be substituted the words "for transport";

(l) in the definition of "public transport sector" for the words "section 11" there shall be substituted the words "section 29";

(m) immediately after the definition of "public transport vehicle" there shall be added the following new definition:-

" "road" means any street, road or railway and includes any "arterial road" or "distributor road" as defined in the Structure Plan approved in accordance with the provisions of the Development Planning Act, and includes, in relation to any such road -

(a) any street or arterial or distributor road which has already been built or which is in the planning or the construction stage;

(b) the carriageway thereof as well as any border or other public open space adjacent and ancillary thereto, including side margins, central strips, roundabouts, traffic islands, footways and pavements;

(c) the foundations, sub-surfaces and surface dressing thereof;

(d) sub-ways, overpasses, junctions and intersections, whether multi-level or otherwise;

(e) road drainage works and access thereto;

(f) trenches and trenching works for utilities;

(g) ducting, conducting and the like for the distribution of utilities or the provision of services, including works connected therewith or ancillary thereto

and manholes or other means of access to such utilities or works;";

(n) for the definition of "self-drive car" there shall be substituted the following:-

" "self-drive car" means any motor vehicle which is licensed and, or registered to be hired from a public service garage for the purpose of being driven by a hirer;"

(o) immediately after the definition of "self-drive car" there shall be added the following new definition:-

" "transport of goods" means the transport of goods by land;"; and

(p) in the definition of "vehicle" immediately after the words "conveyance of persons" there shall be added the words "or transport of goods" and the words "sea-craft," and "or sea" shall be deleted.

Addition of new section 2A to the principal Act.

6. Immediately after section 2 of the principal Act there shall be inserted the following new section:–

"Non-applicability of this Act.

2A. This Act shall not apply to the conveyance of persons or the carriage of goods by sea within or outside the internal or territorial waters of Malta.".

Amendment of section 3 of the principal Act.

7. Section 3 of the principal Act shall be amended as follows:-

(a) in the marginal note thereof for the word "Public" there shall be substituted the word "Malta";

(b) in subsection (1) thereof for the word "Public" there shall be substituted the word "Malta" and for the words "four other members" there shall be substituted the words" not less than four and not more than six other members";

(c) in subsection (2) thereof, immediately after the words "instrument of appointment" there shall be inserted the words "subject to a maximum of three years,"; and

(d) for paragraph (b) of subsection (4) thereof there shall be substituted the following:-

"(b) is a judge or magistrate of the courts of justice;

(c) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority:

Provided that the Minister may waive the disqualification of a person under this paragraph if such person declares the interest and such declaration and waiver are published in the Gazette.".

8. Section 4 of the principal Act shall be amended as follows:- Amendment of section 4 of the principal Act.

(a) for subsection (1) thereof there shall be substituted the following:-

"(1) The Authority shall have the following functions:-

(a) to plan or provide or secure or promote the provision of, a properly integrated, safe, economical and efficient transport system by road by any means presently obtaining or that may be available in the future;

(b) to occupy, construct, re-construct, administer, maintain, repair and restore roads and to provide or secure the provision of same and also to provide or secure the provision of services for such purposes and to manage and control the necessary works, including the planning and programming thereof and the planning and programming for the rebuilding and reformation of the existing road network, road margins and areas allocated for utilities:

Provided that where the maintenance of any street or road is the responsibility of a Local Council in terms of the Local Councils Act, the maintenance of such street or road shall not, to the extent of such responsibility, be the function of the Authority:

Provided further that where a street is to be formed by any other person in accordance with any other law, it shall not be the function of the Authority to form such street or road;

(c) to establish a code of standards and specifications to be maintained and complied with in the execution of any works connected with roads which are not arterial or distributor roads; and for the purposes of this paragraph, paragraphs (a) to (g) of the definition of "road" shall apply to such roads;

(d) to do all such things as are necessary or expedient for the testing, registration and licensing of motor vehicles and the drivers thereof;

(e) to do all such things as may be necessary for the regulation, management, safety and control of road traffic and the transport of persons and goods;

(f) to determine the short term and long term objectives for the performance of the above functions;

(g) to develop the necessary strategy and policies to achieve these objectives;

(h) to provide, or secure the provision of such services and facilities as appear to the Authority to be expedient in the performance of its functions, including the power to provide for the accessibility of such services and facilities by any person irrespective of by whom these are provided;

(i) to provide or secure or promote the provision of, training for persons engaged or to be engaged in the public transport services and to promote the welfare of such persons;

(j) to compile and keep up-to-date records of such data as it may deem appropriate in connection with its functions;

(k) subject to any other provision of law, to regulate the placing of any billboard, poster, banner, sign (directional or otherwise) on any road or visible from any road in connection with the advertising of any product or activity or for any other purpose;

(l) to carry on all such activities as may appear to the Authority to be requisite, advantageous or convenient to be carried on for or in connection with the performance of any of the other functions of the Authority;

(m) to perform any other function vested in it by or pursuant to this Act or any other law;

(n) to advise the Minister on all matters which concern its functions"; and

(b) in subsection (2) thereof the word "public" shall be deleted.

9. Section 5 of the principal Act shall be amended as follows- Amendment of section 5 of the principal Act.

(a) the present provision shall be re-numbered as subsection (1);

(b) in subsection (1) as re-numbered for the words from "The affairs" to "directions of the Authority" there shall be substituted the words "Subject to the other provisions of this Act the affairs and business of the Authority shall be the responsibility of the Authority, but save as aforesaid," and for the words "the Chairman" there shall be substituted the words "the Chief Executive"; and

(c) immediately after subsection (1) as re-numbered there shall be added the following new subsections:-

"(2) There shall be established the Directorates as listed in the First Schedule to this Act, which shall have the responsibilities as described therein. The Minister may, after consulting the Authority, by Order in the Gazette, abolish any one or more of the said Directorates, vary their responsibilities and establish such other Directorates, as he may from time to time deem appropriate.

(3) The Authority shall vest in the Directorates so established and subject to the overall supervision and control of the Chief Executive, such of its functions as relate or are ancillary to the matters for which they are responsible as will enable the said Directorates to give effect to the policies of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in their respective areas of operation.

(4) Each of the Directorates so established shall be headed by a person who shall either be a public officer detailed for duty with the Authority or any employee of the Authority, or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking, in any case having adequate experience or knowledge in the respective area of operation.

(5) The Authority and each of the Directorates may exercise any one or more of their functions either directly or through any of their officers or employees authorised for the

purpose, or through a contractor or other person with whom agreement for the performance of any one or more of such functions has been entered into:

Provided that nothing in this subsection shall authorise the Authority to contract out any of its regulatory or licensing functions.

(6) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Directorates under whose jurisdiction the matter falls by reason of a delegation of function to such Directorate; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Directorate.

(7) The Chief Executive and the heads of the Directorates shall be appointed by the Authority following consultation with the Minister for a period of three years and such period may be extended for further periods of three years each:

Provided that the first Chief Executive and the first head of each Directorate shall be appointed by the Minister.

(8) The Chief Executive shall attend all the meetings of the Board but shall not vote at such meetings:

Provided that the Authority may if it so deems fit, require the Chief Executive not to attend any of the meetings or any part of a meeting.

(9) The Chief Executive shall be responsible for the implementation of the objectives of the Authority in the exercise of its functions and without prejudice to the generality of the foregoing he shall -

(a) assume full responsibility for the overall supervision and control of the Directorates;

(b) assign to the Directorates such duties which are by, or in accordance with, the provisions of this Act vested in such Directorates;

(c) co-ordinate the workings of the Directorates falling under his responsibility;

(d) develop the necessary strategies for the implementation and continued operation of the objectives of the Authority;

(e) advise the Authority on any matter it may refer to him or on any matter which he considers necessary or expedient; and

(f) such other duties as the Authority may assign to him from time to time.".

Amendment of section 6 of the principal Act.

10. In section 6 of the principal Act, immediately after subsection (2) thereof there shall be added the following new subsection:–

"(3) If the Authority fails to comply with any directions issued under this section, the Prime Minster may make an order transferring to the Minister in whole or in part any of the functions of the Authority.".

Amendment of section 7 of the principal Act.

11. Section 7 of the principal Act shall be amended as follows:-

(a) subsection (2) thereof shall be amended as follows:-

(i) for the words "shall vest in the Chairman" there shall be substituted the words "shall jointly vest in the Chairman and the Chief Executive";

(ii) in the proviso thereto for the words "other document whatsoever." there shall be substituted the words "other document whatsoever:"; and

(iii) immediately after the proviso thereto there shall be added the following new proviso:-

"Provided further that in respect of any matter falling within the functions vested in a Directorate, the legal and judicial representation of the Authority shall also vest in the head of the Directorate or in such other member, officer or employee of the Authority, as the Authority may appoint or authorise for the purpose."; and

(b) in subsection (3) thereof immediately after the words "by the Chairman" there shall be inserted the words "or by the Chief Executive or by a head of the Directorate in relation to any matter delegated to him".

Amendment of section 8 of the principal Act.

12. Section 8 of the principal Act shall be amended as follows:-

(a) in subsection (1) thereof, immediately after the words "by the Chairman," there shall be inserted the words "as often as may be necessary but at least once a month"; and

(b) in subsection (2) thereof for the words "Three members of the Authority shall form a quorum at any meeting." There shall be substituted the words "Half the number of members for the time being constituting the Authority shall form a quorum." and the words from "or which is taken" to "is not present" shall be deleted.

Addition of heading proceeding section 9 of the principal Act.

13. Immediately preceding section 9 of the principal Act there shall be added the following new heading:-

"OFFICERS AND EMPLOYEES OF THE AUTHORITY".

Deletes heading preceding section 10 of the principal Act.

14. The heading "Executive and Advisory Committees and Officers and Employees of the Authority" preceding section 10 of the principal Act shall be deleted.

Amendment of section 11 of the principal Act.

15. Subsection (2) of section 11 of the principal Act shall be amended as follows -

(a) in paragraph (b) thereof, for the words "to such officer." there shall be substituted the words "to such officer:"; and

(b) immediately after paragraph (b) thereof there shall be added the following proviso -

"Provided that in relation to a public officer detailed for duty with the Authority after such date as the Prime Minister may in a direction as aforesaid establish, the detailing of such public officer shall cease to have effect after one year from the effective date of such direction, unless the direction is revoked earlier by the Prime Minister.".

Amendment of section 13 of the principal Act.

16. Section 13 of the principal Act shall be amended by the addition of the following new subsections immediately after subsection (5) thereof -

"(6) In the case of a public officer detailed for duty with the Authority after the date established under the proviso to paragraph (b) of subsection (2) of section 11 of this Act and who subsequently accepts permanent employment with the Authority

the foregoing provisions shall continue to apply subject to the following subsections of this section.

(7) For the purposes of the Pensions Ordinance the pensionable emoluments of such public officer on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post and incremental level at which the officer retires from the Authority.

(8) (a) For the purposes of the proviso to subsection (3) of this section, posts and salary grades with the Authority shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) of this subsection shall be carried out by a board composed of a chairman appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or, of employees of the Authority.

(d) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to section 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.".

Re-numbering of sections 14 and 15 of the principal Act.

17. Sections 14 and 15 of the principal Act shall be re-numbered 29 and 30 respectively and the heading "The Public Transport Labour Board" immediately preceding section 15 before renumbering shall be deleted.

Adds new section 14 to the principal Act.

18. Immediately preceding section 16 of the principal Act, and immediately after the heading "Financial Provisions" there shall be added the following new section:-

"Authority to meet expenditure out of revenue.

14. (1) Without prejudice to the following provisions of this section, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) For such purpose the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law related to the powers and functions of the Authority.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works to be continued or otherwise carried out by the Authority, being works of infrastructure or a similar capital nature.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority; and without prejudice to the generality of the powers given to the Minister by this subsection, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with subsection (2) of this section.

(5) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.".

Amendment of section 16 of the principal Act.

19. Section 16 of the principal Act shall be amended as follows:-

(a) the present provision shall be re-numbered as subsection (1) of section 15; and

(b) immediately after subsection (1) as re-numbered there shall be added the following new subsection:-

"(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of fifty thousand liri, there shall be required the approval of the Minister in writing.".

Re-numbering of section 17 of the principal Act.

20. Section 17 of the principal Act shall be re-numbered as section 16.

Addition of new section 17 to the principal Act.

21. Immediately after section 16 of the principal Act as re-numbered there shall be added the following new section:-

"Borrowing from Government.

17. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this section shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in subsection (1) of this section, or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this section, shall be paid into a fund specially established for the purpose and which shall be known as the "Transport Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority in respect of advances made to the Authority under subsection (3) of this section shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of amounts received by way of interest into the Consolidated Fund.".

Amendment of section 18 of the principal Act.

22. In subsection (1) of section 18 of the principal Act, immediately after the words "following financial year" there shall be added the words "distinguishing, in particular, between each of such Directorates as may be established under the provisions of this Act".

Amendment of section 24 of the principal Act.

23. In section 24 of the principal Act, for the words "during that financial year" there shall be substituted the words "during that financial year, distinguishing, in particular, between each of such Directorates as may be established under the provisions of this Act".

Re-numbering of sections 26 and 27 and deletion of section 28 of the principal Act.

24. Sections 26 and 27 of the principal Act shall be re-numbered as sections 31 and 32 respectively and section 28 shall be deleted.

Addition of new heading and new sections 26, 27 and 28 to the principal Act.

25. Immediately after section 25 of the principal Act there shall be added the following title and new sections 26, 27 and 28:-

"TRANSFER OF CERTAIN ASSETS TO THE AUTHORITY"

Transfer of assets to the Authority.

26. (1) (a) The property and undertakings owned by the Government and used by it, immediately before the date of the coming into force of this Part of this Act, and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and vested in the Authority under the same title by which they were held by the Government immediately before the said date. The provisions of this paragraph shall not apply to immovable property, other than roads.

(b) The immovable assets from time to time specified in an Order made by the President of Malta and published in the Gazette (hereinafter referred to as "the immovable assets") being immovable assets which immediately before the coming into force of the Public Transport Authority (Amendment) Act, 2000 were owned by the Government and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, with effect from such day as may be specified in any such Order, and by virtue of this Act and without any further assurance be transferred to and vested in the Authority under the same title by which they were held by the Government before such day.

(2) The transfer and vesting aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include all plant, equipment, apparatus, instruments, vehicles, craft, buildings, structures, installations, land, roads, works, stocks and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid:

Provided that in respect of roads, the transfer and vesting aforesaid shall not extend to the ownership thereof but shall be limited to their use, administration and operation including any benefit deriving from such use, administration and operation, subject to the obligation of the Authority to maintain, to the extent that such maintenance is not the responsibility of Local Councils in terms of the first proviso to paragraph (b) of subsection (1) of section 4 of this Act, and keep all such property, and for the purposes of sections 27 and 28 of this Act such property shall be deemed to be included in the properties transferred to the Authority by or under this Act:

Provided further that in respect of roads, the transfer and vesting as aforesaid shall include the power of the Authority to grant permission for the placing of advertisements, billboards, posters, banners or signs on the road, and such permission shall be against the payment of such fees as the Authority may from time to time determine, and the provisions of the Disposal of Government Land Act shall not apply.

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(3) The Minister may by Order in the Gazette from time to time vest any land held by the Government in the Authority for the purpose of constructing any road thereon, and the provisions of the provisos to subsection (2) of this section shall apply to any land so vested by the Minister under this subsection.

Construction of laws, etc.

27. (1) Subject to the provision of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Part of this Act affecting or relating to any of the properties or undertakings transferred to the Authority by or under this Act

shall have full force and effect against or in favour of the Authority, and shall be enforceable freely and effectually, as if instead of the Government or governmental authority the Authority has been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

(2) Any reference in any Act to the Public Transport Authority or to the Authority as defined in section 2 of this Act shall be read and construed as a reference to the Authority as so defined and shall include a reference to any Directorate established under this Act, as the case may require.

Transitory provisions.

28. (1) When anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Part of this Act and such thing relates to any of the properties or undertakings or any right or liability transferred to the Authority by or under this Act, such thing may be carried on and completed by or as authorised by the Authority.

(2) Where immediately before the coming into force of this Part of this Act, any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings are related to any of the properties or undertakings, or any right or liability transferred by or under this Act, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a part thereto in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Authority by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred property or undertakings exercisable by or on behalf of the Authority.".

Amendment of section 29 of the principal Act.

26. For section 29 of the principal Act as re-numbered there shall be substituted the following:-

"ADVISORY COMMITTEES

Appointment and functions of advisory committees.

29. (1) With effect from such day or days as the Minister may by order determine, there shall be appointed in respect of such sector as the Minister may in any such order specify, an advisory committee.

(2) An advisory committee shall, for the better carrying out of the provisions of this Act, advise the Authority on such matters and perform such other functions as the Minister may specify in the Order.

(3) The members of the committee shall be appointed by the Minister and shall hold office for such period and on such terms and conditions as the Minister may deem appropriate.

(4) Each committee shall consist of one member representing the Authority as Chairman and such other members as the Minister may deem fit to appoint.

(5) The provisions of paragraph (a) of subsection (4), and subsections (5) and (8) of section 3 of this Act shall *mutatis mutandis* apply to the members of the advisory committees.

(6) Each advisory committee shall keep minutes of all its meetings and shall forward copies of such minutes to the Authority. The provisions of section 8 of this Act shall *mutatis mutandis* apply to the committee and its acts or proceedings.".

Addition of heading preceding section 30 of the principal Act.

27. Immediately preceding section 30 of the principal Act as re-numbered there shall be added the following new heading:

"THE PUBLIC TRANSPORT LABOUR BOARD".

Amendment of section 32 of the principal Act.

28. Section 32 of the principal Act as renumbered shall be amended as follows:-

(a) for subsection (1) thereof there shall be substituted the following:–

"(1) The Minister may, after consultation with the Authority and subject to the provisions of any law regulating the traffic of vehicles, make regulations in respect of any of the functions of the Authority.";

(b) subsection (2) thereof shall be amended as follows-

(i) for paragraph (a) thereof there shall be substituted the following:-

"(a) for the registration of motor-cars or other vehicles and the grant, renewal, transfer, suspension and cancellation of licences in respect of motor-cars or other vehicles, the drivers thereof, the conductors of motor buses, car hire garages, and for such other licenses in connection with motor-cars or other vehicles and the users thereof as may be necessary;";

(ii) in paragraphs (g), (h) and (i) thereof, for the words "public transport vehicles" there shall be substituted in each case the words "motor-cars or other vehicles";

(iii) paragraphs (k), (l), (m), (n) and (o) thereof shall be re-numbered as paragraphs (n), (o), (p), (q) and (r) respectively and paragraph (p) thereof shall be re-numbered as paragraph (w);

(iv) immediately after paragraphs (j) thereof there shall be added the following new paragraphs:-

"(k) for controlling, restricting or prohibiting the passage or stopping of motor-cars or other vehicles through or on any road, street, lane, square or other place of public thoroughfare;

(l) for pedestrian crossings and for the restriction or control of the movement of pedestrians in, through or across any road, street or other places of public thoroughfare;

(m) generally for the control or the use of motor-cars or other vehicles on the road and for the regulation of traffic of motor-cars or other vehicles;"; and

(v) immediately after paragraph (r) thereof there shall be added the following new paragraphs:–

"(s) for establishing the fees for the provision of any service or the management of a service by the Authority or by any person on its behalf or under its authority, including, without prejudice to the generality of the foregoing, any fees or other charges for any service

in connection with the regulation of any activity by the Authority;

(t) for the making of any deposit or the giving of any guarantee to ensure the performance of any obligation by any person imposed as a condition of any permit, authorisation or licence under this Act;

(u) for the regulation of public transport and the transport of goods in general, including the making of codes of practices to be observed in any matter by persons involved in such activities;

(v) for the better carrying out of any of the functions of the Authority in accordance with the provisions of this Act;".

Adds new Schedule to the principal Act.

29. Immediately after section 32 of the principal Act there shall be added the Schedule contained in the First Schedule to this Act.

Amendment of other enactments and savings.

30. (1) The enactments in the First Column of the Second Schedule to this Act shall have effect subject to the amendments appearing relative thereto in the Second Column of the said Schedule.

(2) Any regulations made under the provisions of any of the enactments being amended as aforesaid, and shown in the Second Schedule to this Act, shall, until other provision is made under or by virtue of this Act, or the relevant Act as amended, or the aforesaid enactments as amended, continue in force and have effect as if made under this Act or the relevant enactment as amended, as the case may require.

(3) Any licence, permission or other authority granted under any enactment or any provision thereof, being amended by this Act as aforesaid, and still in force immediately before such amendment, shall continue in force thereafter as if it were a licence, permission or authority granted under a corresponding provision of this Act, or under such enactment as amended, as the case may require; and any such licence, permission or authority as aforesaid shall be treated and dealt with accordingly.

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FIRST SCHEDULE

(Section 29)

"SCHEDULE

Section 5(2)

Directorates

Subject to the Minister's powers under subsection (2) of section 5 of this Act, there shall be the following Directorates -

1. Licensing and Testing Directorate - which shall have the responsibility to do all such things as are necessary and expedient for the testing, registration and licensing of motor vehicles and the drivers thereof.

2. Roads Directorate - which shall have the responsibility for the occupation, construction and maintenance of roads and to establish standards and specifications in relation to any works connected with roads.

3. Traffic Management Directorate - which shall have the responsibility to maximise the efficiency and safety of road traffic.

4. Public Transport Directorate - which shall have the responsibility to provide, secure and promote the provision of a properly integrated, safe, economical and efficient public transport system.".

SECOND SCHEDULE

(Section 30)

First Column	Second Column
Code of Police Laws, Cap. 10.	**1.0** In article 2 thereof -
	1.1 the definitions of "boatman", "public transport", "Public Transport Authority" and "public transport vehicle" shall be deleted; and
	1.2 for the definition of "vehicle" there shall be substituted the following:-
	"the expression "vehicle" has the same meaning assigned to it by section 2 of the Malta Transport Authority Act;".
	2.0 In article 20 thereof -
	2.1 for the words "Director of Public Works" and "Public Works Department" wherever they occur, including the marginal notes to subarticles (4), (7) and (12) there shall be substituted in each case the words "Malta Transport Authority";
	2.2 in subarticle (2) for the words "Director of Public Works" there shall be substituted the words "Malta Transport Authority with the concurrence of such other authority, if any, as the Prime Minister may by order from time to time determine";
	2.3 in the proviso to subarticle (4) for the words "Minister responsible for public works" there shall be substituted the words "Minister responsible for transport";
	2.4 subarticle (6) shall be amended as follows:-
	2.4.1 in paragraph (v) for the words "Minister responsible for public works" wherever they occur, there shall be substituted in each case the words "Malta Transport Authority"; and
	2.4.2 paragraph (vii) shall be deleted;
	2.5 in subarticle (7) for the words "carry out in" there shall be substituted the words "carry out or cause or allow to be carried out in";

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2.6 subsection (10) shall be amended as follows:-

2.6.1 for paragraph (vi) there shall be substituted the following:-

"(vi) Streets not belonging to the Government shall, when such streets are included in a scheme or in a local plan-

(a) on their asphalting or other surfacing; and

(b) upon the publication in the Gazette of an Order by the President to that effect,

become government property and the owners shall thereafter be relieved of any further obligation of maintaining the streets.";

2.6.2 paragraph (vii) shall be deleted; and

2.6.3 in paragraph (viii) for the words "publication of the contract of transfer" there shall be substituted the words "Order of the President";

2.7 paragraph (i) of subarticle (11) shall be amended as follows:-

2.7.1 for the words "interest at three per centum" there shall be substituted the words "interest at eight per centum"; and

2.7.2 for the words "in favour of the Government" there shall be substituted the words "in favour of the Malta Transport Authority";

2.8 in subarticle (12) -

2.8.1 for the marginal note thereto there shall be substituted the following:- "Expenses incurred by the Malta Transport Authority to be apportioned among owners."; and

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2.8.2 for the words "Minister responsible for public works" wherever they occur, there shall be substituted in each case the words "Malta Transport Authority";

2.9 for subarticle (13) there shall be substituted the following:-

"(13) The Minister may, after consultation with the Malta Transport Authority, by regulations prescribe the rates to be charged by the Malta Transport Authority for the levelling, metalling and asphalting of surface otherwise of streets."; and

2.10 immediately after subarticle (13) there shall be added the following new subsections:-

"(14) Where any person fails to form any street as provided in accordance with the provisions of this Code, the Malta Transport Authority may itself proceed to form such street after giving notice of its intention so to do by means of a notice in the Gazette, giving such person fifteen days within which to comply. Such formation shall be at the expense of the person who would otherwise have been obliged to form such street, and the Authority shall have the right to recover any expense so made from such person.

(15) The contributions leviable under this Part by the Malta Transport Authority, may be collected and levied by the Planning Authority under regulations made in terms of section 42 of the Development Planning Act, and such regulations may provide for the rates of contributions in respect of any class or type of building as well as the manner of their collection.".

3.0 In article 21 thereof for the words "The Commissioner of Police may cause" there shall be substituted the words "The Malta Transport Authority, and to the extent of any responsibility of a Local Council in terms of the Local Councils Act, a Local Council, may cause" and the words "of Commissioner of Police" in the mariginal note thereto shall be deleted.

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4.0 In subarticle (1) of article 22 thereof for the words "without the previous approval of the Minister responsible for the Police" there shall be substituted the words "without the approval of the Malta Transport Authority, or of the Local Council responsible for the locality in which such street is situated, as the case may be,".

5.0 In article 24 thereof for the words "The officer in charge of public works and of the lighting of streets" there shall be substituted the words "The Malta Transport Authority" and the words ";for the cleansing, watering and lighting of the streets; and for putting up in any place lamps and other works required for such lighting" shall be deleted.

6.0 In article 26 thereof, for the words "without a licence from the Police" there shall be substituted the words "without a licence from the Malta Transport Authority".

7.0 In article 27 thereof, and in the marginal note thereto, for the words "Director of Public Works" wherever they occur, there shall be substituted in each case the words "Malta Transport Authority".

8.0 In article 28 thereof and in the marginal note thereto, for the words "Minister responsible for public works" wherever they occur there shall be substituted in each case the words "Malta Transport Authority".

9.0 Article 29 thereof shall be amended as follows:-

9.1 for the words "Director of Public Works" and "Public Works Department" wherever they occur and in the marginal note thereto, there shall be substituted in each case the words "Malta Transport Authority"; and

9.2 for the words from "properly fill up" to "at the grantee's expense" there shall be substituted the words "re-instate the footway or surface so broken up or so opened".

10.0 In article 36 thereof for the words "Director of Public Works" there shall be substituted the words "Malta Transport Authority".

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	11.0 In article 37 thereof, for the words "Director of Public Works" there shall be substituted the words "Malta Transport Authority".
	12.0 The title "Part IV", its sub-title "Of Vehicles" and articles 48 to 94 both inclusive, appearing thereunder shall be deleted.
	13.0 The title "Of Passage Boats" under Part XXII and articles 270 to 286 both inclusive, appearing thereunder shall be deleted.
	14.0 Articles 289, 290, 295, 296, 297, 298, 302 and 303 shall be deleted.
	15.0 The title "Part XXIV" and its sub-title "Of Boatmen" and articles 307 to 309 both inclusive, appearing thereunder shall be deleted.
Traffic Regulation Ordinance, Cap. 65.	**1.0** Section 2 shall be amended as follows -
	1.1 immediately before the definition of "Authority", there shall be added the following new definition -
	"the word "animal" means any horse, mule or donkey, when used for the conveyance or carriage of persons, corpses or goods;";
	1.2 for the definition of "Authority" there shall be substituted the following -
	"the words "Authority" and "Malta Transport Authority" mean the Malta Transport Authority established under section 3 of the Malta Transport Authority Act;";
	1.3 the definition of "ferry-boat" shall be deleted;
	1.4 in the definition of "Minister" for the words "responsible for the Police" there shall be substituted the words "responsible for transport";

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1.5 in the definition of "public transport" for the words "Public Transport Authority Act," there shall be substituted the words "Malta Transport Authority Act";

1.6 in the definition of "public transport vehicle" for the words "Public Transport Authority Act," there shall be substituted the words "Malta Transport Authority Act;"; and

1.7 immediately after the definition of "public transport vehicle" there shall be added the following new definition -

"the word "vehicle" includes any carriage, karrozzin, animal drawn cart, car, motor-car, omnibus, bicycle or other means of transport of any class or description intended for the conveyance or carriage of persons, corpses or goods:

Provided that no provision of this Ordinance or of any regulation made thereunder shall apply to any animal drawn vehicle unless the Minister makes regulations extending such provisions to be applicable thereto;".

2.0 Subsection (1) of section (3) shall be amended as follows:-

2.1 immediately after the words "the Minister" there shall be added the words "on the advice of the Malta Transport Authority";

2.2 for the words "in any such order:" there shall be substituted the words "in any such order."; and

2.3 the proviso thereto shall be deleted.

3.0 Section 4 shall be deleted.

4.0 Subsection (1) of section 5 shall be amended as follows:–

4.1 for the words "Public Transport Authority" there shall be substituted the words "Malta Transport Authority" and the words "and ferry-boat" shall be deleted; and

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4.2 in paragraph (a) thereof, the words ", or from one island to another" shall be deleted.

5.0 In section 6 for the words "Public Transport Authority" wherever they occur, there shall be substituted in each case the words "Malta Transport Authority" and the words "or ferry-boat" wherever they occur shall be deleted.

6.0 In section 7 for the words "Public Transport Authority" there shall be substituted the words "Malta Transport Authority" and the words "or ferry-boat" shall be deleted.

7.0 Section 8 shall be amended as follows -

7.1 for subsection (1) there shall be substituted the following:-

"(1) The Malta Transport Authority may appoint any of its employees as traffic inspectors, hereinafter in this Ordinance also referred to as "inspectors".";

7.2 in subsection (2) for the words "Commissioner of Police" there shall be substituted the words "Malta Transport Authority"; and

7.3 subsection (3) shall be deleted.

8.0 In section 9 for the words "fifty cents for each offence" there shall be substituted the words "ten Maltese liri for each offence".

9.0 In section 10 for the words "Public Transport Authority" there shall be substituted the words "Malta Transport Authority".

10.0 Section 11 shall be amended as follows:–

10.1 the words "or any person in charge of a ferry-boat" wherever they occur, and the words "or to enter any ferry-boat at any landing place" shall be deleted; and

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10.2 in paragraph (c) thereof, the words "or of the ferry-boat as the case may be," shall be deleted.

11.0 In section 13 and in the marginal note thereto, for the words "Public Transport Authority" there shall be substituted in each case the words "Malta Transport Authority" and the words "or ferry-boats" shall be deleted.

12.0 Section 14 shall be amended as follows:–

12.1 in subsection (1) thereof, the words "or ferry-boats" and "or ferry-boat" shall be deleted, and for the words "Public Transport Authority", wherever they occur including in the marginal note thereto, there shall be substituted the words "Malta Transport Authority"; and

12.2 the words "or ferry-boat" wherever they occur in subsections (2) and (4) thereof shall be deleted.

13.0 Section 15 shall be amended as follows:-

13.1 immediately after the words "motor-car" whenever they occur, there shall be added in each case the words "or other vehicle";

13.2 in paragraph (a) of subsection (1) thereof, immediately after the words "dangerous manner" there shall be added the words "provided that no licence shall be required in relation to a bicycle";

13.3 in paragraph (b) of subsection (1) thereof, for the words "the Police or by the Public Transport Authority" there shall be substituted the words "the Malta Transport Authority"; and

13.4 immediately after subsection (3) thereof there shall be added the following new subsection:-

"(4) The Minister may by regulations under this section make provision whereby any disqualification to hold a licence or any revocation or suspension of a licence to drive a vehicle in a country outside Malta as may be designated in such regulations, shall have effect as if such disqualification, revocation or suspension was

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ordered by a Court or other authority in Malta to the extent and under such conditions as may be specified in such regulations, and no licence issued under this Act shall be valid in any period where in accordance with such regulations such person is deemed disqualified from holding any licence or has his licence suspended or revoked.".

14.0 In sections 15A, 15B and 15C, immediately after the words "motor-car" whenever they occur there shall be added in each case the words "or other vehicle".

15.0 In subsections (1) and (3) of section 16, for the words "Public Transport Authority" there shall be substituted the words "Malta Transport Authority".

16.0 Sections 17, 18, 18A, 19, 22, 23, 24, 25 and 26 shall be re-numbered as sections 54, 55, 56, 58, 59, 60, 61, 62 and 63 respectively, and sections 20 and 21 shall be deleted.

17.0 Immediately after section 16A there shall be added the following new sections -

"Licence to let vehicle on hire.

17. Without prejudice to the provisions of section 16 of this Act, it is prohibited to let or hire any vehicle for the conveyance of persons or for the carriage of goods without a licence from the Malta Transport Authority.

Fitness of vehicle.

18. The licence mentioned in section 17 of this Ordinance in respect of a vehicle for hire shall not be granted unless the Authority is satisfied that the vehicle is fit for public use, and provided with such fittings, accessories and brakes as, in the opinion of the Authority may be necessary for the safety and convenience of passengers.

Plates bearing registration number.

19. A vehicle licensed in accordance with section 17 shall bear such plates showing an identification number and such distinctive letter as shall be allotted to it by the Authority. The said number and letter shall be of such pattern, colour and size as the Authority shall determine.

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Vehicle without plate to be deemed unlicensed.

20. Any vehicle standing or plying for hire, or actually on hire not having the plates referred to in the last preceding section, shall be deemed to be an unlicensed vehicle.

Construction of vehicles for hire.

21. Every vehicle for hire shall be constructed in accordance with a design approved by the Authority.

Keeping of vehicle in good state of repair, etc.

22. It shall not be lawful to use any vehicle for hire which is not kept in a good state of repair, cleanliness and decency in all its parts and accessories.

Vehicles for conveyance of persons not to be used for conveyance of corpses.

23. No vehicle destined for the conveyance of persons shall be used for the conveyance of corpses.

Vehicles for conveyance of corpses.

24. No vehicle shall be used for the conveyance of corpses without a special licence, which shall not be granted unless the vehicle be constructed in such form and provided with such fittings, accessories and lamps as the Authority shall direct.

Withdrawal of licence of vehicle for hire.

25. The licence mentioned in section 17 shall be withdrawn if the vehicle is declared to be unfit for public use. The said licence shall be returned or, if lapsed, renewed when the vehicle is put in order to the satisfaction of the Authority.

Notice of sale or disposal of licensed vehicle.

26. Any person named as owner or part-owner on a licence, who shall have sold or otherwise disposed of his interest in the vehicle to which the licence relates, shall give notice to the Authority of such sale or disposal, and shall at the same time produce the licence in order that a note may be entered thereon showing the material particulars of such sale or disposal; and in default of such notice and production, such person shall, notwithstanding such sale or disposal, continue to be subject to the provisions of this Ordinance as owner or part-owner of the vehicle.

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Number of vehicle to be kept always visible to public.

27. No owner or driver of a vehicle shall cause or suffer the number assigned by the Authority and affixed by means of a plate on the vehicle to be hidden from public view, or changed, or in any manner hinder any person from taking note thereof, or refuse to declare such number to any person desiring to know the same.

Power to change number of vehicle.

28. Whenever the Authority may deem it expedient to change the identification number of a vehicle, notice shall be given to the person to whom the licence relative to such vehicle shall have been granted; such person shall, within seven days after such notice, produce the licence to the Authority, who shall assign another number plate and enter on the licence a note of such change. Such person shall affix on the vehicle the new number plate in the same manner as the original number plate was affixed, or in such manner as the Authority, may direct.

Licence for each vehicle.

29. It shall not be lawful to grant one single licence in respect of more than one vehicle.

Driver of vehicle to be licensed.

30. No person shall act as driver of any vehicle for hire, other than a bicycle, without a licence from the Authority; and the owner of such vehicle shall not employ as driver any person not having such licence.

Qualifications to act as driver.

31. Such licence shall only be granted to persons of age who, in the opinion of the Authority, are of good conduct and fit to drive vehicles for hire.

Licence to be revoked or suspended where driver is convicted of crime.

32. Such licence shall, upon conviction of the holder for a crime, be revoked or suspended for a stated period by the court passing judgement.

Time within which to apply for revocation or suspension of licence after conviction.

33. The allegation that the person accused is a driver of a vehicle may, for the purposes of the last preceding section, be made, even after the conviction, by an application, provided such application is filed within eight days of such conviction.

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Driver of public transport vehicle to wear identification tag.

34. (1) Every driver of a public transport vehicle shall, whilst driving the vehicle, wear in a conspicuous place on his breast in a manner that it may be easily seen, an identification tag which will be given to him by the Authority.

Driver may not lend tag.

(2) It shall not be lawful for any driver to lend his tag to any other person, or to suffer any other person to make use thereof, even though such other person is licensed to act as driver of a public transport vehicle; it shall likewise be unlawful for any person to make use of a tag granted to any other person.

Loss of tag.

(3) If a driver loses his tag, he shall, without delay, give notice thereof to the Authority, and if he shows, to the satisfaction of the Authority, that the tag was lost without any fault on his part, he shall be given another tag by the Authority on the payment of any fee as may be prescribed.

Driver to carry licence.

35. Every driver licensed to drive a vehicle for hire shall, whilst driving the vehicle, or plying for hire, carry the licence on him and shall produce the same whenever requested by the Police or any other authority.

Owner or driver may not refuse to hire vehicle except on reasonable grounds.

36. No owner or driver of a vehicle for hire shall, without reasonable excuse, refuse to let out such vehicle to any given place, or, at the choice of the person requiring the hire of the vehicle, for a specified or unspecified time not exceeding four hours, provided the person requiring the hire of the vehicle consents that such hire should commence from the moment in which the request for the hire is made.

Fare leviable for hire of taxi-cars.

37. Notwithstanding anything contained in the last preceding section, no fare shall be leviable for the hire of any vehicle licensed as a taxi-car other than in accordance with the tariff contained in regulations made under section 32 of the Malta Transport Authority Act.

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Duty of owner or driver to keep copy of tariff.	38. (1) Every owner or driver of a vehicle, the hire of which is regulated by a tariff, shall keep affixed in a conspicuous part of the vehicle a printed copy of such tariff.
Owner or driver not to demand fare higher than that established in tariff or agreed upon.	(2) It shall not be lawful for the owner or driver of any such vehicle to demand a fare higher than that established in the tariff, or, if a lesser sum is agreed upon, more than such sum.
Owner or driver not to carry person or thing on or behind vehicle without consent of hirer.	39. The owner or driver of a vehicle let out on hire shall not permit any person or thing to be carried in, on or about such vehicle, whilst on hire, without the consent of the hirer.
No person to act as driver of vehicle without consent of owner.	40. No person authorised by the owner of a vehicle to act as driver of such vehicle shall, except in case of necessity, suffer any other person to act as driver of such vehicle, without the consent of the owner thereof, and no person shall, except in case of necessity, act as driver of a vehicle, without the consent of the owner of such vehicle.
Compensation for damage done by driver may be recovered from owner.	41. Where any damage has been caused to the property of others through the driving of a motor-car or other vehicle in a reckless, negligent or dangerous manner, it shall be lawful for the court by which the driver is convicted, to direct that the owner of the vehicle shall pay such a sum, not exceeding one thousand Maltese liri, as appears to the court a reasonable compensation for such damage, saving any action for any greater sum where the damage caused is greater; and every owner who pays any such compensation as aforesaid may recover the same from the driver as a civil debt in respect of damages and interest.
Driver decently dressed.	42. (1) Where the vehicle is intended for public transport, the driver shall be decently dressed to the satisfaction of the Authority.

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(2) Where the vehicle is intended for the conveyance of corpses, the driver shall be decently dressed according to the requirements of the service for which the vehicle is intended, and to the satisfaction of the Authority.

Driver not to refuse to give way to other vehicle, etc.

43. (1) The driver of a vehicle shall, if he conveniently can, give way to any other vehicle and avoid obstructing the driver of any other vehicle in taking up or setting down any person into or from such other vehicle.

Driver to slacken speed etc. at corners or cross-roads.

(2) The driver of a vehicle shall, before turning a corner or on approaching a cross-road, proceed at a slow rate of speed, signal the direction in which he intends to proceed and, where necessary, sound the horn, bell or other device for signalling its approach.

Damage to vehicle by hirer.

44. No person using any vehicle for hire shall wilfully and contrary to the use for which the vehicle is intended, do anything injuring such vehicle.

No licensed vehicle to stand for hire unless provided with proper fittings, etc.

45. (1) No licensed vehicle shall be exposed for hire, unless it is provided with such fittings, accessories and brakes as are, in the opinion of the Authority, necessary for the safety and convenience of passengers, or unless the animal and harness are, as regards condition and appearance, suitable for the work for which they are intended.

Number of passengers not to exceed that fixed in licence.

(2) It shall not be lawful to carry in the vehicle a greater number of persons than that fixed in the licence.

Two persons under 10 years of age to be considered as one person.

(3) For the purposes of this section two persons under ten years of age shall be considered one person.

Vehicles to stand for hire in places appointed by Authority.

46. Vehicles for hire, when out of the coach-house, shall not stand for hire in any other place than that appointed by the Authority.

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Position of vehicles in stand. Vehicle not to pass through streets of Valletta at a very slow pace. Driver not to annoy persons by soliciting hire.

47. Vehicles for hire shall stand in line within the place appointed by the Authority, and it shall not be lawful for the driver of any such vehicle to pass through the streets of Valletta at a very slow pace, or to stop in any street, for the purpose of letting out the vehicle, or to annoy any person by soliciting hire, either personally or through others.

Passengers not to drive vehicle.

48. No driver of any vehicle for hire shall suffer any passenger to drive such vehicle.

Lights to be carried by vehicles.

49. Vehicles, other than motor-cars, plying on the road shall between sunset and sunrise comply with such lighting requirements as may be prescribed.

Power of Authority to require owner or driver to perform service of transport.

50. It shall be lawful for the Authority, at all times, to compel the owner or driver of any vehicle for hire to perform such service of transport as is required in the interests of the public and to give the necessary directions, saving always such compensation as may be due according to law.

Cancellation or suspension of licence.

51. (1) It shall be lawful for the Malta Transport Authority to cancel or suspend for any period the licence of any driver who, in the exercise of his calling, shall infringe any of the provisions of this Act or in connection with the exercise of such licence contravenes any other law or otherwise behaves in a manner that does not befit the exercise of his calling.

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The provisions of section 469A of the Code of Organization and Civil Procedure shall apply to the exercise of the discretion of the Authority under this section.

Power of Police to seize vehicle in case of disobedience of lawful orders.

(2) Any Police officer may seize any vehicle for hire if the driver thereof refuses to obey a lawful order of the Police or in the case of any infringement of any of the provisions of this Ordinance or any regulation relating to vehicular traffic, and such vehicle may, upon an order in writing of any Police officer not inferior in rank to

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sub-inspector, be detained for a time not exceeding twenty-four hours, pending an inquiry into the circumstances of the case.

Power to make regulations

52. (1) The Commissioner of Police shall have power to make orders by notice in the Gazette, for controlling, restricting or prohibiting temporarily the passage or stopping of vehicles of any description through or in any street on the occasion of processions, religious ceremonies or other public solemnities or celebrations, or in connection with the repair of streets, laying of sewers or water mains and other works; signs shall be appropriately placed to indicate the prohibition or other restriction, unless a Police officer is present to control traffic.

(2) Such power may also be exercised by the Malta Transport Authority in connection with the repair of streets, laying of sewers or water mains and other works; signs shall be appropriately placed to indicate the prohibition or other restriction, unless a Police Officer is present to control traffic.

Recovery of compensation or expenses from owner or driver.

53. Where under the provisions contained in this Ordinance, the Court of Magistrates shall have sentenced the owner or driver of any vehicle to pay any compensation or expenses, such compensation or expenses may be recovered through the same court in the same manner and with the same means provided by law for the enforcement of judgements delivered by the inferior courts in civil matters.".

18.0 Section 54 as re-numbered shall be amended as follows:-

18.1 in the marginal note thereto, for the words "Commissioner of Police" there shall be substituted the words "the Minister";

18.2 for paragraph (a) of subsection (1) thereof there shall be substituted the following:-

"(1) The Minister may, after consultation with the Authority, make regulations in respect of road traffic and the conveyance of persons or the carriage of goods.";

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18.3 paragraph (b) of subsection (1) thereof shall be deleted;

18.4 in paragraph (d) of subsection (2) thereof, for the words "by the Commissioner of Police or by the Public Transport Authority, as the case may be" there shall be substituted the words "by the Authority";

18.5 in paragraph (f) of subsection (2) thereof the words "Public Transport" shall be deleted;

18.6 for paragraph (j) of subsection (2) thereof there shall be substituted the following:-

"(j) for the removal, storage or disposal or the clamping of any vehicle found on any road in contravention of any law or regulation made thereunder, or of any vehicle, seacraft or other thing causing a nuisance, inconvenience or obstruction in any street, road, quay, wharf or other public place, or where any licence or tax in respect thereof is not paid, or where any fine due in respect of any offence committed through the use of such vehicle has not been duly paid, and

- for prescribing the fees that may be due with respect to removal and storage of vehicles and with respect to the clamping of vehicles;

- for prescribing anything that may or may not be done with respect to clamping and clamped vehicles;";

18.7 in paragraph (k) of subsection (2) thereof, immediately after the words "Commissioner of Police" there shall be inserted the words "or any other authority";

18.8 immediately after paragraph (l) of subsection (2) thereof there shall be added the following new paragraph:-

"(m) for any matter of procedure or of evidence in proceedings under or relating to this Ordinance or any regulations made thereunder;" and

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18.9 immediately after subsection (2) thereof, there shall be added the following new subsection:-

"(3) For the purposes of this section the terms "motor-car" or "motor vehicle" shall include any other vehicle.".

19.0 Section 55 shall be amended as follows -

19.1 in subsections (1) and (3) thereof, for the words "section 17" there shall be substituted in each case the words "section 54";

19.2 in subsection (5) thereof, for the words "section 19" there shall be substituted the words "section 58";

19.3 in sub-paragraph (i) of the proviso to paragraph (a) and sub-paragraph (ii) of the proviso to paragraph (b) of subsection (5) thereof, the words "Public Transport" shall be deleted in each case; and

19.4 in subsection (6) thereof, for the words "Public Transport Labour Control Officer" there shall be substituted the words "Malta Transport Authority".

20.0 In section 56 as re-numbered, for the words "the Commissioner of Police or the Public Transport Authority, as the case may be," there shall be substituted the words "the Authority".

21.0 Immediately after section 56 as re-numbered there shall be added the following new section:–

"Civil liability of owner failing to renew licence.

57. (1) An owner of a motor vehicle who fails to renew the licence relative to the said motor vehicle shall, without prejudice to his liability to criminal punishment under this Ordinance or under any other law, also be, and be deemed to have always been, civilly liable towards the Authority for the payment of the amount due for the relevant licence fee.

(2) Proceedings for the collection of any civil debt incurred by virtue of subsection (1) of this section shall be barred by the lapse of the

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period of eight years from the date due for the renewal of the relative licence.

(3) When the Authority gives any notice by means of a judicial letter that the said person is civilly liable for the payment of any amount to the Authority under this section, the said notice shall constitute an executive title for the purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure, unless the person notified shall commence proceedings in the competent court of civil jurisdiction in order to object to the said notice within thirty days from the date of service upon him of the said notice.

(4) Any proceedings in order to object to a notice in terms of subsection (3) of this section shall be commenced by means of an application filed against the Authority.

(5) The said application shall give the grounds of the objection to the notice and shall contain the specific demands of the applicant with regard to the notice and shall indicate the witnesses which the applicant intends to produce in support of this claim.

(6) The application together with the date of first hearing fixed by the Court shall be notified to the Authority who may file a reply within fifteen days from the date of service of the said act, giving its reason for objecting to the demand and indicating the witnesses it wished to produce in its defence.

(7) Saving the preceding provisions of this section, the provisions of the Code of Organisation and Civil Procedure relating to proceedings before the court of civil jurisdiction shall apply in relation to any application filed in terms of this section.".

22.0 In subsection (1) of section 58 as re-numbered for the words "of section 18" there shall be substituted the words "of section 55".

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	23.0 In paragraph (iii) of section 60 as re-numbered for the words "Commissioner of Police" there shall be substituted the words "Malta Transport Authority".
	24.0 In subsection (2) of section 62 as re-numbered, for the words "the Commissioner of Police, with the advice of the Traffic Control Board," there shall be substituted the words "the Minister".
Traffic (Visibility) Ordinance, Cap. 67.	**1.0** For the words "Director of Public Works" wherever they occur in section 3 and in the marginal note thereto, in sections 5, 6 and 8 and in section 10 and in the marginal note thereto, there shall be substituted in each case the words "Malta Transport Authority".
	2.0 Section 5 shall be amended as follows:–
	2.1 in the marginal note thereto, for the words "at Government's expense" there shall be substituted the words "at the expense of the Malta Transport Authority"; and
	2.2 in subsection (1) thereof, for the words "of the Government" there shall be substituted the words "of the Malta Transport Authority".
	3.0 In section 6 for the words "in opposition to the Accountant General" there shall be substituted the words "in opposition to the Malta Transport Authority".
Fixed Electrical Power and Telegraphic Communication System Ordinance, Cap.81.	**1.0** For the title thereto there shall be substituted "UTILITIES AND SERVICES (REGULATION OF CERTAIN WORKS) ACT".
	2.0 For the long title thereto there shall be substituted the following:-
	"To regulate certain works in connection with utilities and other services.".
	3.0 For the short title thereto there shall be substituted the following:-
	"This Act may be cited as the Utilities and Services (Regulation of Certain Works) Act.".

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4.0 For the words "Ordinance" wherever it occurs, including the marginal notes, there shall be substituted the word "Act".

5.0 For section 2 there shall be substituted the following:-

"Inter-pretation.

2. In this Act -

"electrical power and telecommunication systems" includes any electrical power, or communication line or instrument used for the supply of power or for telecommunications;

"Minister" means, except for the purposes of section 11, the Minister responsible for energy or the Minister responsible for telecommunications, as the case may be;

"owner" includes occupier and user;

"Regulator", in relation to a public utility or service, means -

(a) in the case of works in connection with the supply of energy, the person or authority designated as such Regulator by the Minister;

(b) in the case of works in connection with any telecommunication service, the Regulator designated as such under the Telecommunications (Regulation) Act, or any other person as may from time to time be designated under the said Act as the competent authority to regulate telecommunications;

Cap. 399.

(c) in the case of works in connection with any other services, the person or authority designated by the Minister as Regulator in relation to any such service or group of services;

"telecommunications" shall have the meaning given to it in the Telecommunications (Regulation) Act;

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"telecommunication service" shall have the meaning given to it in the Telecommunications (Regulation) Act;

"tenement" means any tenement and includes any road, path, building or water.".

6.0 For section 3 there shall be substituted the following:-

"Object of this Act.

3. The electrical power and telecommunication systems in Malta and any other service for which a Regulator is designated under this Act shall be regulated by the provisions of this Act.".

7.0 For section 4 there shall be substituted the following:-

"Power of the Malta Transport Authority.

4. (1) For the purpose of this Act, it shall be lawful for the Malta Transport Authority to order that cables and wires be placed or other works be carried out either below, above or by the side of any tenement and that trenches, pits, poles, stays, brackets and all other accessories essential to the proper working of the electrical power and telecommunication systems, be cut, placed, erected in or affixed to any tenement; and any such order shall be notified to the owner of the said tenement at least ten days prior to the carrying out of any of the works aforesaid.

(2) The Malta Transport Authority may also order the collocation or the use of the same facilities in relation to any cables, wires and other accessories used or to be used for the provision of any telecommunication service or any other utilities or services by a provider of such telecommunication service or other utilities or services in any trenches, pits, ducts or on any poles, stays or brackets, cut, placed, erected or affixed by another provider of a telecommunication service or of other utilities or services; and any such order shall be notified to the provider who shall have erected or affixed the facilities to be the subject of collocation or to be so

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used, at least ten days prior to the carrying out of any of the works aforesaid.

(3) An order made under subsection (1) or (2) of this section shall have effect immediately on the lapse of the tenth day following its notification; and the recipient of the order shall thereupon fully, immediately and properly implement the same or allow the full, immediate and proper implementation thereof and shall refrain from causing or continuing to cause any impediment or hindrance to the said implementation:

Provided that an order made under subsection (2) of this section shall not have effect and the recipient thereof shall not be bound to implement it or to allow it to be implemented if such implementation will necessitate the physical removal of existing facilities belonging to or used by the recipient of the order:

Provided further that the implementation of an order made under subsection (2) hereof shall not be impeded, restricted or delayed by reason of any claim for charges made by the recipient of the order pursuant to subsection (4) of this section.

(4) The recipient of an order made under subsection (2) of this section shall be allowed to charge for the collocation in or the use of the facilities affixed or erected by it at rates which are based on reasonable relevant costs. Charges for collocation or use of the same facilities shall be cost-oriented and shall not include charges for overheads such as marketing, personnel or maintenance costs, other than those directly incurred on the facilities used.

(5) The recipient of an order made under subsection (2) of this section shall submit its charges to the provider collocating or making use of the facilities affixed or erected by said recipient within thirty days of commencement of collocation

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or use as aforesaid. If the provider collocating or making such use disagrees with such charges it may, within thirty days of receipt of the same, refer the matter to the Regulator.

(6) Upon receipt of any reference as aforesaid, the Regulator shall notify the parties concerned that the matter is under investigation, allowing them a reasonable time within which to produce relevant information and evidence and make representations. The Regulator shall, after examining the facts and representations placed before him and such other information as he may require, determine the charges due to the recipient of an order made under subsection (2) of this section. Where either the said recipient or the person collocating or using the facilities affixed or erected by the said recipient is, or both such recipient and person are, a provider or providers of a telecommunication service, either party may appeal to the Telecommunications Appeal Board, established by the said Telecommunications (Regulation) Act, against any decision of the Regulator determining the charges due to the said recipient.

(7) The Regulator may, upon application by the recipient of an order made under subsection (2) of this section, order the person allowed to collocate or to make use of the facilities affixed or erected by the said recipient to provide security for the payment of charges due hereunder in respect of such collocation or use in an amount and in such form as may be determined by the Regulator.

(8) At any time when the members of the Malta Transport Authority are not appointed, the powers of the Authority under this section shall be exercisable by the Minister responsible for transport.

(9) For the purpose of inspecting, testing or maintaining in good state of repair any work carried out under this section, the provisions of section 471 of the Civil Code shall apply.".

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	8.0 In paragraph (c) of the proviso to section 5, for the words "eighty six square millimetres" there shall be substituted the words "sixty square centimetres".
	9.0 In section 6 for tbe words "the authority" wherever they occur in subsection (1), in paragraph (c) of subsection (2) and in subsection (3) there shall be substituted in each case the words "the regulator".
	10.0 In section 9 for the words "twenty liri" there shall be substituted the words "one hundred liri".
	11.0 In section 10 for the words "twenty liri" there shall be substituted the words "one hundred liri".
	12.0 In section 11 for the words "Minister responsible for energy" there shall be substituted the words "Minister responsible for transport on the advice of the Malta Transport Authority".
	13.0 In section 12 for the words "two liri" there shall be substituted the words "twenty liri".
	14.0 Immediately after section 12 there shall be added the following new section:-
	"Power to charge fees. 13. Where cables or wires are placed or other works are carried out below, above or by the side of any road, it shall be lawful for the Malta Transport Authority to charge such fees for any land which under any law is vested in the Malta Transport Authority and which is affected or occupied by such works, as may be determined from time to time by regulations made by the Minister in accordance with section 11 of this Act.".
Motor Vehicles Insurance (Third Party Risks) Ordinance, Cap. 104.	**1.0** In section 2 thereof:–
	1.1 in the definition of "authorised insurer", for the words "for the Police" there shall be substituted the words "for transport";
	1.2 in the definition of "local bureau", for the words "for the police" there shall be substituted the words "for transport";

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1.3 for the definition of "Public Transport Authority" there shall be substituted the following new definition -

" "Malta Transport Authority" means the Malta Transport Authority established under the Malta Transport Authority Act;"; and

1.4 in the definition of "public transport vehicle", for the words "Public Transport Authority Act," there shall be substituted the words "Malta Transport Authority Act,".

2.0 In section 3 thereof:–

2.1 in paragraph (c) of subsection (2A) immediately after the words "of the Commissioner of Police", there shall be inserted the words "or of the Malta Transport Authority"; and

2.2 in paragraph (b) of subsection (4) for the words "for the Police" there shall be substituted the words "for transport".

3.0 In subsection (1) of section 17 thereof, for the words "Commissioner of Police" there shall be substituted the words "Malta Transport Authority".

4.0 In subsection (5) of section 19 thereof, for the words "for the Police" there shall be substituted the words "for transport".

5.0 Subsection (1) of section 23 shall be amended as follows -

5.1 for the words "for the Police" there shall be substituted the words "for transport";

5.2 in paragraph (b) thereof, immediately after the words "to the Commissioner of Police" there shall be inserted the words "or to the Malta Transport Authority, as the case may require";

5.3 in paragraph (e) thereof for the words "the withdrawal thereof:" there shall be substituted the words "the withdrawal thereof."; and

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	5.4 the proviso to paragraph (e) thereof shall be deleted.
Police Licences Act, Cap. 128.	**1.0** Subsection (1) of section 3 thereof shall be amended as follows:–
	1.1 in the proviso thereto, for the words "regulations made thereunder." there shall be substituted the words "regulations made thereunder:"; and
	1.2 immediately after the said proviso there shall be added the following new proviso:–
	"Provided further that in relation to the grant, renewal, transfer or cancellation of licences in respect of motor vehicles or the drivers thereof, the power to make such regulations shall be exercised by the Minister responsible for transport.".
	2.0 In section 4 thereof, for the words "to the Commissioner of Police" there shall be substituted the words "to the Malta Transport Authority".
Public Transport (Regulation of Employment) Act, Cap. 214.	**1.0** In section 2 thereof, for the definition of "the Authority" there shall be substituted the following new definition:–
	" "the Authority" means the Malta Transport Authority established under Malta Transport Authority Act;".
	2.0 Section 3 thereof shall be amended as follows:–
	2.1 in subsection (1) thereof, for the words "section 15 of the Public Transport Authority Act" there shall be substituted the words "section 30 of the Malta Transport Authority Act"; and
	2.2 in sub-paragraph (ii) of paragraph (b) of subsection (10) thereof, for the words "of section 15 of the Public Transport Authority Act" there shall be substituted the words " of section 30 of the Malta Transport Authority Act".

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Malta Maritime Authority Act, Cap. 352.	**1.0** For paragraph (e) of subsection (2) of section 6, there shall be substituted the following:-

"(e) to plan or provide or secure or promote the provision of, a properly integrated, safe, economical and efficient transport system by sea for the conveyance of passengers and transport of goods within the internal and territorial waters of Malta, and to regulate and control the provision of services related to such system, including the establishment of schedules and time-tables to be adopted for such services;".

2.0 Section 28 shall be amended as follows:-

2.1 in subsection (1) thereof, immediately after the words "and inland waters of Malta," there shall be inserted the words "for the conveyance of passengers and transport of goods by sea,"; and

2.2 for paragraph (z) of subsection (1) thereof there shall be substituted the following new paragraphs:-

"(z) providing for the grant, renewal, cancellation and suspension of licences in relation to ships used for the conveyance of passengers and transport of goods by sea;

(aa) providing for the establishment and regulation of fares that may be charged for the conveyance of passengers and transport of goods by sea;

(bb) without prejudice to the requirements under the Merchant Shipping Act, providing for additional requirements in relation to the regulation and licensing of drivers of ships engaged in the conveyance of passengers and transport of goods and other persons employed in the operation of such ships;

(cc) prescribing anything that may or is to be prescribed under this Act or which relates to any function or duty of the Authority assigned to it by or under this Act or by or under any other law.".

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	3.0 Section 29 shall be amended as follows:-
	3.1 in subsection (2) thereof, immediately after the words "shall be used for" there shall be inserted the words "or in connection with";
	3.2 paragraph (b) of subsection (2) thereof shall be deleted; and
	3.3 subsection (3) thereof shall be amended as follows:–
	3.3.1 in paragraph (e) thereof, for the words "inland waters of Malta." there shall be substituted the words "inland waters of Malta;" and
	3.3.2 immediately after paragraph (e) thereof there shall be added the following new paragraphs:-
	"(f) regulating –
	(i) the services that are to be provided in a ship or boat licensed to be used in any trade, business or calling; and
	(ii) the services that may or may not be provided under any licence as aforesaid;
	(g) regulating the licensing of any trade business or calling involving the use of boats or ships referred to in subsection (2) hereof.".
Development Planning Act, Cap. 356.	**1.0** Subsection (3) of section 42 thereof shall be amended as follows:-
	1.1 for the words "of the contribution.", there shall be substituted the words "of the contribution:"; and
	1.2 the following proviso shall be added at the end thereof:-
	"Provided that with respect to contributions leviable by the Authority on behalf of the Malta Transport

Authority in terms of section 20 of the Code of Police Laws, such regulations shall be made with the concurrence of the Minister responsible for the Malta Transport Authority and the Minister responsible for finance, and such contributions leviable, as aforesaid shall, notwithstanding anything contained in this Act, be paid by the Authority to the Malta Transport Authority each year after a deduction therefrom is made to cover the reasonable costs as may be agreed between the two authorities incurred in the determination and levying of the contributions.". Cap. 10.

Motor Vehicles Registration Tax Act, Cap. 368.

1.0 In subarticle (1) of article 2 thereof for the definition of "Competent Officer" there shall be substituted the following new definition:–

" "Authority" means the Malta Transport Authority set up under the provisions of the Malta Transport Authority Act;".

2.0 For the words "Competent Officer" wherever they occur in articles 3,4,5,6,7, 10, 11, 12, 13, 14, 15, 16, 18, 21, 22 and 23, and in the marginal note to article 13, there shall be substituted in each case the word "Authority".

3.0 Article 24 shall be amended as follows:–

3.1 subarticle (1) thereof shall be re-numbered as article 24; and

3.2 subarticle (2) thereof shall be deleted.

Passed by the House of Representatives at Sitting No. 357 of the 24th July, 2000.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives