L.N. 160 of 2003

MOTOR VEHICLES (CARRIAGE OF PASSENGERS BY ROAD) REGULATIONS, 2003

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TRAFFIC REGULATION ORDINANCE (CAP. 65)

MOTOR VEHICLES (CARRIAGE OF PASSENGERS BY ROAD) REGULATIONS

In exercise of the powers conferred by article 54 of the Traffic Regulation Ordinance (Cap. 65) , the Minister for Transport and Communications in consultation with the Malta Transport Authority, has made the following regulations:

Part 1

PRELIMINARY

Title and commencement.

1. (1) The title of these regulations shall be the Motor Vehicles (Carriage of Passengers by Road) Regulations, 2003.

(2) These regulations shall come into force on such a date as the Minister responsible for transport may by notice in the Gazette appoint, and different dates may be appointed for different provisions and different purposes of the regulations.

Interpretation

2. For the purpose of these Regulations and unless the context otherwise requires:

"agreement" means an agreement between groups of states, to which Malta is a party, reciprocally granting to citizens of such states or their dependants the right to enter, remain and reside in and leave the country of such state, to move freely within such states for such a period as may be established in the agreement and to work or establish, provide or receive services therein; and 'Agreement State' and 'citizen of an Agreement State' shall be construed accordingly; and where a state is a party to such an agreement subject to modifications and adaptations a citizen of an Agreement State shall be subject to such modifications or adaptations as may be prescribed;

"authorisation" means any permission given by the Authority or the competent authorities in Agreement States entitling the holder to carry out road passenger transport operations ;

"authorised inspecting officer" means an officer appointed by the Authority to carry out inspections under these regulations, an officer of the Customs Department, or a Police Officer ;

"Authority" means the Malta Transport Authority as established by the Malta Transport Authority Act ;

Act XXIII of 2000.

"cabotage" means the carrying out of national passenger transport services for hire or reward, by a non-resident carrier within the territory of a country other than that in which he is resident or registered to carry out such operations for a temporary period;

"carrier" means a person or undertaking who carries out road passenger transport operations whether for profit or otherwise;

"Community authorisation" means an authorisation obtained by an undertaking established in an Agreement State from the competent authority in that State, or an authorisation issued by the Authority permitting the holder to carry out carriage operations in the Agreement States;

"country of establishment" means that country in which the non-resident carrier is established and registered;

"daily driving period" means the driving period between any two daily rest periods or between a daily rest period and a weekly rest period;

"driver" means any person who drives the vehicle even for a short period, or who is carried in the vehicle in order to be available for driving if necessary and is duly licensed in accordance with the Motor Vehicles (Driving Licences) Regulations, 2002;

"hire or reward" means the carriage of passengers other than on own account, that is to say against payment by the person transported or by the transport organiser;

"night time" shall mean the period between the hours of 00:00 and 07:00;

"night work" shall mean any work performed during night time;

"normal residence" means the place where a person habitually lives, for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living; provided that, the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more Agreement States shall be regarded as being the place of his personal ties, provided that such person returns there regularly; this last condition need not be met where the person is living in an Agreement State in order to carry out a task of a definite duration; attendance at a university or school shall not imply taking up of normal residence;

"Occasional services" in the context of international carriage of passengers by road means services which do not fall within the definition of regular services, including special regular services, and whose main characteristic is that they carry groups constituted on the initiative of a customer or of the carrier himself; these services shall not cease to be occasional services solely because they are provided at specified intervals;

"occupation of road passenger transport operator" shall mean the activity of any undertaking operating, by means of motor vehicles so constructed and equipped as to be suitable for carrying more than nine persons - including the driver - and intended for that purpose, passenger transport services for the public or for specific categories of users for hire or reward;

"Passenger Transport Operator's Licence" means a licence issued by the Authority to national carriers;

"Own account transport operations" means those passenger transport operations carried out for non commercial and non-profit-making purposes by a natural or a legal person, provided that the following conditions are fulfilled:

- the transport activity is only ancillary to the overall activities of the undertaking; and

- the vehicles used are the property of that natural or legal person or have been obtained on deferred terms by them or have been the subject of a long-term leasing contract and are driven by a member of the staff of the natural or legal person or by the natural person himself;

"passenger transport vehicles" means motor vehicles which, by virtue of their type of construction and equipment, are suitable for carrying more than eight passengers and one driver, and are intended for that purpose;

"public highway" means national, arterial, distributory, access and local access roads as defined in the Motor Vehicles (Driving Licences) Regulations, 2002 or comparable roads in other states;

"regular services" shall refer to carriage of passengers by passenger transport vehicles at specified intervals along specified routes, passengers boarding and disembarking at predetermined stopping points;

"rest" means any uninterrupted period of at least one hour during which the driver may freely dispose of his time;

"self-employed driver" shall mean anyone whose main occupation is to transport passengers or goods by road for hire or reward, who is entitled to work for himself and who is not subject to an employment contract or any contract of works as defined in article 1633 of the Civil Code;

"special regular services" means regular services which provide for the carriage of specified categories of passengers, to the exclusion of other passengers, at specified intervals along specified routes, passengers boarding and disembarking at predetermined stopping points. They shall include inter alia:

(a) the carriage of workers between home and work;

(b) carriage to and from an educational institution for school pupils and students;

(c) the carriage of soldiers and their families between their homes and the area of their barracks;

"undertaking" means any natural person, any legal person, whether profit-making or not, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such personality;

"valid" shall be associated with any legitimate licence as issued by the competent authority, and to mean that such a licence is in effect and current for the period stated on the licence by virtue of the licence holder having met and continues to meet fully the obligations in accordance with these regulations;

"week" means the period between the hours of 00:00 on Monday and 24.00 on the following Sunday.

Present regulations to prevail.

3. If anything contained in these regulations is inconsistent or in conflict with the Motor Vehicles Regulations, 1994 and amendments thereof, the present regulations shall prevail, and to the extent of these inconsistencies or conflicts the Motor Vehicles Regulations, 1994 shall be deemed to be null and void.

Cap 377

4. Any information given to the Authority in pursuance of these regulations shall be covered by the Professional Secrecy Act.

Part II

ADMISSION TO THE OCCUPATION OF ROAD PASSENGER TRANSPORT OPERATOR

Authorisation

5. (1) No person shall engage in the occupation of passenger transport operator for hire or reward unless duly authorised. The Authority shall issue a Passenger Transport Operator's Licence to any undertaking that proposes to use passenger transport vehicles and satisfies the conditions of these regulations and other requirements which the Authority may establish.

(2) A Passenger Transport Operator's Licence shall be issued in the name of a natural person authorised to represent the undertaking.

Requirements to engage in the occupation of road passenger transport operator

6. (1) A person wishing to engage in the occupation of road passenger transport operator as set out in these regulations, shall:

(a) be of good repute and conduct;

(b) be of appropriate financial standing;

(c) satisfy the condition as to professional competence.

(2) Where the applicant is a natural person and cannot satisfy the requirement in paragraph (c) of subregulation (1), but satisfies paragraphs (a) and (b) of subregulation (1), the Authority may nevertheless permit that person to engage in the occupation of a road passenger transport operator provided that he designates to the Authority a person who can satisfy paragraphs (a) and (c) of subregulation (1), on condition that the applicant shall continuously and effectively manage the road passenger transport operation in accordance with these regulations.

(3) Where the application is made by an undertaking that can satisfy the requirement in paragraph (b) of subregulation (1), the requirements in paragraphs (a) and (c) of subregulation (1) must be satisfied by a natural person so designated to the Authority who will continuously and effectively manage the road passenger transport operation in accordance with these Regulations.

Good repute and good conduct.

7. (1) A person shall not be deemed to satisfy the condition of good repute and conduct if he:

(a) has been convicted during the last five years of serious criminal offences of a crime carrying a conviction of a term of imprisonment of, or exceeding three months or a fine of at least two hundred Malta Liri; or of two or more crimes connected with violence;

(b) has been found guilty during the last two years of any crime carrying a conviction for an offence concerning the use of any motor vehicle;

(c) has been declared unfit to pursue the occupation of road passenger transport operator under any rules in force;

(d) has been convicted of serious, repeated offences against rules in force concerning:

(i) the pay and employment conditions in the profession or,

(ii) road transport, in particular the rules relating to driving, the weights and dimensions and carrying capacity of vehicles, road or vehicle safety or damage to the environment;

(e) any corresponding offence under any law of a country or territory outside Malta;

Provided that the applicant was less than 18 years of age at the time of such a conviction in paragraphs (a) and (b) of subregulation (1) the periods referred to shall be respectively two years and one year.

Appropriate financial standing

8. (1) Appropriate financial standing of the undertaking shall consist in having available sufficient resources to ensure proper launching and proper administration thereafter of the undertaking.

(2) For the purposes of assessing financial standing, the Authority shall have regard to the type of operation(s) and:

(a) annual accounts of the undertaking, if any;

(b) funds available, including cash at bank, overdraft and loan facilities;

(c) any assets, including property, which are available to provide full or partial security for the undertaking;

(d) costs, including purchase cost or initial payment for vehicles, premises, plant and equipment, and working capital.

(3) An applicant for, or holder of an authorisation issued under regulation 5 shall not be considered to be of appropriate financial standing unless he has available to him capital and reserves of an amount equal to or exceeding the aggregate of:

(i) Lm 3,600 for the first or only vehicle which is to be authorised under the licence; and,

(ii) Lm 2,000 for each additional vehicle which is to be authorised.

(4) For the purpose of regulation 6, the Authority may accept as evidence of financial standing confirmation or assurance given by a bank or other suitably qualified financial establishment in the format indicated in the First Schedule. Such confirmation may be given in the form of a bank guarantee, a pledge or security, or by any other means acceptable to the Authority.

Professional competence

9. The conditions relating to professional competence shall be satisfied if the applicant demonstrates that he possesses the requisite skills by passing a written and/or oral examination, corresponding to the level of training for either the National or International operations as the case may be, organised by an approved body and is the holder of a certificate to that effect issued by that body. Such certificate, in the format indicated in the Second Schedule to these regulations shall serve as proof of professional competence.

Exemptions

10. (1) The Authority may exempt from examination, or part thereof, applicants who can provide proof of at least five years' practical experience in the management of a road passenger transport undertaking.

(2) The Authority may exempt from examination, or part thereof, holders of certain diplomas or technical diplomas equivalent, which provide proof of a sound knowledge of the subjects covered in the relevant National and International syllabi. Holders of a certificate

of professional competence issued by other Agreement States may be required by the Authority to take further tests if the subjects covered therein do not correspond to the requirements in Malta.

(3) Individuals or undertakings furnishing proof to the Authority that they were authorised under Maltese rules to engage in the profession of national and/or international road passenger transport operator, on or before 1 January 1997, shall be deemed to satisfy the requirements of paragraphs (b) and (c) of subregulation (1) of regulation 6. The requirement of paragraph (a) of subregulation (1) of regulation 6 shall be met by all applicants, proof of which shall be submitted to the Authority at the time of application.

Checks on compliance

11. (1) The Authority shall require the carrier to submit evidence at least every 5 years or at the Authority's discretion that he continues to fulfil the requirements of subregulation (1) of regulation 6.

(2) The Authority may withdraw a licence on the following grounds:

(a) where the holder no longer satisfies the conditions laid down in subregulation (1) of regulation 6; or

(b) where the holder has supplied incorrect information to the Authority in relation to the issue or renewal of the licence; or

(c) where the holder has breached any of the conditions of the licence and has not remedied such breach in spite of his having been given written notice of the breach and a reasonable time in which to do so.

Cap 372.

(3) In the event of serious infringements of these regulations, the Authority may suspend or revoke the licence. Such suspension or revocation shall be imposed having regard to the seriousness of the infringement and shall be subject to appeal before an appeals board to be set up according to the provisions of the Malta Transport Authority Act.

(4) Where offences against the rules governing road passenger transport have been committed by a non-resident carrier and might lead to withdrawal of the Passenger Transport Operator's Licence, the Authority shall provide the Agreement State in which the carrier is established with all the information in its possession concerning those offences and the penalties imposed.

12. In the event of the death or physical or legal incapacity of the natural person engaged in the profession of road passenger transport operator or of the natural person who satisfies the requirements of subregulation (1) of regulation 6, the Authority may permit the carrying on of the business of a road passenger transport operator on a temporary basis for a maximum period of one year, with extension for a maximum period of six months. The Authority may, by way of exception and in certain special cases, definitively authorise a person not fulfilling the requirement of professional competence referred to in regulation 9 to operate the undertaking provided that such person possesses at least three years' practical experience in the day-to-day management of the undertaking.

Death or other incapacity

Part III
SOCIAL MEASURES

General Provisions

13. The minimum age for drivers engaged in the carriage of passengers by road shall be as specified in the Motor Vehicles (Driving Licences) Regulations, 2002.

Minimum ages of drivers.

L.N. 191 of 2002.

14. Regulations 15 to 24 shall only apply to international carriage of passengers by road.

International carriage.

15. (1) (a) The minimum level of training for drivers to engage in the international carriage of passengers by road shall consist of a course covering the subjects provided in the Third Schedule to these regulations.

Minimum level of training.

(b) Upon completion of such course the Authority shall issue a certificate of professional competence.

(c) Such certificate shall be valid for the exercise of the road passenger transport profession only if the holder has also obtained a national driving licence for vehicles intended for the carriage of passengers by road under the Motor Vehicles (Driving Licences) Regulations, 2002.

(2) The programme and organisation of the course of vocational training referred to in subregulation (1) shall be laid down by the Authority. Proof that this training has been completed shall be furnished by means of an examination or a check carried out by the Authority.

Certificate of professional competence

16. (1) The Authority shall issue a certificate of professional competence to drivers who meet the requirements laid down in regulation 15.

(2) Rights acquired pursuant to regulation 15 prior to the entry into force of these regulations shall remain valid in the same way as certificates issued pursuant to these regulations.

Applicability of AETR

17. The European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) shall apply instead of these regulations to international road passenger transport operations:

(a) between Malta and countries that are Contracting Parties to the AETR, or in transit through such countries, for the whole of the journey where such operations are carried out by vehicles registered in Malta, a Contracting Party to the AETR or in one of the said third countries;

(b) between Malta and a country which is not a Contracting Party to the AETR in the case of any journey made within Agreement States or between Malta and an Agreement State where such operations are carried out by vehicles registered in one of those countries.

Conditions for drivers engaged in international carriage of passengers by road

18. (1) Any driver engaged in the international carriage of passengers shall have reached the age of 21 years.

(2) Any driver engaged in the international carriage of passengers must also fulfil one of the following conditions:

(a) he must have worked for at least one year in the carriage of goods as a driver of vehicles with a permissible maximum weight exceeding 3.5 tonnes;

(b) he must have worked for at least one year as a driver of vehicles used to provide passenger services on journeys in Malta, or other types of passenger services not governed by these regulations, provided the Authority considers that he has by so doing acquired the necessary experience;

(c) he must hold a driver's certificate of professional competence in Malta or an equivalent certificate recognised by an Agreement State confirming that he has completed a training course for drivers of vehicles intended for the carriage of passengers by road, which course is in conformity with the Third Schedule to these regulations.

Daily driving period

19. (1) (a) The daily driving period shall not exceed nine hours. It may be extended twice in any one week to 10 hours.

(b) A driver must, after no more than six daily driving periods, take a weekly rest period as defined in subregulation (3) of regulation 21.

(c) The weekly rest period may be postponed until the end of the twelfth day if the total driving time over the twelve days does not exceed the maximum corresponding to twelve daily driving periods.

(2) The total period of driving in any period of two consecutive weeks shall not exceed 90 hours.

Breaks

20. (1) After four-and-a-half hours' driving, the driver shall observe a break of at least 45 minutes, unless he begins a rest period.

(2) This break may be replaced by breaks of at least 15 minutes each distributed over the driving period or immediately after this period in such a way as to comply with the provisions of subregulation (1).

(3) During these breaks, the driver may not carry out any other work. For the purposes of this section, the waiting time and time not devoted to driving spent in a vehicle in motion, a ferry, or a train shall not be regarded as 'other work'.

(4) The breaks observed under this regulation may not be regarded as daily rest periods.

Daily rest period

21. (1) (a) In each period of 24 hours, the driver shall have a daily rest period of at least 11 consecutive hours, which may be reduced to a minimum of nine consecutive hours not more than three times in any one week, on condition that an equivalent period of rest is granted as compensation before the end of the following week.

(b) On days when the rest is not reduced in accordance with paragraph (a), it may be taken in two or three separate periods during the 24 hour period, one of which must be of at least eight consecutive hours. In this case the minimum length of the rest shall be increased to 12 hours.

(2) During each period of 30 hours when a vehicle is manned by at least two drivers, each driver shall have a rest period of not less than eight consecutive hours.

(3) In the course of each week, one of the rest periods referred to in the preceding subregulations shall be extended, by way of weekly rest, to a total of 45 consecutive hours. This rest period may be reduced to a minimum of 36 consecutive hours if taken at the place where the vehicle is normally based or where the driver is based, or to a minimum of 24 consecutive hours if taken elsewhere. Each reduction shall be compensated by an equivalent rest taken en bloc before the end of the third week following the week in question.

(4) A weekly rest period which begins in one week and continues into the following week may be attached to either of these weeks.

(5) Any rest taken as compensation for the reduction of the daily and, or weekly rest periods must be attached to another rest of at least eight hours and shall be granted, at the request of the person concerned, at the vehicle's parking place or driver's base.

(6) The daily rest period may be taken in a vehicle, as long as the vehicle is fitted with a bunk and is stationary.

Interruption of daily rest period

22. (1) Notwithstanding subregulation (1) of regulation 21, where a driver engaged in the carriage of passengers accompanies a vehicle which is transported by ferryboat or train, the daily rest period may be interrupted once only, provided the following conditions are fulfilled:

- that part of the daily rest period spent on land must be able to be taken before or after the portion of the daily rest period taken on board the ferryboat or the train,

- the period between the two portions of the daily rest period must be as short as possible and may on no account exceed one hour before embarkation or after disembarkation, customs formalities being included in the embarkation or disembarkation operations,

- during both portions of the rest period the driver must be able to have access to a bunk or couchette.

(2) The daily rest period, interrupted in this way, shall be increased by two hours.

Payments to wage-earning drivers

23. Payments to wage-earning drivers, even in the form of bonuses or wage supplements, related to distances travelled and, or the amount of passengers carried shall constitute an offence under these regulations, unless these payments are of such a kind as not to endanger road safety:

Provided that road safety is not thereby jeopardised and to enable him to reach a suitable stopping place, the driver may depart from the provisions of these Regulations to the extent necessary to ensure the safety of persons, of the vehicle or of its load. The driver shall indicate the nature of, and reason for his departure from these provisions on the record sheet of the recording equipment or in his duty roster.

Undertakings to organise drivers' work

24. (1) The undertaking shall organise drivers' work in such a way that drivers are able to comply with the relevant provisions of these regulations and any other relevant legislation.

(2) The undertaking shall make periodic checks to ensure that all legal requirements have been complied with. If breaches are found to have occurred, the undertaking shall take appropriate steps to prevent their repetition.

Part IV

MARKET ACCESS

Access to the National Market

Passenger Transport Operator's Licence.

25. (1) In order to carry out national passenger transport operations using passenger transport vehicles on a permanent basis, any undertaking must possess a Passenger Transport Operator's Licence provided for in regulation 5.

(2) The Authority shall provide the holder with a certified true copy of the Passenger Transport Operator's Licence for every vehicle for which it is to be used.

(3) The vehicles for which the Passenger Transport Operator's Licence is being used shall be at the exclusive disposal of the holder when hired, and must be driven by employees of the holder or the holder himself.

(4) The Authority shall lay down such other rules as necessary governing the requirements of national passenger transport operations and market access.

Access to the International Market

Community Licence.

26. (1) The Authority shall issue a Community Licence in accordance with the model set out in the Fourth Schedule to any passenger transport operator fulfilling the following conditions:

(a) he holds a Passenger Transport Operator's Licence issued under regulation 5;

(b) he satisfies the conditions laid down in accordance with rules in Agreement States on admission to the occupation of road passenger transport operator in national and international transport operations in accordance with regulation 6;

(c) meets legal requirements on road safety as far as the standards for drivers and vehicles are concerned.

(2) In order to carry out international passenger transport operations using passenger transport vehicles between Malta and Agreement States for hire or reward or on own account, any carrier satisfying the criteria laid down in subregulation (1) of regulation 26 must hold a Community Licence issued by the competent authority of the Agreement State of establishment in accordance with the model set out in the Fourth Schedule for these regulations.

(3) The Authority shall issue the holder with the original of the Community Licence, which shall be kept by the carrier, and the number of certified true copies corresponding to the number of vehicles used for the international carriage of passengers at the disposal of the holder of the Community Licence, either in full ownership, or in another form, notably by virtue of an instalment-purchase contract, a hire contract or a leasing contract.

(4) The Community Licence shall be issued in the name of the carrier and shall be non-transferable. A certified true copy of the Community Licence shall be carried on the vehicle and shall be presented at the request of any authorised inspecting officer.

(5) The Community Licence shall be issued for a period of five years and shall be renewable.

(6) The Community Licence shall replace the document issued by the Authority certifying that the carrier has access to the market for the international carriage of passengers by road.

(7) When an application for a licence is submitted, and at least every five years thereafter, the Authority shall verify whether the carrier satisfies or continues to satisfy the conditions laid down in subregulation (1) of regulation 26.

(8) Where the conditions referred to in subregulation (1) of regulation 26 are not satisfied, the Authority shall refuse to issue or renew a Community Licence by means of a reasoned decision.

(9) A Community Licence shall also be valid for national transport operations.

(10) Each vehicle carrying out a service subject to authorisation shall have on board a Passenger Transport Operator's Licence or a copy certified by the issuing authority or agency.

Withdrawal of Community Licence

27. (1) The Authority may withdraw a Community Licence on the following grounds:

(a) where the holder no longer satisfies the conditions laid down in regulation 26; or

(b) where the holder has supplied incorrect information to the Authority in relation to the issue or renewal of the authorisation.

(2) In the event of serious infringements of these Regulations, the Authority may inter alia temporarily or partially suspend the authorisation, whether such authorisation has been issued in Malta, an Agreement State or in any other country. Such suspension shall be imposed having regard to:

(a) the seriousness of the infringement; and

(b) the total number of certified copies of the authorisation held by the holder in respect of international traffic.

Right of appeal Cap 372

28. Any decision by the Authority in accordance with regulation 27 shall be subject to appeal before an appeals board to be set up according to the provisions of the Malta Transport Authority Act.

Occasional Services

29. (1) Occasional services shall not require any other specific authorisation other than a Community Licence.

(2) Occasional services may be provided by a group of carriers acting on behalf of the same contractor, and passengers may establish a connection en route, with a different carrier engaged by the same contractor, in the territory of an Agreement State.

(3) The names of such carriers and the connection points en route shall be communicated to the Authority upon their arrival in Malta within 48 hours.

(4) Empty journeys by vehicles in connection with the transport operations referred to in subregulations (1) to (3) hereof shall not require any authorisation.

(5) A carrier established in Malta may carry out local excursions in an Agreement State and a carrier established in an Agreement State may carry out such excursions in Malta. Such services shall be intended for non-resident passengers previously carried by the same carrier on an international occasional service and must be carried out with the same vehicle or another vehicle from the same carrier or group of carriers.

Special regular services.

30. (1) Special regular services shall not require any other specific authorisation other than a Community Licence if they are covered by a contract concluded between the organiser and the carrier.

(2) Any carrier for hire or reward referred to in regulation 26 shall be permitted to carry out special regular services without discrimination as to nationality or place of establishment if the said carrier:

- is authorised in the Agreement State of establishment to undertake carriage by means of regular services including special regular services or occasional services by road passenger transport vehicles;

- satisfies the conditions laid down in accordance with any laws and regulations in Malta or equivalent regulations in the Agreement State of establishment governing market access;

- satisfies the legal requirements and standards on road safety for drivers and vehicles.

(3) Any own-account carrier shall be permitted to carry out special regular services without discrimination as to nationality or place of establishment if the said carrier:

- is authorized in the country of establishment to undertake carriage by passenger transport vehicles in accordance with any laws and regulations in force in Malta or equivalent regulations in the Agreement State of establishment governing market access;

- satisfies the legal requirements and standards on road safety for drivers and vehicles.

(4) Empty journeys by vehicles in connection with the transport operations referred to in subregulations (1) and (2) shall not require any authorisation.

Regular Services.

31. (1) Passengers using a regular service shall throughout their journey possess transport tickets, either individual or collective, which indicate:

- the points of departure and destination and, where appropriate, the return journey;

- the period of validity of the ticket;

- the price of the transport.

(2) Such transport ticket shall be presented at the request of any authorised inspecting officer.

Authorisation for regular and non-liberalised special regular services

32. Regular services and special regular services not covered by a contract between the organiser and the carrier shall require authorisation in accordance with regulations 31 to 40.

Nature of Authorisation.

33. (1) Authorisations shall be issued in the name of the carrier for a period of validity of five years and shall conform to the model in the Fifth Schedule of these regulations.

(2) Authorisations shall entitle the holder(s) to operate regular services in the territories of all Agreement States over which the routes of the service pass as well as in Malta.

(3) (a) A carrier who has received an authorisation may, with the consent of the Authority, operate the service through a sub-contractor. In this case, the name of the latter undertaking and its role as sub-contractor shall be indicated in the authorisation.

(b) The sub-contractor mentioned in subparagraph (a) must fulfil the conditions laid down in subregulation (1) of regulation 26.

(c) In the case of undertakings associated for the purpose of operating a regular service, the authorisation shall be issued in the names of all the undertakings

(4) The operator of a regular service may use additional vehicles to deal with temporary and exceptional situations. In this case, the carrier must ensure that the following documents are carried on such additional vehicles:

- a copy of the authorisation of the regular service,

- a copy of the contract between the carrier operating the regular service and the undertaking providing the additional vehicles or an equivalent document,

- a certified true copy of the Community Licence issued to the carrier operating the regular service.

Submission of applications for authorisation.

34. (1) Applications for authorisation of regular services starting in Malta shall conform to the Sixth Schedule to these regulations.

Authorisation procedure

(2) Authorisations shall be issued in agreement with the authorities of all the Agreement States in whose territories passengers board or disembark.

Lapse of Authorisation

35. (1) An authorisation for a regular service shall lapse at the end of its period of validity or three months after the Authority has received from its holder notice of his intention to withdraw the service. Such notice must contain a proper statement of reasons.

(2) Where demand for a service has ceased to exist, the period mentioned in subregulation 1 shall be reduced to one month.

(3) The holder of the authorisation shall notify users of the service concerned of its withdrawal one month beforehand by means of publication in the Gazette.

Obligation of carriers.

36. (1) Save in the event of *force majeure*, the carrier operating a regular service shall, until the authorisation expires, take all measures to guarantee a transport service that fulfills standards of continuity, regularity and capacity and complies with the other conditions as laid down by the Authority in accordance with subregulation (3) of regulation 30.

(2) The carrier shall display the route of the service, the bus stops, the timetable, the fares and the conditions of carriage insofar as these are not laid down by law, and in such a way as to ensure that such information is readily available to all users.

Journey form.

37. (1) The services referred to in subregulation (4) of regulation 30 shall be covered by a journey form, the requirements of which are set out in the Seventh Schedule to these regulations.

(2) A carrier operating occasional services shall fill out a journey form before each journey.

Own account transport operators.

38. (1) Own-account road passenger transport operations shall be exempt from any system of authorisation but shall be subject to a system of certificates.

(2) Such certificates shall be issued by the Authority when the vehicle is registered in Malta and shall be valid for the entire journey including transit for up to a maximum of five years. They must conform to the model in the Eighth Schedule to these regulations.

(3) The certificate or a certified true copy shall be carried on board the vehicle and shall be presented to an authorised inspecting officer upon demand.

Evidence of compliance to be provided.

39. Undertakings requesting a certificate shall provide the Authority with evidence that the conditions laid down in the definition of 'own account transport operations' have been met.

Transitional provision

40. Authorisations for services existing on the date of entry into force of these regulations shall continue to be valid until they expire insofar as the services in question remain subject to authorisation.

Access to the market in other countries

Market access.

41. The Authority shall determine the conditions for market access relating to countries with which Malta has bilateral agreements other than Agreement States and subject to the provisions of such agreements.

Access to the National Market by Non-Resident Carriers Established in Agreement States ('Cabotage')

Temporary cabotage operations.

42. Any carrier for hire or reward who is a holder of a Community authorisation shall be entitled, under the conditions laid down in these regulations, to carry out cabotage operations on a temporary basis in Malta, without having a registered office or other establishment in Malta.

Authorised services.

43. (1) Cabotage transport operations shall be permitted in Malta for the following services:

a. special regular services provided that they are covered by a contract concluded between the organiser and the carrier;

b. occasional services.

(2) Cabotage transport operations for regular services shall not be authorised in Malta.

Cabotage operations subject to Maltese laws.

44. (1) The performance of the cabotage transport operations in Malta referred to in regulation 42 shall be subject to the laws, regulations and administrative provisions in force in Malta in relation to the following areas:

i. rates and conditions governing the transport contract;

ii. weights and dimensions of road vehicles shall meet the conditions of the relevant regulations regulating motor vehicles' weights, dimensions and equipment;

iii. requirements relating to the carriage of certain categories of passengers, such as schoolchildren, children and persons with reduced mobility;

iv. driving and rest time;

v. VAT (value added tax) on transport services

Licence to be carried on board the vehicle.

45. The Community Licence or a certified true copy thereof shall be kept on board the vehicle and shall be produced when requested by an authorised inspecting officer.

Control documents - journey forms for occasional cabotage operations.

46. Cabotage transport operations in the form of occasional services shall be covered by a control document - the journey form as contained in the Seventh Schedule to these regulations - which must be kept on board the vehicle and be produced when requested by an authorised inspecting officer.

Control document.

47. In the case of special regular services, the contract concluded between the carrier and the transport organizer, or a certified true copy of the contract, shall serve as the control document. However, the journey form shall be completed in the form of a monthly statement.

Journey forms.

48. Journey forms used shall be returned to the Authority in accordance with procedures it shall establish.

Penalties.

49. (1) Without prejudice to criminal prosecution, the Authority may impose penalties on non-resident carriers who have committed infringements of these regulations or of any other laws and regulations in force in Malta on the occasion of a cabotage transport operation.

(2) (a) The penalties referred to in subregulation (1) may, inter alia, consist of a warning or, in the event of serious or repeated infringements, a temporary ban on cabotage transport operations within Malta, if the infringement was committed in Malta.

(b) Where a falsified Community Licence, falsified authorisation or falsified certified true copy thereof is produced, the falsified document shall be withdrawn immediately and, where appropriate, forwarded as soon as possible to the competent authority of the carrier's State of establishment.

(c) Any penalty imposed by the Authority may extend to withdrawal of authorisation to pursue the profession of road passenger transport operator.

(3) The Authority may also, pursuant to national law, arraign the carrier registered in Malta concerned before a competent court or tribunal.

Part V

INSPECTIONS

General.

50. (1) The authorisation or control document shall be carried on the vehicle and shall be presented at the request of any authorised inspecting officer. In the case of the special regular services, the contract or a certified true copy of it shall serve as a control document.

(2) Carriers operating coaches and buses in international passenger transport shall allow all inspections intended to ensure that operations are being conducted correctly, in particular as regards driving and rest periods. In order to ensure compliance with these Regulations, authorised inspecting officers shall be empowered to:

(a) check the books and other documentation relating to the operation of the transport undertaking;

(b) make copies of, or take extracts from, the books and documentation on the premises;

(c) have access to all the transport undertaking's premises, sites and vehicles;

(d) require the production of any information contained in books, documentation or databases.

Inspections at quayside or roadside.

51. The Authority shall check on the compliance of the international road passenger transport operator through random checks carried out at the quayside, roadside or at the premises of the undertaking.

Elements of checks.

52. Quayside or roadside check shall cover

(a) daily driving periods, daily rest periods, breaks;

(b) last weekly rest period (where appropriate);

(c) technical requirements of the relevant regulations regulating motor vehicles' weights, dimensions, and equipment;

(d) any books or documentation relating to journey authorisation.

Inspections at premises.

53. Checks shall also be carried out at premises of international road passenger transport undertakings established in Malta. In addition to the checks in subregulation (2) of regulation 50, these checks shall include the following :

(a) weekly rest periods and driving periods between these rest periods,

(b) two-weekly limitation of driving hours,

(c) compensation for reduced daily or weekly rest periods,

(d) the use of record sheets and/or the organization of drivers' working times.

Checks at the request of the Authority.

54. For the purposes laid down in these regulations, checks carried out on the basis of relevant documents handed over by undertakings at the request of the Authority, shall have the same status as checks carried out at the premises of undertakings.

FIRST SCHEDULE

(Regulation 8)

PART I

CARRIER TRADING AS SOLE TRADER / PARTNERSHIP
ACCOUNTANT'S REPORT

1. We have prepared, without carrying out an audit, a statement of affairs as at ..... (date) from the accounting records of ....., hereinafter referred to as 'the firm', having its principal business address at .....

   ..... and from information and explanations supplied to us.

2. In making this report we have had regard to the unaudited statement of affairs referred to above and, in particular, to the amounts and other information included in that statement of affairs in respect of:

   i. funds available, including cash at banks and overdraft and loan facilities;

   ii. assets, including property, available to provide security;

   iii. costs, including purchase cost or initial payment for vehicles, premises, plant and equipment; and

   iv. working capital.

3. We confirm that the unaudited statement of affairs of the firm at ..... (date) shows Total Assets less Total Liabilities of Lm ..... at ..... (date) which, on the basis of the licence application for ..... vehicles (using an exchange rate of €1.00 = Lm0.40), Lm ..... exceed Lm3,600 for the first vehicle and Lm2,000 for each additional vehicle to be authorised for use under the firm's Passenger Transport Operator's Licence.

Firm of Accountants .....

Address: .....

.....

.....

Auditor's/Accountant's signature: .....

Date: .....

i.e. A person qualified by virtue of the Companies Act or an Accountant recognised by the Minister responsible for transport.

PART 2

CARRIER TRADING AS A LIMITED LIABILITY COMPANY

ACCOUNTANT'S REPORT

1) We have audited in accordance with auditing standards the financial statements of ....., hereinafter referred to as 'the company' whose registered office is at ..... for the year / period ended at ..... (date).

2) Our audit report on those financial statements, was without qualification.

OR

Our audit report on those financial statements, which was qualified, was as follows:

3) In making this report we have had regard to the financial statements referred to above and, in particular, to the amounts and other information including those financial statements, in respect of:

i. funds available, including cash at banks and overdraft and loan facilities;

ii. assets, including property, available to provide security;

iii. costs, including purchase cost or initial payment for vehicles, premises, plant and equipment; and

iv. working capital.

4) We confirm that the audited balance sheet of the company at ..... (date) shows Capital and Reserves of Lm ..... which, on the basis of the licence for ..... Vehicles (using an exchange rate of €1.00 = Lm0.40), Lm ..... exceed Lm3,600 for the first vehicle and Lm2,000 for each additional vehicle to be authorised for use under the company's Passenger Transport Operator's Licence.

Firm of Accountants .....

Address: .....

.....

.....

Auditor's/Accountant's signature: .....

Date: .....

i.e. A person qualified by virtue of the Companies Act or an Accountant recognised by the Minister responsible for transport.

SECOND SCHEDULE

(Regulation 9)

PART 1

CERTIFICATE OF PROFESSIONAL COMPETENCE

MALTA

(Stout fawn paper - Format: DIN A4) (Text in Maltese or English)

M **Malta Transport Authority**

CERTIFICATE OF PROFESSIONAL COMPETENCE IN NATIONAL [AND INTERNATIONAL] ([1]) ROAD

We, the Malta Transport Authority hereby certify:

(a) that ([2]) .....

born in ..... on .....

has passed the tests of the examination (year: .....; session: .....) ([3]) organised for the award of the certificate of professional competence in national [and international] ([1]) road passenger transport in accordance with the Motor Vehicles (Carriage of Passengers by Road) Regulations.

(b) that the person referred to in (a) is qualified to work in a professional capacity in an undertaking responsible for road passenger transport:

- engaging solely in national transport ([1]),

- engaging in international transport ([1]).

This certificate constitutes the sufficient proof of professional competence referred to in regulation 9 of the Motor Vehicles (Carriage of Passengers by Road) Regulations

Issued at ..... , on .....

.....

Stamp of the Authority and Signature of an Authorised Representative

([1]) Delete as appropriate.
([2]) Surname and forenames; place and date of birth.
([3]) Identification of the examination.

PART 2

LIST OF SUBJECTS REFERRED TO IN REGULATION 9

The knowledge to be taken into consideration for the official recognition of professional competence by the Authority shall cover at least the subjects listed below for road haulage and road passenger transport respectively. In relation to these subjects, applicant road haulage and road passenger transport operators must have the levels of knowledge and practical aptitude necessary for the management of a transport undertaking.

A. Civil law

The applicant must, in particular:

1. be familiar with the main types of contract used in road transport and with the rights and obligations arising therefrom;

2. be capable of negotiating a legally valid transport contract, notably with regard to conditions of carriage;

3. be able to consider a claim by his principal regarding compensation for loss of or damage to goods during transportation or for their late delivery, and to understand how such a claim affects his contractual liability;

4. be able to consider a claim by his principal regarding compensation for injury to passengers or damage to their baggage caused by an accident during transportation, or regarding compensation for delays, and to understand how such a claim affects his contractual liability.

B. Commercial law

The applicant must, in particular:

1. be familiar with the conditions and formalities laid down for plying the trade, the general obligations incumbent upon transport operators (registration, keeping records, etc.) and the consequences of bankruptcy;

2. have appropriate knowledge of the various forms of commercial company and the rules governing their constitution and operation.

C. Social law

The applicant must, in particular:

1. be familiar with the role and function of the various social institutions which are concerned with road transport (trade unions, works councils, shop stewards, labour inspectors, etc.);

2. be familiar with the employers' social security obligations;

3. be familiar with the rules governing work contracts for the various categories of workers employed by road transport undertakings (form of the contracts, obligations of the parties, working conditions and working hours, paid leave, remuneration, breach of contract, etc.);

4. be familiar with the provisions of the Motor Vehicles (Carriage of Passengers by Road) Regulations and the relevant regulations regulating motor vehicles' weights, dimensions, and equipment and the practical arrangements for implementing these Regulations.

D. Fiscal law

The applicant must, in particular, be familiar with the rules governing:

1. VAT on transport services;

2. motor-vehicle tax;

3. the taxes on certain road haulage vehicles and tolls and infrastructure user charges;

4. income tax.

E. Business and financial management of the undertaking

The applicant must, in particular:

1. be familiar with the laws and practices regarding the use of cheques, bills of exchange, promissory notes, credit cards and other means or method of payment;

2. be familiar with the various forms of credit (bank credit, documentary credit, guarantee deposits, mortgages, leasing, renting, factoring, etc.) and with the charges and obligations arising from them;

3. know what a balance sheet is, how it is set out and how to interpret it;

4. be able to read and interpret a profit and loss account;

5. be able to assess the undertaking's profitability and financial position, in particular on the basis of financial ratios;

6. be able to prepare a budget;

7. be familiar with his undertaking's cost elements (fixed costs, variable costs, working capital, depreciation, etc.), and be able to calculate costs per vehicle, per kilometre, per journey or per tonne;

8. be able to draw up an organisation chart relating to the undertaking's personnel as a whole and to organise work plans, etc.;

9. be familiar with the principles of marketing, publicity and public relations, including transport services sales promotion and the preparation of customer files, etc.;

10. be familiar with the different types of insurance relating to road transport (liability, accidental injury, life insurance, non-life and luggage insurance) and with the guarantees and obligations arising therefrom;

11. be familiar with the applications of electronic data transmission in road transport;

12. be able to apply the rules governing fares and pricing in public and private passenger transport;

13. be able to apply the rules governing the invoicing of road passenger transport services.

F. Access to the market

The applicant must, in particular:

1. be familiar with the occupational regulations governing road transport for hire or reward, industrial vehicle rental and sub-contracting, and in particular the rules governing the official organisation of the occupation, admission to the occupation, authorisations for intra- and extra-Community road transport operations, inspections and sanctions;

2. be familiar with the rules for setting up a road transport undertaking;

3. be familiar with the various documents required for operating road transport services and be able to introduce checking procedures for ensuring that the approved documents relating to each transport operation, and in particular those relating to the vehicle, the driver, the goods and luggage are kept both in the vehicle and on the premises of the undertaking;

5. be familiar with the rules for introducing road passenger transport services and be able to draw up transport plans.

G. Technical standards and aspects of operation

The applicant must, in particular:

1. be familiar with the rules concerning the weights and dimensions of vehicles in the Agreement States and the procedures to be followed in the case of abnormal loads which constitute an exception to these rules;

2. be able to choose vehicles and their components (chassis, engine, transmission system, braking system, etc.) in accordance with the needs of the undertaking;

3. be familiar with the formalities relating to the type approval, registration and technical inspection of these vehicles;

4. understand what measures must be taken to reduce noise and to combat air pollution by motor vehicle exhaust emissions;

5. be able to draw up periodic maintenance plans for the vehicles and their equipment.

H. Road safety

The applicant must, in particular:

1. know what qualifications are required for drivers (driving licence, medical certificates, certificates of fitness, etc.);

2. be able to take the necessary steps to ensure that drivers comply with the traffic rules, prohibitions and restrictions in force in different Member States (speed limits, priorities, waiting and parking restrictions, use of lights, road signs, etc.);

3. be able to draw up drivers' instructions for checking their compliance with the safety requirements concerning the condition of the vehicles, their equipment and cargo, and concerning preventive measures to be taken;

4. be able to lay down procedures to be followed in the event of an accident and to implement appropriate procedures for preventing the recurrence of accidents or serious traffic offences;

5. have elementary knowledge of the layout of the road network in the Member States.

ORGANISATION OF THE EXAMINATION

1. The Authority shall organise a compulsory written examination which may be supplemented by an optional oral examination to establish whether applicant road transport operators have achieved the required level of knowledge in the subjects listed in part I, in particular, their ability to use the instruments and techniques relating thereto and to fulfil the corresponding executive and coordination duties.

(a) The compulsory written examination shall involve two tests, namely:
- written questions consisting of either multiple choice questions (each with one correct possible answer out of four), questions requiring direct answers or a combination of both systems,
- written exercises/case studies.
The minimum duration of each test is two hours.

(b) Where an oral examination is organised the Authority may stipulate that participation is subject to successful completion of the written examination.

2.1 Where the Authority also organises an oral examination, it must provide, in respect of each of the three tests, for a weighting of marks of a minimum of 25 % and a maximum of 40 % of the total number of marks to be given.

2.2 Where the Authority organises only a written examination it must provide, in respect of each test, for a weighting of marks of a minimum of 40 % and a maximum of 60 % of the total number of marks to be given.

3. With regard to all the tests, applicants must obtain an average of at least 60 % of the total number of marks to be given, achieving in any given test not less than 50 % of the total number of marks possible. In one test only, the Authority may reduce that mark from 50 % to 40 %.

THIRD SCHEDULE

(Regulation 15)

MINIMUM TRAINING NECESSARY FOR THE AWARD OF A CERTIFICATE OF PROFESSIONAL COMPETENCE FOR INTERNATIONAL DRIVERS IN THE CARRIAGE OF PASSENGERS

Training leading to the award of a certificate of professional competence shall include at least the following subjects, to the extent that they are not already covered by training for a driving licence under the Motor Vehicles (Driving Licences) Regulations 2002.

1. Knowledge of the construction and main component parts of a vehicle

1.1. Knowledge of the construction and functioning of:

- internal combustion engines,
- lubrication and cooling systems,
- the fuel system,
- the electrical system,
- the ignition system,
- the transmission system (clutch, gearbox, etc.)

1.2. General knowledge of lubrication and antifreeze protection
1.3. Knowledge of the precautions to be taken during the removal and replacement of wheels
1.4. Knowledge of the construction, fitting, correct use and care of tyres
1.5. Knowledge of the types, operation, main parts, connection, use and day-to-day maintenance of brake fittings, and knowledge of coupling systems
1.6. Knowledge of methods of locating causes of breakdowns
1.7. Knowledge of how to repair minor breakdowns with the aid of the correct equipment
1.8. General knowledge of preventive maintenance of vehicles and necessary running repairs.

2. General knowledge of transport and administrative procedures

2.1. General ability and sufficient geographical knowledge to use road maps and their indexes
2.2. Economical use of vehicles
2.3. Knowledge of the steps to be taken after an accident or similar occurrence (e.g. fire) in connection with vehicle insurance
2.4. Knowledge of the national legislation applicable to drivers of passenger transport vehicles:
2.5. Knowledge of the driver's responsibility in respect of the carriage of passengers
2.6. Knowledge of the vehicle and passenger documents required for the national and international carriage of passengers.

3. Experience of driving passenger vehicles

3.1. Practical experience of driving and manoeuvring buses or coaches.

FOURTH SCHEDULE

(Regulation 26)

EUROPEAN COMMUNITY

(a)

(Heavy-duty, blue – DIN A4)

(First page of the licence)

(Text in Maltese or English)

M	**Malta Transport Authority**

LICENCE NO. …

For the international carriage of passengers by coach and bus for hire or reward

The holder of this licence .....

.....

.....

(full name or business name of the carrier)

is authorised to carry out international carriage of passengers by road for hire or reward in the territory of the Community pursuant to the conditions laid down by the Motor Vehicles (Carriage of Passengers by Road) Regulations and in accordance with the general provisions of the licence.

Comments:
.....

.....

.....

.....

This licence is valid from ..... to .....

Issued in ....on .....

.....
Signature and stamp of the Malta Transport Authority

FIFTH SCHEDULE

(Regulation 33)

AUTHORISATIONS FOR REGULAR AND SPECIAL REGULAR SERVICES

(First page of Authorisation No .....)

MALTA (M) Malta Transport Authority

AUTHORISATION No ....

for a regular service ([1]) for a non-liberalised special regular service

by passenger transport vehicles in accordance with regulation 26 et seq

to: ..... (Surname, first name or trade name of carrier or of managing carrier in the case of an association of undertakings)

Address: ..... Tel. and fax: .....

Name, address, telephone and fax numbers of associates or members of the association of undertakings (pool) and subcontractors:

(1) .....

(2) .....

(3).....

(4).....

(5) .....

List attached, if appropriate .....

Expiry date of authorisation: .....

..... (Place and date of issue)

.....
(Stamp of the Authority and signature of authorized representative)

([1]) Delete as appropriate

(Second page of authorisation No .....)

1. Route:

(a) Place of departure of service: .....

(b) Place of destination of service: .....

(c) Principal itinerary, with passenger pick-up and set-down points underlined:

.....

.....

.....

.....

2. Periods of operation: .....

.....

3. Frequency:.....

4. Timetable: .....

5. Special regular service:

- Category of passengers: .....

6. Other conditions or special points:

.....

.....

.....

.....

.....

.....

(Stamp of Authority)

(Third page of the authorisation)

Important notice

1. This authorisation is valid for the entire journey. It may not be used except by a party whose name is indicated thereon.

2. The authorisation or a true copy certified by the issuing authority shall be kept on the vehicle for the duration of the journey and shall be presented to enforcement officials on request.

3. A true certified copy of the Community Licence shall be kept on board the vehicle.

SIXTH SCHEDULE

(Regulation 34)

APPLICATION FOR AUTHORISATION FOR REGULAR SERVICES

APPLICATION

TO START A REGULAR SERVICE

TO START A SPECIAL REGULAR SERVICE

TO RENEW AUTHORISATION FOR A SERVICE (Tick as appropriate)

carried out by passenger transport vehicles under the Motor Vehicles (Carriage of Passengers by Road) Regulations

to: **Malta Transport Authority**

1. Name and first name or trade of the applicant and, where appropriate, of the managing carrier in the case of an association (pool):

.....

2. Service(s) carried out (tick as appropriate):

by an undertaking as a member of an association (pool) as a subcontractor

3. Names and addresses of the carrier, associated carrier(s) or subcontractor(s):

3.1. ..... tel. .....

3.2. ..... tel. .....

3.3..... tel.....

3.4. ..... tel. .....

Indicate in each case whether a member of an association or a subcontractor is concerned. Attach list if applicable.

(Second page of the application for authorisation or for renewal of authorisation)

4. In the case of a special regular service:

4.1. Category of passengers: .....

5. Duration of authorisation requested or date on which the service ends:

6. Principal route of service (underline passenger pick-up points):

7. Period of operation:

8. Frequency (daily, weekly, etc.): .....

9. Fares: ..... Annex attached

10. Enclose a driving schedule to permit verification of compliance with the Community legislation on driving and rest periods

11. Number of authorisations or of copies of authorisations requested ([1]):

12. Any additional information:

13. .....
(Place and date)

.....
(Signature of applicant)

([1]) The attention of the applicant is drawn to the fact that, since the authorisation has to be kept on board the vehicle, the number of authorisations which the applicant must have should correspond to the number of vehicles needed for carrying out the service requested at the same time.

(Third page of the application for authorisation or for renewal of authorisation)

Important notice

1. The following must be attached to the application, as appropriate:

(a) the timetable;

(b) fare scales;

(c) a certified true copy of the Community Licence for the international carriage of passengers by road for hire or reward;

(d) information concerning the type and volume of the service that the applicant plans to provide in the case of a new service, or that has been provided in the case of renewal of an authorisation;

(e) a map on an appropriate scale on which are marked the route and the stopping points at which passengers are to be taken up or set down;

(f) a driving schedule to permit verification of compliance with the Community legislation on driving and rest periods.

2. Applicants shall provide any additional information in support of their application which they consider relevant or which is requested by the Authority.

3. The Motor Vehicles (Carriage of Passengers by Road) Regulations state that the following services are subject to authorisation:

(a) regular services, services which provide for the carriage of passengers at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points. Regular services shall be open to all, subject, where appropriate, to compulsory reservation. The regular nature of the service shall not be affected by any adjustment to the service operating conditions;

(b) special regular services not covered by a contract between the organiser and the carrier. Services, by whomsoever organised, which provide for the carriage of specified categories of passengers to the exclusion of other passengers, in so far as such services are operated under the conditions of a regular service,, shall be deemed to be regular services. Such services are hereinafter called `special regular services'. Special regular services shall include:

(i) the carriage of workers between home and work;

(ii) carriage to and from the educational institution for school pupils and students;

(iii) the carriage of soldiers and their families between their State of origin and the area of their barracks.

The fact that a special service may be varied according to the needs of users shall not affect its classification as a special regular service.

4. The application shall be made to the Authority when the service departs from Malta.

5. The maximum period of validity of the authorisation is five years

SEVENTH SCHEDULE

(Regulation 38)

JOURNEY FORM FOR OCCASIONAL SERVICES

1. Journey forms shall be in books of 25 forms in accordance with the form below, in duplicate, and detachable. Each book shall bear a number. The forms shall also be numbered from l to 25. The cover of the book shall conform to the model below. They shall be in the name of the carrier and are non-transferable.

2. The Authority shall take all necessary measures to adapt these requirements to computerised processing of journey forms.

3. (1) The journey form shall be filled in legibly and indelible letters, in duplicate, either by the carrier or by the driver for each journey prior to departure. It shall be valid for the entire journey.

   (2) The top copy of the journey form shall be kept in the vehicle during the whole of the journey to which it refers. A copy shall be kept at the company's registered office.

   (3) The carrier shall be responsible for keeping the journey forms.

4. In the case of an international occasional service provided by a group of carriers acting on behalf of the same contractor, and which may include the travellers establishing a connection *en route* with a different carrier of the same group, the original of the journey form shall be kept on the vehicle carrying out the service. A copy of the journey form shall be kept at the base of each carrier

5. Copies of the journey forms used as control documents for occasional services in the form of cabotage pursuant to regulation 26 shall be returned by the carrier to the competent authority or agency in the country of establishment in accordance with procedures to be laid down by that authority or agency.

   (2) In the case of special regular services in the form of cabotage pursuant to regulation 30, the journey form shall be completed in the form of a monthly statement and returned by the carrier to the competent authority or agency in the Agreement State of establishment in accordance with procedures to be laid down by that authority or agency

6. The journey form shall enable the holder registered in Malta, in the course of an international occasional service, to carry out local excursions in an Agreement State, or a carrier registered in an Agreement State to carry out local excursions in Malta, in accordance with the conditions laid down in the second paragraph of regulation 19. The local excursions shall be entered on the journey forms before the departure of the vehicle on the excursion concerned. The original of the journey form shall be kept on board the vehicle for the duration of the local excursion.

7. The control document shall be presented to any enforcement official on request.

B 1964

JOURNEY FORMS FOR OCCASIONAL SERVICES

ANNEX I

EN **JOURNEY FORM — MODEL** **No** .....

(Light green paper — A4)

INTERNATIONAL OCCASIONAL SERVICES and OCCASIONAL SERVICES IN THE FORM OF CABOTAGE

(Each item, if necessary, can be supplemented on a separate sheet)

1	Registration number of the coach	Place, date and signature of the carrier
2	Carrier and, where appropriate, subcontractor or group of carriers	1 ..... 2 ..... 3 .....
3	Name of driver(s)	1 ..... 2 ..... 3 .....
4	Organisation or person responsible for the occasional service	1 ..... 3 ..... 2 ..... 4 .....
5	**Type of service**	☐ International occasional service ☐ Occasional service in the form of cabotage ☐ Special regular services in the form of cabotage — monthly statement Month ..... Year .....
6	Place of departure of service: ..... Country ..... Place of destination of service: ..... Country	

7	Journey	Route / Daily stages and/or passenger pick-up or set-down points				
	Dates	from →	to →	number of passengers	empty (mark with an X)	Planned km

8	Connection points, if any, with another carrier in the same group	Number of passengers set down	Final destination of the passengers set down	Carrier picking up the passengers

9	**Local excursions**				
	Date	Planned km	Place of departure	Place of excursion	No of passengers

10	**Unforeseen changes**

Book of Journey forms

Malta (M) Malta Transport Authority

BOOK No ....

of journey forms:

(a) for international occasional services by passenger transport service vehicles issued in accordance with the Motor Vehicles (Carriage of Passengers by Road) Regulations.

(b) for occasional services by passenger transport vehicles in the form of cabotage carried out in an Agreement State, issued on the basis of the Motor Vehicles (Carriage of Passengers by Road) Regulations.

to: .....
(Surname and first name or trade name of carrier)

.....

.....

.....

.....

.....

.....

Full, address, telephone and fax number)

.....
(Place and date of issue)

.....
(Signature and stamp of the Authority)

B 1966

Second page

Important notice

A. GENERAL PROVISIONS COMMON TO INTERNATIONAL OCCASIONAL SERVICES AND OCCASIONAL SERVICES IN THE FORM OF CABOTAGE

1. The Motor Vehicles (Carriage of Passengers by Road) Regulations require occasional services to be carried out under cover of a control document - journey form.

2. The Regulations define occasional services as services which do not fall within the definition of regular services, including special regular services, and whose main characteristic is that they carry groups constituted on the initiative of a customer or of the carrier himself';

   Regular services are `services which provide for the carriage of passengers at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points'. Regular services shall be open to all, subject, where appropriate, to compulsory reservation.

   The regular nature of the service shall not be affected by any adjustment to the service operating conditions.

   Services, by whomsoever organized, which provide for the carriage of specified categories of passengers to the exclusion of other passengers, in so far as such services are operated under the conditions of a regular service, shall be deemed to be regular services. Such services are called `special regular services'.

   Special regular services shall include:

   (a) the carriage of workers between home and work;
   (b) carriage to and from the educational institution for school pupils and students;
   (c) the carriage of soldiers and their families between their state of origin and the area of their barracks.

   The fact that a special service may be varied according to the needs of users shall not affect its classification as a regular service.'

3. The journey form shall be valid for the entire journey.

4. The Community Licence and the journey form entitle the holder to carry out:

   (a) international occasional services by passenger transport vehicles between Malta and one or more Agreement States;

   (b) occasional services in the form of cabotage in an Agreement State, or in Malta if he is non-resident in Malta.

5. The journey form shall be completed in duplicate, either by the carrier or by the driver before the beginning of each service. The copy of the journey form shall remain in the undertaking. The driver shall keep the original on board the vehicle throughout the journey and present it on request to enforcement officials.

6. The driver shall return the journey form to the undertaking which delivered it at the end of the journey in question. The carrier shall be responsible for keeping the documents. They shall be filled in legibly and indelibly.

B. PROVISIONS SPECIFIC TO INTERNATIONAL OCCASIONAL SERVICES

1. The Motor Vehicles (Carriage of Passengers by Road) Regulations require that the organisation of parallel or temporary services comparable to existing regular service and serving the same clientele as the latter shall be subject to authorisation.

2. Carriers may carry out local excursions in an Agreement State, or in Malta if they are non-resident in Malta, in the case of international occasional services. Such local excursions shall be intended exclusively for non-resident passengers previously transported by the same carrier in the framework of an international occasional service. They shall be transported in the same vehicle or a vehicle belonging to the same carrier or group of carriers.

3. In the case of local excursions, the journey form must be completed before the departure of the vehicle on the excursion in question.

4. In the case of an international occasional service operated by a group of carriers acting on behalf of the same customer and possibly involving the passengers catching a connection *en route* with a different carrier of the same group, the original of the journey form shall be kept on the vehicle carrying out the service. A copy of the journey form shall be kept at the base of each carrier involved.

C. PROVISIONS SPECIFIC TO OCCASIONAL SERVICES IN THE FORM OF CABOTAGE

1. Occasional services in the form of cabotage shall be subject to the laws, regulations and administrative measures in force in Malta in the following areas:

   (a) rates and conditions governing the transport contract;

   (b) weights and dimensions of the road vehicles shall meet the conditions of the relevant regulations regulating motor vehicles' weights, dimensions, and equipment;

   (c) requirements relating to the carriage of certain categories of passenger, such as schoolchildren, children and persons with reduced mobility;

   (d) driving and rest periods;

   (e) value added tax (VAT) on the transport services.

2. The technical standards for construction and equipment which the vehicles used to carry out the cabotage transport operations must meet shall be those laid down for vehicles put into circulation in international transport.

3. In the case of an occasional service in the form of cabotage, the journey forms shall be returned by the carrier to the Authority in accordance with procedures it shall establish.

4. In the case of special regular services in the form of cabotage, the journey forms shall be completed in the form of a monthly statement and returned by the carrier to the Authority in accordance with procedures it shall establish.

EIGHTH SCHEDULE

(Regulation 39)

CERTIFICATES FOR OWN ACCOUNT TRANSPORT SERVICES

MALTA M **Malta Transport Authority**

CERTIFICATE

Issued for own-account transport operations by coach and bus between Agreement States and Malta

(Part for the person or entity carrying out the own-account transport operations)

The undersigned .....

responsible for the undertaking, non-profit-making body or other (describe)

.....

.....

.....

.....

.....

(Surname and first name or official name, full address)

certifies that:

- the transport service provided is non-profit-making and non-commercial,
- transport is only an ancillary activity for the person or entity,
- the coach or bus registration No ..... is the property of the person or entity or has been obtained by them on deferred terms or has been the subject of a long-term leasing contract,
- the coach or bus will be driven by a member of the staff of the undersigned person or entity or by the undersigned in person.

.....

.....

.....

(Signature of the person or representative of the entity)

(Part for the Authority)

This constitutes a certificate within the meaning of regulation 38.

..... (Period of validity)

..... (Place and date of issue)

.....
(Signature and stamp of the Authority

(Second page of the certificate)

General provisions

1. Regulation 2 of the Motor Vehicles (Carriage of Passengers by Road) states that 'own-account transport operations' are passenger transport operations carried out for non-commercial and non-profit making purposes by a natural or legal person, provided that the following conditions are fulfilled:

   - the transport activity is only ancillary to the overall activities of the undertaking;
   - the vehicles used are the property of that natural or legal person or have been obtained on deferred terms by them or have been the subject of a long-term leasing contract and are driven by a member of the staff of the natural or legal person or by the natural person himself.

2. Own-account carriers are licensed to carry out this type of transport operation without discrimination on grounds of nationality or place of establishment provided that they:

   - are authorised in the State of establishment to undertake transport by coach and bus on the conditions of access to the market laid down in national legislation;
   - meet the requirements on road safety as far as the standards for drivers and vehicles are concerned.

3. The own-account transport operations referred to in point 1 are exempt from authorisation but subject to a system of certificates.

4. The certificate entitles the holder to carry out international transport operations by coach and bus for own-account. It is issued by the competent authority of the Agreement State where the vehicle is registered and is valid for the entire journey, including any transit journeys.

5. The relevant parts of this certificate must be completed in indelible letters in triplicate by the person or the representative of the entity carrying out the operation and by the competent authority. One copy must be kept by the administration and one by the person or entity. The driver must keep the original or a certified true copy on board the vehicle for the entire duration of any international journeys. It must be presented to the enforcement authorities on request. The person or entity, as appropriate, is responsible for keeping the certificates.

6. The certificate is valid for a maximum of five years.

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