L.N. 196 of 2002

MALTA TRANSPORT AUTHORITY ACT
(CAP. 332)

Public Service Garage Licences Regulations, 2002

IN exercise of the powers conferred by article 27 of the Malta Transport Authority Act, the Minister for Transport and Communications, with the concurrence of the Minister of Finance, has made the following regulations:-

PART I
Preliminary

Citation and commencement.

1. (1) The title of these regulations is the Public Service Garage Regulations, 2002.

(2) These regulations shall come into force on such date as the Minister may by notice in the Gazette appoint and different dates may be so appointed in relation to different types or categories of licences or for different provisions or different purposes of these regulations.

Interpretation.

2. In these regulations, unless the context otherwise requires:-

"Act" means the Malta Transport Authority Act;

"Minister" means the Minister responsible for transport;

"person of the legal profession" means an Advocate, a Notary Public or a Legal Procurator;

"Public Transport Directorate" means the directorate referred to in the Malta Transport Authority Act;

"Public Service Garage" means a garage holding vehicles licensed only for hire.

PART II
Licensing of Commercial Premises

Application in relation to public services garages.

3. (1) Any person who, on the coming into force of these regulations, is qualified to carry out acts of trade, requires to carry out a commercial activity from a public service garage, shall make an application therefor on the appropriate form to the Public Transport Directorate.

(2) Where the opening of such premises requires a permit under the Development Planning Act, such application shall be filed with the Environment and Planning Authority concurrently with the application for such permit.

(3) Where the permit to open such premises under the Development Planning Act has already been obtained prior to the coming into force of these regulations, the application for the licence shall be filed with the Public Transport Directorate together with the aforesaid permit and a floor plan of the premises duly signed and certified by an architect and civil engineer and identifying the floor area which will be used in the carrying out of the commercial activity.

Licensee of commercial premises.

4. (1) An application for a licence in relation to public service garage may be made either in the name of an individual or in the name of an individual on behalf of a commercial partnership or company.

(2) Where the application is made on behalf of such partnership or company, the application shall be signed by the person duly authorised in that behalf to legally represent the same.

(3) The application shall also designate the individual who will be effectively responsible for managing the commercial premises in the following cases:-

(a) where the effective management is to be carried out by an individual other than the licensee;

(b) in the case of a commercial partnership or company.

Request for further documentation or information.

5. Where an application is made under the provisions of these regulations and further documentation or information is required in relation to such an application, the Public Transport Directorate, may within ten days from the filing of such application require in writing the production of such further documentation or information and it may in its request grant the applicant such time as it may deem necessary to provide such documentation or information.

Consideration of applications.

6. (1) The Public Transport Directorate shall, within four weeks from the filing of the application, notify the applicant of its decision.

(2) The above-mentioned notice shall stipulate:-

(a) that the Public Transport Directorate finds no objection to the issue of the licence as applied for; or

(b) that the licence will not be granted; in such a case the Public Transport Directorate shall give detailed reasons for such refusal:

Provided that the four weeks shall start to run from the date of the approval of the Environment and Planning Authority of the relative application, and the Directorate shall not grant the relative licence unless the said Authority has approved the application.

(3) Such notice shall also indicate the licence fee payable for the issue of the licence.

(4) If any additional documentation or information is requested in terms of these regulations, and the applicant does not provide the documentation or information within one week from request, the period of four weeks stipulated in sub regulation (1) above shall be extended by the time over one week lapsed between the request and the submission of such document or information.

Conditions for the issue of a licence.

7. (1) The Public Transport Directorate shall not grant the Licence unless the applicant is a person of good repute and sound financial standing. The person shall not be deemed to be of good repute if he has been found guilty of a crime, which has been committed in the previous five years or has been found guilty of a crime in the previous five years.

(2) The Public Transport Directorate shall have the power to withdraw the licence if the licensee has been found guilty of a crime carrying a conviction for a term of imprisonment of at least two years or a fine *(multa)* of at least five hundred Maltese liri, of a crime carrying a conviction for an offence concerning the use of any motor vehicle. A suspended sentence shall at all times be deemed to be a conviction for the purpose of the terms mentioned in these regulations.

(3) When a person holding a licence has been charged with a crime carrying a conviction as referred to above, the Public Transport Directorate shall have the power to suspend the said licence until final judgement is given.

(4) The licence shall at all times comply with the conditions laid down in Schedule II, of these regulations.

Issue of licence.

8. (1) Where the Public Transport Directorate finds no objection to the grant of the licence as applied for, the applicant shall, within one month from the issue of the notice made in accordance with regulation 6 of these regulations, effect payment of the fee applicable for such licence and the licence shall thereupon be issued.

(2) Where in the application for the licence the applicant has signified his intention to carry out the commercial activity from the premises at a future date which is not yet established, the licence will be issued within one month from a written notification by the applicant that he intends to commence the commercial activity. Such notification shall indicate the date when the commercial activity will be commenced and shall be accompanied by the relative licence fee.

(3) If the applicant does not make the written notification as is referred to in sub regulation (2) above within four years from the notice issued by the Public Transport Directorate in terms of regulation 10 of these regulations, the application for the licence shall be deemed to have lapsed.

Validity of licences.

9. Any licence issued under this Part shall, unless otherwise specified in such licence, expire on the 31st day of December of the year in which it is issued and may thereafter be renewed for further periods of one year each or such other period as may be specified.

Particulars of licences.

10. (1). A licence shall be issued in the name of an individual personally or on behalf of a commercial partnership or company, and shall be issued by reference to the category and type of the commercial activity as shown in the First Schedule to these regulations.

(2) Without prejudice to any other provision of law applicable in relation to a commercial activity, a licence issued under these regulations shall be subject to the applicable conditions contained in the First Schedule to these regulations.

Cessation of commercial activity.

11. (1) Where a licensee decides to cease carrying out the commercial activity from the licensed commercial premises he shall immediately notify the Public Transport Directorate on the appropriate form, attaching thereto the relevant licence.

(2) With effect from such date as may be indicated in such notification, or if no such date is indicated with immediate effect, the premises shall be deemed to be unlicensed.

(3) Notwithstanding any notification for cessation as aforesaid, the licensee shall still be liable for the payment of any licence fees due prior to such notification.

Transfer of licence.

12. (1) Where a licensee requires to transfer the licence in relation to commercial premises to another person, such licensee and the other person shall submit to the Public Transport Directorate a declaration on the appropriate form duly signed by both parties which

shall include a conduct certificate and documents relating to the financial standing of the transferee.

(2) Such transfer shall only have effect if the original licence in relation to the commercial premises is returned to the Public Transport Directorate and all licence fees in respect thereof have been paid.

(3) Subject to the provisions of sub regulation (2) above the Public Transport Directorate shall issue a new licence to the transferee within ten days of receipt of the declaration referred to in sub regulation (1) of this regulation.

13. (1) Any person who shall have been found guilty of a contravention against these regulations, including the contravening of the conditions carried in the schedules to these regulations, shall be liable, on conviction, to a fine *(multa)* of not less than fifty liri and not more than five hundred liri. Fines

(2) Any person who has been found guilty for the second time in less than a year from the date of the first conviction shall be liable to a fine *(multa)* of not less than five hundred liri and not more than one thousand liri, and if such person is found guilty of a contravention of these conditions for any third subsequent conviction, the Authority may revoke his licence.

First Schedule

Rental Value Licences

1. For a licence to keep public service garage, there shall be charged a fee (payable to the Public Transport Directorate) equivalent to the amount calculated on the rental value of the licensed premises at the rate mentioned in Column 1 of Table A of this item, according to their respective category and locality, and subject to the minimum fee mentioned in Column 2 of the said Table A.

TABLE A

	Column 1	Column 2
Locality A	8%	Lm250
Locality B	7%	Lm200
Locality C	6%	Lm105
Locality D	5%	Lm50

Locality A comprises:-

Valletta	Republic Street between City Gate and St. Christopher Street, Merchants Street between Victory Square and St. Christopher Street.
Bugibba and Qawra	This locality includes the area surrounded by Toni Bajada Street (both sides); Mosta Road between Toni Bajada Street and Salini Coast Road up to Pioneers Corps Road; Pioneers Corps Road; Qawra Road (inclusive of side streets found in the area up to and including Bugibba Road till it meets with Toni Bajada Street near to and including the Gillieru Restaurant).
Paceville	i.e. the area known as Paceville surrounded by and including Spinola Road (both sides); that part of St. George's Road between Spinola Road and St. George's Bay (both sides); St. George's Bay and the road leading from that Bay towards the Regional Road (both sides and side streets thereat); Dragonara Road.

St. Julians	Spinola Square; St. George's Road up to Spinola Road (including any side streets in the area).

Locality B comprises:-

Valletta	St. Paul's Street between Castille Place and St. Christopher Street; Old Bakery Street between Ordnance Street and St. Christopher Street; St. Zachary Street; Strait Street between Ordinance Street and St. Nicholas Street; Victory Square; Old Treasury Street; St. Frederick Street; Ordinance Street; South Street; Melita Street; Carts Street; St. John's Street between St. Ursula Street and West Street; St. Lucia's Street between St. Ursula Street and West Street; Old Theatre Street between St. Ursula Street and Old Bakery Street; Felix Street; Archbishop Street between St. Ursula Street and Old Bakery Street;
Hamrun	St. Joseph High Road.
Mellieha	Gorg Borg Olivier Street; Main Street;
Sliema	Bisazza Street; Bisazza Lane; The Strand; Tower Road; St. Anne Square; Cathedral Street; High Street between Tower Road and Ghar il-Lembi Street; Manwel Dimech Street between The Strand and St. Helen Street; Rudolph Street between Manwel Dimech Street and St. James Street.

B 3020

St. Julians	Gorg Borg Olivier Street
Victoria, Gozo	Pjazza Indipendenza; Republic Street; St. Sabina Square; St. George's Square; St. Joseph Street; Market Street; Main Gate Street.
Marsalforn, Gozo	
Xlendi, Gozo	

Locality C Comprises:-

Birkirkara	Valley Road; Mannarino Road; Fleur-de-Lys Road; Naxxar Road.
Birzebbuga	Pretty Bay; St. Edward Street between Pretty Bay and the Pier; Bonnici Street; Birzebbuga Square.
Cospicua	Gavino Gulia Square; Paolino Vassallo Square; Bormla Wharf; St. Paul Church Area.
Floriana	St. Anne Square; St. Anne Street; Pope John XXIII Square.
Guardamangia	St. Luke's Road / Triq il-Mimosa
Gzira – Msida	The Strand; Testaferrata Street; Msida Sea Front.
Marsascala	Dun Tarcisio Agius Square; Marina Street; Salini Street; Mifsud Bonnici Square.
Mdina	Whole city.

Mosta	Eucharistic Congress Road; Constitution Street; Main Street between Rotunda Square and Grech Mifsud Alley.
Rabat	Main Street; The Saqqajja; Parish Square; L'Isle Adam Square; St. Augustine Street; St. Paul's Street; St. Joseph Street.
Locality D comprises:-	All other areas not included above.

Schedule Two

Conditions of Licence

A Public Service Garage Licence authorises the holder of the said licence to hold in that garage vehicles licensed only for hire according to the registration number correspondent to the said same public service garage licence subject to the following conditions:

1. No vehicles are to be parked outside the garage.

2. No repairs of whatever nature are to be carried out on the pavement or roadway.

3. No mechanical work, panel beating and spray-painting is to be carried out within the premises.

4. Hiring is to be exclusively restricted to the vehicles listed in the licence.

5. Garage is to be exclusively used for the storage of vehicles.

6. The licensee maintains all vehicles in good working order and free of any faults and VRT approved.

7. Licensee keeps a register with all the details of date and time of all hired vehicles.

8. Licensee keeps a register with name, licence number and tag number of the driver.

9. Licensee keeps a register with name, address, licence number and Passport or Identity Card number of the person/s hiring the vehicle.

10. Provision is to be made for the proper disposal of trade waste, particularly oils.

11. No water is allowed to find its way into a public road and no washing of vehicles is carried out outside the premises.

12. No fuel is stored in the garage.

13. The garage shall have the space for at least two chauffeur driven four-wheeled motor vehicles or four four-wheeled self-drive motor vehicles as the case may be and used exclusively for this purpose.

14. To comply with the requisites of the Laws of Malta.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni – 3, Pjazza Kastilja – *Published by the Department of Infomation – 3, Castille Place*
Mitbugh fl-Istamperija tal-Gvern – *Printed at the Government Printing Press*

Prezz 20c – *Price 20c*