L.N. 134 of 2006

TRAFFIC REGULATION ORDINANCE (CAP. 65)

Motor Vehicles (Carriage of Goods by Road) (Amendment) Regulations, 2006

IN exercise of the powers conferred by article 54 of the Traffic Regulation Ordinance, the Minister for Urban Development and Roads has, in consultation with the Malta Transport Authority, made the following regulations:-

Title.

1. The title of these regulations shall be the Motor Vehicles (Carriage of Goods by Road) (Amendment) Regulations, 2006, and shall be read and construed as one with the Motor Vehicles (Carriage of Goods by Road) Regulations, 2003, hereinafter referred to as "the principal regulations".

L.N. 146 of 2003.

Amends regulation 2 of the principal regulations.

2. Regulation 2 of the principal regulations shall be amended as follows:–

(a) the definition "agreement" shall be deleted;

(b) immediately before the definition "authorization" there shall be inserted the following new definition:

" "AETR" means the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport;";

(c) in the definition "authorised inspecting officer", immediately after the words "Police Officer" there shall be added the words "or a local warden";

(d) for the definition "cabotage" there shall be substituted the following:

" "cabotage transport operations" means the performing of national road haulage operations for hire or reward within Malta by a non-resident haulier who holds a Community authorization; such activity shall not be permanent, frequent, regular or continuous, shall not be carried out systematically, shall be at considerable and infrequent intervals, and the vehicle involved shall leave the country at least once a month;";

(e) immediately after the definition "carriage by road" there shall be added the following new definition:

" "collective agreement" means an agreement entered into between an employer, or one or more organisations of employers, and one or more organisations of employees regarding conditions of employment in accordance with the provisions of any law in force in Malta;";

(f) for the definition "Community authorisation" there shall be substituted the following:

" "Community authorisation" means a licence issued by the competent authorities of a Member State to a haulier established in that Member State in accordance with Articles 5 and 7 of Council Regulation (EEC) No 881/92 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States;";

(g) immediately after the definition "Community authorisation" there shall be inserted the following new definitions:

" "company" has the same meaning as is assigned to it in article 2 of the Companies Act;

"cooperative society" means a cooperative society registered or provisionally registered under the Cooperative Societies Act;"; Cap. 442.

(h) immediately after the definition "ECMT" there shall be inserted the following new definitions:

" "employer" means the person by whom a worker is, or, where the employment has ceased, was employed, and includes a partnership, company, cooperative society, association or other body of persons, whether vested with legal personality or not;

"European Union" has the same meaning as is given to it in the European Union Act and includes Norway, Iceland and Liechtenstein;"; Cap. 460.

(i) for the definition "hire or reward" there shall be substituted the following:

" "hire or reward" means the carriage of goods other than on own account, that is to say against payment or compensation, whether such payment or compensation is made directly or indirectly;";

(j) immediately after the definition "holder" there shall be inserted the following new definitions:

" "Member State" means a Member State of the European Union;

"mobile worker" means any worker forming part of the travelling staff, including trainees and apprentices, who is in the service of an undertaking which operates transport services of goods by road for hire or reward or on its own account;

"night time" means a period of four hours between 01.00 and 05.00;

"night work" means any work performed during night time;";

(k) in the proviso to the definition "normal residence", for the words "Agreement States" there shall be substituted the words "Member States", and for the subsequent words "Agreement State" there shall be substituted the words "Member State";

(l) immediately after the definition "occupation of road haulage operator" there shall be added the following new definition:

" "operator's licence for the carriage of goods by road" means a licence issued by the Authority to undertakings established in Malta;";

(m) immediately after the definition "own account" there shall be inserted the following new definitions:

" "partnership" includes an association, not registered under the Companies Act, between two or more persons;

" periods of availability" means periods other than those relating to break times and rest periods during which the mobile worker is not required to remain at his workstation, but must be available to answer any calls to start or resume driving or to carry out other work, including such periods during which the mobile worker is accompanying a vehicle

being transported by ferryboat or by train as well as periods of waiting at frontiers and those due to traffic prohibitions;";

(n) immediately after the definition "rigid bodied vehicle" there shall be added the following new definition:

" "self-employed driver" means anyone whose main occupation is to transport goods by road for hire or reward within the meaning of European Union legislation under cover of a Community licence or any other professional authorisation to carry out the aforementioned transport, who is entitled to work for himself and who is not tied to an employer by an employment contract or by any other type of working hierarchical relationship, who is free to organise the relevant working activities, whose income depends directly on the profits made and who has the freedom, individually or through a cooperation between self-employed drivers, to have commercial relations with several customers;";

(o) immediately after the definition "week" there shall be inserted the following new definition:

" "working time" means the time from the beginning to the end of work, during which the mobile worker is at his workstation, at the disposal of the employer and exercising his functions or activities, being –

(a) the time devoted to driving, loading and unloading, cleaning and technical maintenance, and all other work intended to ensure the safety of the vehicle, its cargo or to fulfil the legal, or regulatory obligations directly linked to the specific transport operations under way, including dealing with administrative formalities with police, customs and immigration officers; and

(b) the times during which the mobile worker cannot dispose freely of his time and is required to be at his workstation, ready to take up normal work, with certain tasks associated with being on duty, in particular during periods awaiting loading or unloading where their foreseeable duration is not known in advance, that is to say either before departure or just before the actual start of the period in question, or under collective agreements or any other agreement entered into between the employer and mobile workers employed by him in compliance with national legislation;"; and

(p) immediately after the definition "working time" there shall be inserted the following new definition:

" "workstation" means -

(a) the location of the main place of business of the undertaking for which the person performing mobile road transport activities carries out duties, together with its various subsidiary places of business, regardless of whether they are located in the same place as its head office or main place of business,

(b) the vehicle which the person performing mobile road transport activities uses when he carries out duties, or

(c) any other place in which activities connected with transportation are carried out.".

Substitutes regulation 5 of the principal regulations.

3. For regulation 5 of the principal regulations there shall be substituted the following:

"5. (1) No undertaking shall engage in the occupation of road haulage operator for hire or reward unless duly authorized by the Authority under these regulations.

(2) The Authority shall issue an operator's licence for the carriage of goods by road to any undertaking that proposes to use goods transport vehicles and satisfies the conditions of these regulations and other requirements which the Authority may establish.

(3) An operator's licence for the carriage of goods by road shall be issued in the name of a natural person authorized to represent the undertaking.

(4) An operator's licence for the carriage of goods by road shall be valid for a period, specified therein, of up to five years from the date on which it was granted unless revoked or suspended and shall not be transferable.

(5) The Authority shall issue

(a) an international operator's licence to any undertaking with an operating centre in Malta which, in the

course of its road freight operations, intends carrying goods outside Malta;

(b) a national operator's licence to any undertaking with an operating centre in Malta which, in the course of its road freight operations, intends carrying goods only in Malta:

Provided that an international operator's licence for the carriage of goods by road shall cover both the carriage of goods by road outside Malta and within Malta.

(6) The number of vehicles authorised on the operator's licence may be varied at anytime upon a request in writing to the Authority, and once the Authority is satisfied that the licence holder still satisfies the requirement of financial standing, it shall vary the operator's licence accordingly without however changing the expiry date on that licence.

(7) The holder of an operator's licence for the carriage of goods by road shall be in possession of an operating centre where vehicles used under the said licence shall be kept while not in use.".

Renumbering of regulations 7 to 14 of the principal regulations.

4. Regulations 7 to 14 of the principal regulations shall be renumbered as regulations 10 to 17 respectively.

Adds new regulations 7 to 9 to the principal regulations.

5. Immediately after regulation 6 of the principal regulations, there shall be inserted the following new regulations 7 to 9:

"Application for an operator's licence for the carriage of goods by road.

7. (1) An application for the grant or renewal of an operator's licence for the carriage of goods by road shall be made to the Authority and shall be in the form and contain such particulars as the Authority may require together with:

(a) the particulars of any relevant offence of which the applicant may have been convicted of in the five years prior to the date of the making of the application;

(b) a certificate of competence granted to the applicant or to a person designated by the applicant;

(c) a declaration signed by an auditor or an accountant in the form set out in the First Schedule to these regulations;

(d) particulars of the number and class or description of any motor vehicle available for use in the relevant road freight business or proposed such business. The said vehicles shall be registered with the Authority;

(e) where the vehicle to be covered by the operator's licence is yet not registered in the name of the applicant, a signed declaration from the registered owner in favour of the operation of the said vehicle under that particular operator's licence;

(f) particulars of the financial resources available as regards any relevant such business.

(2) The Authority may require any particulars given by an applicant in relation to an application mentioned in sub-regulation (1) of this regulation to be contained in a statutory declaration or in a sworn affidavit in such manner as the Authority shall specify.

(3) An application shall be accompanied by the appropriate fee fixed by the Authority.

Refusal of application.

8. (1) Where the Authority refuses an application for admission to the occupation of road freight operator, the Authority shall by notice in writing, within seven days, inform the applicant of its decision and the reasons therefor.

(2) Where the Authority refuses an application, the applicant may, within 21 days starting on the date of such notice appeal before an appeals board to be set up according to the provisions of the Malta Transport Authority Act.

Cap. 332.

Road Freight Operators' Register.

9. (1) The Authority shall set up and maintain a register to be known as the Road Freight Operators' Register, which shall be divided into Part I and Part II.

(2) In Part I of the register there shall be registered the name and address of any person to whom a certificate of competence has been granted together with other particulars which the Authority may consider relevant.

(3) In Part II of the register there shall be registered the name and address of the person to whom an operator's licence for the carriage of goods by road is granted,

together with other particulars which the Authority may consider relevant.

(4) The Authority shall permit the register to be inspected by any person.".

Amends regulation 10 as renumbered, of the principal regulations.

6. Regulation 10 of the principal regulations, as renumbered, shall be amended as follows:

(a) for sub-regulation (1) there shall be substituted the following:

"(1) An undertaking wishing to engage in the occupation of road haulage operator as set out in these regulations, shall satisfy the requirements as laid down hereunder:

(a) where the applicant for an operator's licence for the carriage of goods by road is a natural person, that person shall satisfy the Authority that he is of good repute and conduct and of appropriate financial standing and satisfies the condition as to professional competence;

(b) where the applicant for an operator's licence for the carriage of goods by road is a partnership, it shall satisfy the Authority that each of the partners is of good repute and conduct and that the said partnership is of appropriate financial standing and satisfies the condition as to professional competence;

(c) where the applicant for an operator's licence for the carriage of goods by road is a company, it shall satisfy the Authority that each of the directors is of good repute and conduct and the said company is of appropriate financial standing and satisfies the condition as to professional competence;

(d) where the applicant for an operator's licence for the carriage of goods by road is a cooperative or an association, it shall satisfy the Authority that each member of the committee of the cooperative or association, as the case may be, is of good repute and conduct and that the cooperative or association is of appropriate financial standing and satisfies the condition as to professional competence.";

(b) in sub-regulation (2) thereof for the words "in paragraph (c) of subregulation (1)," there shall be substituted the words "of professional competence,", and for the words "paragraphs (a) and (c) of subregulation (1)," there shall be substituted the words "the requirements of good repute and conduct and professional competence,";

(c) for sub-regulation (3) thereof there shall be substituted the following:

"(3) Where the application is made by an undertaking that is not a natural person, the requirement of professional competence shall be satisfied by a natural person so designated to the Authority who will continuously and effectively manage the undertaking in accordance with these regulations. That natural person shall also satisfy the rquirement of good repute and conduct."; and

(d) immediately after sub-regulation (3) thereof, there shall be inserted the following new sub-regulation:

" "(4) Where, for the purpose of this regulation, an undertaking designates a natural person to continuously and effectively manage the road transport operation and that person ceases to manage the said operation, the undertaking shall within 24 days from that occurrence notify the Authority in writing and the Authority shall allow a period not exceeding three months within which the undertaking designates another person, who shall comply with requirements of good repute and conduct and professional competence.".

Amends regulation 12 as renumbered, of the principal regulations.

7. In sub-regulation (4) of regulation 12 of the principal regulations, as renumbered, for the words "For the purpose of regulation 7, the Authority" there shall be substituted the words "The Authority", and for the words "establishment in the format indicated in the First Schedule to these regulations" there shall be substituted the word "institution".

Amends regulation 13 as renumbered, of the principal regulations.

8. In regulation 13 of the principal regulations, as renumbered, for the words "Third Schedule" there shall be substituted the words "Second Schedule".

Amends regulation 14 as renumbered, of the principal regulations.

9. Regulation 14 of the principal regulations, as renumbered, shall be amended as follows:

(a) in sub-regulation (2) thereof, for the words from "national and international syllabi." to the words "requirements in Malta." there shall be substituted the words "national and international syllabi and holders of a certificate of professional competence issued by other Member States.";

(b) in sub-regulation (3) thereof, for the words "regulation 7" there shall be substituted the words "regulation 10"; and

(c) in sub-regulation (4) for the words "regulation 7" there shall be substituted the words "regulation 10".

Amends regulation 15 as renumbered, of the principal regulations.

10. Regulation 15 of the principal regulations, as renumbered, shall be amended as follows:

(a) the whole regulation shall be renumbered as sub-regulation (1) thereof;

(b) in paragraph (a) thereof, for the words "regulation 7" there shall be substituted the words "regulation 10";

(c) in paragraph (d) thereof, for the words "Authority Act." there shall be substituted the words "Authority Act:

Provided that, except where the licence has been revoked, the licence shall cease to have effect until the suspension is lifted by the Authority:

Provided further that an appeal against the suspension or revocation of a licence shall be entered by the holder of the licence not later than twenty-one days after the decision has been notified to the licence holder:

Provided further that the suspension or revocation, as the case may be, shall not stand until a decision is taken by the appeals board.";

(d) immediately after paragraph (d) thereof, there shall be inserted the following new paragraph:

" "(e) where the requirement of financial standing is not fulfilled at the time of checking, the Authority may, where the undertaking's other economic circumstances give grounds for assuming that the requirements of financial standing will again be sustainably fulfilled within the foreseeable future

on the basis of a financial plan, give further notice of not more than one year."; and

(e) the last paragraph thereof, starting with the words "Where offences" and ending with the words "penalties imposed." shall be renumbered as sub-regulation (2), and for the words "Agreement State" therein, there shall be substituted the words "Member States".

Amends regulation 16 as renumbered, of the principal regulations.

11. In regulation 16 of the principal regulations, as renumbered, for the words "sub-regulation (1) of regulation 7" there shall be substituted the words "paragraphs (a) and (c) of sub-regulation (1) of regulation 10", and for the words "regulation 10" there shall be substituted the words "regulation 13".

Renumbering of regulations 15 to 83 of the principal regulations.

12. Regulations 15 to 83 of the principal regulations shall be renumbered as regulations 19 to 87 respectively.

Adds new regulation 18 to the principal regulations.

13. Immediately after regulation 17 of the principal regulations, as renumbered, there shall be inserted the following new regulation 18:

"International carriage.

18. Regulations 19 to 33 shall only apply to international carriage of goods by road.".

Amends regulation 19 as renumbered, of the principal regulations.

14. In regulation 19 of the principal regulations, as renumbered, for the words "Agreement State" there shall be substituted the words "Member State" and for the words "regulation 16" there shall be substituted the words "regulation 20".

Amends regulation 22 as renumbered, of the principal regulations.

15. In regulation 22 of the principal regulations, as renumbered, for the words "regulation 16" there shall be substituted the words "regulation 20".

Amends regulation 23 as renumbered, of the principal regulations.

16. Regulation 23 of the principal regulations, as renumbered, shall be amended as follows:

(a) for the words "Ninth Schedule" there shall be substituted the words "Seventh Schedule", and

(b) for the words "Agreement States" there shall be substituted the words "Member States".

Amends regulation 26 as renumbered, of the principal regulations.

17. In paragraph (a) of regulation 26 of the principal regulations, as renumbered, for the words "Agreement State" there shall be substituted the words "Member State".

18. Regulation 27 of the principal regulations, as renumbered, shall be amended as follows:

Amends regulation 27 as renumbered, of the principal regulations.

(a) for the marginal note to the regulation there shall be substituted the words "Working time and driving period.";

(b) sub-regulations (1) and (2) thereof shall be renumbered as sub-regulations (2) and (3) respectively and immediately before sub-regulation (2) as renumbered, there shall be inserted the following new sub-regulation (1):

"(1) (a) The average weekly working time, including overtime, for a mobile worker shall not exceed 48 hours:

Provided that the maximum weekly working time for a mobile worker may be extended to 60 hours only if, over a period of 17 consecutive weeks, an average of 48 hours a week is not exceeded:

Provided further that the said period may be extended in relation to particular mobile workers for objective or technical reasons or reasons concerning the organization of work, by a collective agreement or any other agreement entered into between the employer and mobile workers employed by him in compliance with national legislation, from a period of 17 weeks to a period not exceeding 26 weeks.

(b) Working time for different employees shall be the sum of the working hours. The employer shall ask the mobile worker concerned in writing for an account of time worked for another employer and the mobile worker shall provide such information in writing.

(c) Where night work is performed, the daily working time of a mobile worker shall not exceed ten hours in each 24 hour period:

Provided that the period of ten hours may be extended in relation to particular mobile workers for objective or technical reasons or for reasons concerning the organisation of work, by a collective agreement or any other agreement entered into between the employer and mobile workers employed by him in compliance with national legislation.

(d) An employer shall ensure that the time limits specified in the preceding paragraphs are complied with in the case of each mobile worker employed by him.

(e) The times of breaks, rests and periods of availability shall not be included in the calculation of working time.

(f) A period of availability shall not be treated as such unless the mobile worker knows before the start of the relevant period about period about that period of availability and its reasonably foreseeable duration.

(g) The time spent by a mobile worker driving in a team, the time spent sitting next to the driver or on the couchette while the vehicle is in motion shall be a period of availability for that mobile driver."; and

(c) in paragraph (b) of sub-regulation (2), as renumbered, for the words "regulation 25" there shall be substituted the words "regulation 29".

Amends regulation 28 as renumbered, of the principal regulations.

19. For regulation 28 of the principal regulations, as renumbered, there shall be substituted the following:

"28. (1) (a) Without prejudice to the provisions of sub-regulation (2), mobile workers shall work for no more than six consecutive hours without a break.

(b) Where the working time of a mobile worker exceeds six hours but does not exceed nine hours, working time shall be interrupted by a break of at least 30 minutes.

(c) Where the working time of a mobile worker exceeds nine hours, working time shall be interrupted by a break of at least 45 minutes.

(d) Breaks may be subdivided into periods of not less than 15 minutes each.

(2) (a) In the case of drivers, a driver shall observe a break of at least 45 minutes after four-and-a-half hours' driving, unless he begins a rest period.

(b) 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 the preceding paragraph.

(c) During these breaks, the driver may not carry out any other work.

For the purpose of this sub-regulation, 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.

(d) The breaks observed under this sub-regulation may not be regarded as daily rest period.".

20. In paragraph (a) of sub-regulation (1) of regulation 29 of the principal regulations, as renumbered, for the words "the driver" there shall be substituted the words "mobile worker". Amends regulation 29 as renumbered, of the principal regulations.

21. In regulation 30 of the principal regulations, as renumbered, for the words "regulation 23" there shall be substituted the words "regulation 27". Amends regulation 30 as renumbered, of the principal regulations.

22. For regulation 33 of the principal regulations, as renumbered, there shall be substituted the following: Amends regulation 33 as renumbered, of the principal regulations.

"Information, records and penalties.

33. (1) An employer shall -

(a) organize mobile workers' work in such a way that mobile workers are able to comply with the relevant provisions of these regulations and any other relevant legislation,

(b) notify every mobile worker in his employment of the provisions of regulations 27 to 30 of these regulations and the provisions of any collective or any other agreement applicable to the said worker reached on the basis of these regulations,

(c) keep a record of any time worked by each mobile worker in his employment, including the time worked by that worker for another employer, in the latter case on the basis of details provided by the worker,

(d) provide, at the request of a mobile worker, a copy of the record of hours worked by that worker.

(2) A mobile worker shall notify to his employer any time worked by the worker for another employer for inclusion in the calculation of the worker's working time.

(3) The records referred to in sub-regulation (1) shall be kept by the employer for a period of two years after the end of the period covered by the said records.

(4) Employers shall make periodic checks to ensure that all legal requirements have been complied with and if breaches are found to have occurred, the employer shall take appropriate steps to prevent their repetition.

(5) Any person who contravenes or fails to comply with the provisions of regulations 27 to 29 shall be guilty of an offence and shall be liable to a minimum fine *(ammenda)* of Lm25.".

Amends regulation 34 as renumbered, of the principal regulations.

23. In regulation 34 of the principal regulations, as renumbered, for the words "regulations 15 to 29" there shall be substituted the words "regulations 19 to 33".

Amends regulation 36 as renumbered, of the principal regulations.

24. In regulation 36 of the principal regulations, as renumbered, for the words "regulation 34" there shall be substituted the words "regulation 38".

Amends regulation 38 as renumbered, of the principal regulations.

25. Regulation 38 of the principal regulations, as renumbered, shall be amended as follows:

(a) in sub-regulation (1) for the words "Community Licence" there shall be substituted the words "Community authorisation";

(b) in paragraph (b) of sub-regulation (1) for the words "Agreement States" there shall be substituted the words "Member States" and for the words "regulation 7" there shall be substituted the words "regulation 10";

(c) in sub-regulation (2) for the words "Agreement States" there shall be substituted the words "Member States", and for the words "non-Agreement" there shall be substituted the words "non-Member".

Amends regulation 40 as renumbered, of the principal regulations.

26. In paragraph (a) of sub-regulation (1) of regulation 40 of the principal regulations, as renumbered, for the words "regulations 5 to 13

and 19" there shall be substituted the words "regulations 5 to 16 and 23".

27. For regulation 41 of the principal regulations, as renumbered, there shall be substituted the following: Amends regulation 41 as renumbered, of the principal regulations.

"41. (1) Any decision by the Authority in accordance with regulations 39 and 40 shall be notified in writing, to the applicant or holder, as the case may be, within seven days, giving the reasons therefor:

(2) The applicant or holder, as the case may be, may, within twenty-one days beginning on the date of such notification appeal before an appeals board to be set up according to the provisions of the Malta Transport Authority Act.".

28. In regulation 52 of the principal regulations, as renumbered, for the words "Agreement States" there shall be substituted the words "Member States". Amends regulation 52 as renumbered, of the principal regulations.

29. In the heading appearing immediately before regulation 53 of the principal regulations, as renumbered, for the words "Agreement States" there shall be substituted the words "Member States". Amends heading before regulation 53 as renumbered, of the principal regulations.

30. Regulation 53 of the principal regulations, as renumbered, shall be amended as follows: Amends regulation 53 as renumbered, of the principal regulations.

(a) for the words "non-Agreement State" there shall be substituted the words "non-Member State"; and

(b) the words ", under the conditions laid down in these regulations," shall be deleted.

31. Regulations 55 and 56 of the principal regulations, as renumbered, shall be repealed. Repeals regulations 55 and 56, as renumbered, of the principal regulations.

32. Regulation 58 of the principal regulations, as renumbered, shall be amended as follows: Amends regulation 58 as renumbered, of the principal regulations.

(a) in sub-regulation (1) thereof for the words "Agreement State" there shall be substituted the words "Member State" and the sub-regulation shall be renumbered as the whole proviso of the regulation; and

(b) sub-regulations (2) and (3) thereof shall be deleted.

Repeals regulations 59 and 60, as renumbered, of the principal regulations.

33. Regulations 59 and 60 of the principal regulations, as renumbered, shall be repealed.

Amends regulation 61 as renumbered, of the principal regulations.

34. In regulation 61 of the principal regulations, as renumbered, for the words "Agreement States"in the proviso thereto there shall be substituted the words "Member States".

Amends regulation 64 as renumbered, of the principal regulations.

35. In regulation 64 of the principal regulations, as renumbered, for the words "Agreement States" there shall be substituted the words "Member States";

Amends regulation 65 as renumbered, of the principal regulations.

36. In regulation 65 of the principal regulations, as renumbered, for the words "regulation 62" there shall be substituted the words "regulation 66".

Amends regulation 76 as renumbered, of the principal regulations.

37. In regulation 76 of the principal regulations, as renumbered, for the words "the Chief Government Medical Officer in Malta or a recognised competent authority from an Agreement State" there shall be substituted the words "by the Director General of the Health Division in Malta or a recognised competent authority in a Member State".

Amends regulation 79 as renumbered, of the principal regulations.

38. In sub-regulation (2) of regulation 79 of the principal regulations, as renumbered, for the words "Agreement State" there shall be substituted the words "Member State", and for the words "regulations 5 to 29" there shall be substituted the words "regulations 5 to 33".

Amends regulation 80 as renumbered, of the principal regulations.

39. In regulation 80 of the principal regulations, as renumbered, for the words "regulation 74" there shall be substituted the words "regulation 78".

Adds new regulation 88 to the principal regulations.

40. Immediately after regulation 87 of the principal regulations, as renumbered, there shall be inserted the following new regulation:

"Contraventions and fines.

88. (1) Any person who contravenes regulation 5 of these regulations shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine *(multa)* of Lm25.

(2) Any person who, for the purpose of obtaining for himself or for another person the grant or renewal of a haulier operator's licence, makes a declaration required by these regulations which he knows to be false, shall be liable to criminal action.

(3) Any person who makes use of a vehicle for the carriage of goods for hire or reward when that vehicle is not listed in an operator's licence, shall be guilty of an offence and shall, on conviction, be liable to a fine *(ammenda)* not exceeding Lm25.

(4) Any person who contravenes the provisions of regulation 38 (2) shall be guilty of an offence and shall, on conviction, be liable to a fine *(ammenda)* of Lm25.

(5) Any person who contravenes the provisions of regulation 58 (2) shall, be guilty of an offence and shall, on conviction, be liable to a fine *(ammenda)* of Lm25.

(6) Any person who contravenes regulation 62 shall be guilty of an offence and shall, on conviction, be liable to a fine *(ammenda)* of Lm25.".

Renumbers regulation 84 of the principal regulations.

41. Regulation 84 of the principal regulations shall be renumbered as regulation 89.

Amends the First Schedule to the principal regulations.

42. In the First Schedule to the principal regulations, for the words "(Regulation 9)" there shall be substituted the words "(Regulation 7)" and, in Part 1 and in Part 2 of the said Schedule, for the words "i.e. A person qualified by virtue of the Companies Act or an Accountant recognized by the Minister responsible for transport" there shall be substituted the words "i.e. an auditor or accountant as defined by the Accountancy Profession Act."

Amends the Second Schedule to the principal regulations.

43. In the Second Schedule to the principal regulations, for the words "Regulation 10", wherever they appear, there shall be substituted the words "Regulation 13".

Amends the Third Schedule to the principal regulations.

44. In the Third Schedule to the principal regulations, for the words "(Regulation 16)" there shall be substituted the words "(Regulations 20 and 21)".

Amends the Fourth Schedule to the principal regulations.

45. The Fourth Schedule to the principal regulations shall be amended as follows:

(1) for the words "(Regulations 32, 33)" in Part I there shall be substituted the words "(Regulations 36 and 37)" ;

(2) for the words "(Regulation 43)" in Part II there shall be substituted the words "(Regulation 47).

Amends the Fifth Schedule to the principal regulations.

46. The Fifth Schedule to the principal regulations shall be amended as follows:

(a) for the words "(Regulation 34)", there shall be substituted the words "(Regulation 38)", for the words "Ministry for Transport and Communications" there shall be substituted the words "European Community", and for the words "Agreement States, in accordance with the Motor Vehicles (Carriage of Goods by Road Regulations" there shall be substituted the words "Community, as laid down in Council Regulation (EEC) No 881/92 of 26 March 1992 and subject to the general provisions of this authorization."; and

(b) immediately after the first page of the authorization there shall be inserted the following:

"(Second page of the authorisation)

General provisions

This authorisation is issued under Council Regulation (EEC) No 881/92 of 26 March 1992, on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States.

It entitles the holder to engage in the international carriage of goods by road for hire or reward by any route for journeys or parts of journeys effected within the territory of the Community and, where appropriate, subject to the conditions laid down herein:

– where the point of departure and the point of arrival are situated in two different Member States, with or without transit through one or more Member States or non-member countries,

– from a Member State to a non-member country or vice versa, with or without transit through one or more Member States or non-member countries,

– between non-member countries with transit through the territory of one or more Member States,

and unladen journeys in connection with such carriage.

In the case of carriage from a Member State to a non-member country or vice versa, this authorisation is valid for that part of the journey effected on the territory of the Member State of loading and unloading upon conclusion of the necessary agreement between the Community and the non-member country in question in accordance with Regulation (EEC) No 881/92.

The authorisation is personal to the holder and is not transferable.

It may be withdrawn by the Malta Transport Authority, notably where the haulier has:

– not complied with all the conditions for using the authorisation,

– supplied incorrect information with regard to the data needed for the issue or extension of the authorisation.

The original of the authorisation must be kept by the haulage undertaking.

A certified copy of the authorisation must be kept in the vehicle. In the case of a coupled combination of vehicles it must accompany the motor vehicle. It covers the coupled combination of vehicles even if the trailer or semi-trailer is not registered or authorised to use the roads in the name of the authorisation holder or if it is registered or authorised to use the roads in another Member State.

The authorization must be produced whenever required by an authorised inspecting officer.

Within the territory of each Member State the holder must comply with the laws, regulations and administrative provisions in force in that State, in particular with regard to transport and traffic.

47. In the Sixth Schedule to the principal regulations for the words "(Regulations 39 and 45)" there shall be substituted the words "(Regulations 43 and 49)".

Amends the Sixth Schedule to the principal regulations.

48. The Seventh Schedule and the Eighth Schedule to the principal regulations shall be repealed.

Repeals the Seventh and Eighth Schedules to the principal regulations.

Renumbers the Ninth Schedule to the principal regulations.

49. The Ninth Schedule to the principal regulations shall be renumbered as the Seventh Schedule.

Amends the Seventh Schedule, as renumbered, to the principal regulations.

50. The Seventh Schedule to the principal regulations, as renumbered, shall be amended as follows:

(a) for the words "(Regulation 19)" there shall be substituted the words "(Regulation 23)" and for the words "Ministry for Transport and Communications" there shall be substituted the words "European Community"; and

(b) under General Provisions, for the words "This attestation is issued under the Motor Vehicles (Carriage of Goods by Road) Regulations" there shall be substituted the words "This attestation is issued under Council Regulation (EEC) No 881/92 of 26 March 1992, as amended, on access to the market in the carriage of goods within the Community to or from the territory of a Member State or passing across the territory of one or more Member States".

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