L.N. 105 of 2007

TRAFFIC REGULATION ORDINANCE (CAP. 65)

MALTA TRANSPORT AUTHORITY ACT (CAP. 332)

Vehicle Access Zones (Control) Regulations, 2007

IN exercise of the powers conferred by article 54 of the Traffic Regulation Ordinance and article 32 of the Malta Transport Authority Act, the Minister for Urban Development and Roads has, after consultation with the Malta Transport Authority, made the following regulations:

Title and commencement.

1. (1) The title of these regulations is the Vehicle Access Zones (Control) Regulations, 2007.

(2) These regulations shall come into force on the 1st May, 2007.

Interpretation.

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

"access" includes access, entry and, or parking;

"access fee" means the fee which is chargeable to persons whose vehicle accesses the charging zone;

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

Cap. 332.

"Board" means the Board set up in terms of regulation 10 of these regulations;

"charging time" means the days and the period of time the controlled access is in force;

"chargeable vehicle" means a vehicle the owner of which is charged a fee whenever that vehicle accesses a charging zone;

"charging zone" means the area in which access by a chargeable vehicle shall be liable to an access fee;

"Council locality" means a locality governed by a Local Council;

"elderly person" means a person who is sixty-one years of age or more;

"enclosed space" means an area within a charging zone that is physically definable as a distinct area and which, whilst not being a garage, is used for the parking of motor vehicles and is not accessible to the general public for the purpose of car parking except with the consent of the owner thereof;

"garage" means a lockable building or enclosed space in which to park or keep a vehicle situated within a charging zone and it includes an enclosed space and an off-street parking facility;

"keeper of a vehicle" means a person who is in lawful possession of a leased vehicle or any other car of which he is not the lawful owner;

"KNPD" means the National Commission Persons with Disability established under article 21 of the Equal Opportunities (Persons with Disability) Act; Cap. 413.

"immediate relatives" means the daughters and sons of elderly persons provided that the spouse of the son or daughter may substitute the son or daughter and if the elderly person has no son or daughter such elderly person may nominate any person whatsoever;

"Local Council" means a local government council established in terms of the Local Councils Act; Cap. 363.

"motor mechanical workshop" means a workshop where motor vehicle mechanical or panel repairs are carried out on a commercial basis;

"night" means, for the purpose of these regulations, any two consecutive hours between 01.00 hours and 05.00 hours;

"non-chargeable vehicle" means a vehicle which is kept in a garage or parked on a street within the charging zone during the night for not less than 15 nights, whether consecutive or not, during one calendar month, and for not less than seven months within a calendar year;

"off-street parking facility" means a private area within a charging zone which is not part of a road;

"operator" means the person contracted by the Authority to develop, install and operate a Vehicular Access Control System in a charging zone:

"other emergency vehicles" means any vehicle used by service providers in the electricity, water, drainage and communications sectors to give an emergency service;

"owner of a garage" means any person or undertaking that owns or has on lease the garage;

"owner of a vehicle" means the person in whose name the vehicle is registered under the Motor Vehicle (Registration and Licensing) Regulations;

S.L. 66.28.

"parking disc" has the same meaning assigned to it by the Controlled Parking Schemes (Residents and Commercial) Regulations, 2001;

S.L. 363.80.

"pedestrian zone" means an area -

(a) which has been laid out to improve amenity for pedestrians; and

(b) to which the entry of vehicles is prohibited or restricted;

"residence" means the place where a person has his permanent abode for at least seven months of the year;

"vehicle" means any motor vehicle intended for use on the road, with or without bodywork, having at least four wheels and a maximum design speed exceeding 25 km per hour, and its trailers, with the exception of vehicles which run on rails and of agricultural tractors and machinery;

"Vehicular Access Control System" means a system consisting of surveillance equipment, including cameras and transmission equipment, which may be used to control and monitor access within a charging zone, to record data and to detect crime.

Charging zones.

3. (1) There may be established one or more charging zones within any Council locality.

(2) The areas designated as charging zones shall be those prescribed in the First Schedule to these regulations.

(3) In areas designated as charging zones, the Authority shall cause to be placed, and thereafter the Local Council shall cause to be maintained, appropriate signs, as contained in the Second Schedule to these regulations, in such positions as the Authority may consider necessary for the purpose of providing adequate warning and, or directions to drivers at all entries to and exits from a charging zone.

(4) Controlled access within the respective charging zone shall remain in force throughout those periods of times and days of the week as prescribed in the First Schedule to these regulations.

Controlling access into a charging zone.

4. (1) Access to a charging zone may be controlled and monitored by the use of a Vehicular Access Control System installed and operated by an operator authorised for the purpose by the Authority.

(2) Data collected through the use of cameras shall be used for the enforcement of the charging zone and for charging access fees and the information may be disclosed by the operator to the Authority, the Local Council, the Police, the Local Wardens for enforcement purposes, crime detection and for the collection of fees.

Vehicle access in charging zones.

5. (1) The owner of a chargeable vehicle which accesses a charging zone during the charging days and times established in the First Schedule shall pay a charge equivalent to the amount as prescribed in the Third Schedule, such payment to be effected as provide for in the said Schedule.

(2) The Third Schedule may be temporarily suspended or amended by the Board in order to cater for special occasions provided that the Board publishes a notice in the Gazette at least three days in advance and specifies in the said notice the period of validity of the said notice.

(3) Where the owner of a vehicle fails to pay the applicable access fees within thirty days from the date appearing on the invoice for such payment, the Authority shall, when the road licence of the said vehicle comes up for renewal, withhold from renewing that vehicle's road licence on the expiry thereof until such time as the payment of the access fees are effected:

Provided that such measure shall not be applicable if the said invoice is being contested in accordance with these regulations.

(4) Where the owner of a vehicle fails or refuses to pay the applicable access fees within a period of thirty days from the date on which he has been invoiced for such payment, the Authority shall not

allow and register the transfer of that vehicle to another person and shall not allow the scrapping or garaging of that vehicle until such time as such access fees have been settled.

Exemptions.

6. The following vehicles shall be exempt, under such conditions as laid down in these regulations, from the application of the charge for accessing and, or parking within the charging zone:

(a) Non-chargeable vehicles,

(b) vehicles used in emergency services by the Armed Forces of Malta, the Police Force, the Civil Protection Department and the prison authorities,

(c) ambulances,

(d) other emergency vehicles,

(e) official vehicles used by the President of the Republic, the Prime Minister, the Archbishop, the Chief Justice, the Speaker, Cabinet Ministers, Parliamentary Secretaries, the Leader of the Opposition, the Bishop of Gozo, and foreign dignitaries and accompanying delegations in vehicles issued with DDV registration plates,

(f) one vehicle registered in the name of every Member of Parliament,

(g) vehicles registered to be parked in a garage within the charging zone,

(h) vehicles registered on each immediate relative of an elderly person residing within the charging zone,

(i) all public transport vehicles, excluding self-drive vehicles,

(j) vehicles registered on voluntary organisations for the carriage of disabled persons,

(k) vehicles registered and used by persons with mobility problems who are certified as such by the KNPD and who work within the charging zone,

(l) vehicles which are registered to carry more than eight passengers besides the driver,

(m) electric motor vehicles,

(n) waste collection and street cleaning vehicles,

(o) motorcycles, and

(p) other vehicles that may be exceptionally registered as such by the Board in terms of these regulations.

Conditions under which an exemption may be granted.

7. In order to qualify for the exemption provided for in regulation 6 -

(a) the persons qualifying under sub-paragraphs (f), (h), (j) and (k) shall register the relative vehicles with the Board and only those vehicles shall be exempt;

(b) to qualify for an exemption under paragraph (g), the owner of a garage shall register the garage and the vehicles making use of the said garage with the Board provided that the number of vehicles to be registered shall be equivalent to the vehicle capacity of the garage leaving space for free movement of the said vehicles:

Provided that vehicles so registered shall not park on the street in any road within the charging zone, except for the area directly in front of the garage, for more than ten minutes during which time the owner or driver of the vehicle shall exhibit behind the vehicle's windscreen a parking disc, obtainable from the Authority or Local Council, showing the time of parking as correctly as possible and if the vehicle is left parked on the road for a period longer than the maximum permitted, the owner of that vehicle shall be guilty of an offence and shall, on conviction, be liable to a fine *(ammenda)* of twenty-five Maltese liri and shall have the exemption withdrawn for a period of one year and where that vehicle has exceeded the parking period by one hour or more, that vehicle shall also be clamped or removed in accordance with the Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations. S.L. 65.13.

Exemptions in the case of elderly people.

8. (1) For the purposes of the exemption under sub-paragraph (h) of regulation 6, an elderly resident shall only be considered as resident within the charging zone if he meets all the following requirements:

(a) his place of residence is within the charging zone;

(b) he presents telephone, water, electricity and other utility bills relative to that place of habitation that evidence a monthly consumption consonant with an average residence;

(c) he is a registered voter in the electoral division to which the charging zone belongs;

(d) there are no commercial licences registered on that place of habitation;

(e) the same place of habitation is the sole registered address with the Income Tax Department and Social Security Department;

(f) he has no forwarding address with any postal service;

(g) his television and, or cable television service is registered to the same place of habitation;

(h) any motor vehicles that may be owned by him are registered to the same place of habitation; and

(i) he receives a pension or social security benefits at the same place of habitation.

(2) Where the resident referred to in sub-regulation (1) does not have immediate relatives, he may apply to have no more than two vehicles owned by his siblings or by his immediate nephews or grandchildren or ascendants to have these vehicles exempt from the charging fees for accessing the charging zone.

Where the Board may exercise the powers granted to it.

9. (1) The Board shall exercise the powers granted to it in terms of sub-paragraph (p) of regulation 6 only with respect to the following classes of vehicles:

(a) owners of vehicles used for the delivery or selling of goods provided that the exemption shall only apply if they access the charging zone between the hours of 1.30 p.m. and 4.00 p.m.;

(b) vehicles owned by licensed hawkers for the carriage of goods to be sold on an open air market within a charging zone shall be exempted from the payment of the charging zone access fee for a period of time starting 90 minutes before the opening time and ending 90 minutes after the closing time of the market;

(c) any chargeable vehicle that is presented for repairs or for a service at a motor mechanical workshop within a charging zone:

Provided that in such a case the exemption is given only for a period of no more than ten working days;

(d) any vehicle owned by a person who is resident in a charging zone but for reasons that the Board deems justifiable does not qualify as a non-chargeable vehicle for the sole reason that the owner or keeper thereof is in the impossibility of keeping it so parked for and in the required time:

Provided that a person shall not be considered as a resident in the charging zone unless he satisfies the requirements of paragraphs (a) to (h) of sub-regulation (1) of regulation 8;

(e) any vehicle owned by a person who is in possession of a blue sticker issued by the KNPD and who works within a charging zone;

(f) on an exceptional basis, any other vehicle that the Board considers to be deserving of an exemption considering that it is used by persons that carry out a public service.

(2) Persons requiring an exemption in terms of these regulations shall apply on the appropriate form and the conditions of sub-regulations (5) and (6) of regulation 10 shall apply.

(3) Vehicles owned by other persons who are exempt by the Ministry responsible for finance from the payment of the vehicle's annual road licence, shall not be exempt from the access fee but, upon registration of their vehicle with the Board, they shall be entitled by the Authority to a maximum annual credit equal to the amount paid in access fees but not exceeding the sum of twenty Maltese liri in any one year.

Board to administer these regulations.

10. (1) The Authority shall establish a Board to administer these regulations and the Board shall act under the general direction of the Authority.

(2) The Board shall consist of a Chairperson appointed by the Authority and two other persons, one appointed by the Local Council and the other representing the retail sector in the charging zone.

(3) The Board shall act unanimously but shall be bound to follow any directions and decisions that may be given to it by the Authority.

(4) The Board shall have the power to create the appropriate forms, request any information and establish the necessary procedures for the better fulfillment of these regulations but shall not have the power to establish any fee not already established by regulation.

(5) Any application made to the Board shall be made on the appropriate form and by the mere act of applying the applicant shall be considered as having authorised the Board and Local Council where the charging zone is situated, to check, even through physical access, the validity of the information provided to determine whether or not the applicant qualifies for such an exemption and the Board shall issue the permit only after it certifies in writing that it has ascertained the fulfillment of all the conditions.

(6) Any vehicle, qualifying for an exemption under sub-paragraphs (d), (f) to (h), (l) and (p), that is granted an exemption shall have its registration number registered by the Board, shall pay an annual registration fee of twenty Maltese liri, which fee shall be independent of the vehicle road licence, and such exemption shall, unless renewed, cease *ipso iure* on the termination of the period of validity.

(7) Where a person filing an application for exemption knowingly supplies false or incorrect information, such person shall be guilty of an offence and shall, on conviction, be liable to a penalty *(multa)* of not more than three hundred Maltese liri.

Right of contestation.

11. (1) The owner of any vehicle who feels aggrieved by a decision taken by the Board set up under regulation 10 or by an invoice received and, or penalty imposed in connection with the accessing of the charging zone shall have the right to contest such decision, or invoice or penalty as the case may be.

(2) Such contestation shall be forwarded in writing and by registered mail to an independent Contestation Board, to be set up by the Authority, within twenty days from the date when such a decision is communicated to him or her or within twenty days of the date of the invoice or penalty in question.

(3) The contestation shall be accompanied by the following administrative fee:

(a) contestation of an invoice/penalty up to Lm1 ……... Lm0.50

(b) contestation of an invoice/penalty between Lm1.01 and Lm4.99 …….. Lm1.50

(c) contestation of an invoice/penalty between Lm5.00 and over….. …….. Lm5.00

(4) The decisions of the Contestation Board shall be final.

(5) Where the Contestation Board decides in favour of contestant, the administrative fee shall be refunded to him or her.

Pedestrian areas.

12. (1) There may be established, in any charging zone, pedestrian areas in which the access of vehicles shall be strictly prohibited or restricted.

(2) Where a pedestrian area is established, the Authority shall cause to be placed, and thereafter the Local Council shall cause to be maintained, appropriate signs in such positions as the Authority may consider to be necessary for the purpose of providing adequate warning and, or directions to drivers.

Obscured vehicle registration mark.

13. (1) The owner of a vehicle commits an offence if he obscures the letters or numbers on the vehicle's registration plate even by using a coating or protective material that distorts visibility or detectability, and shall be liable, on conviction, to a fine *(multa)* not exceeding five hundred Maltese liri.

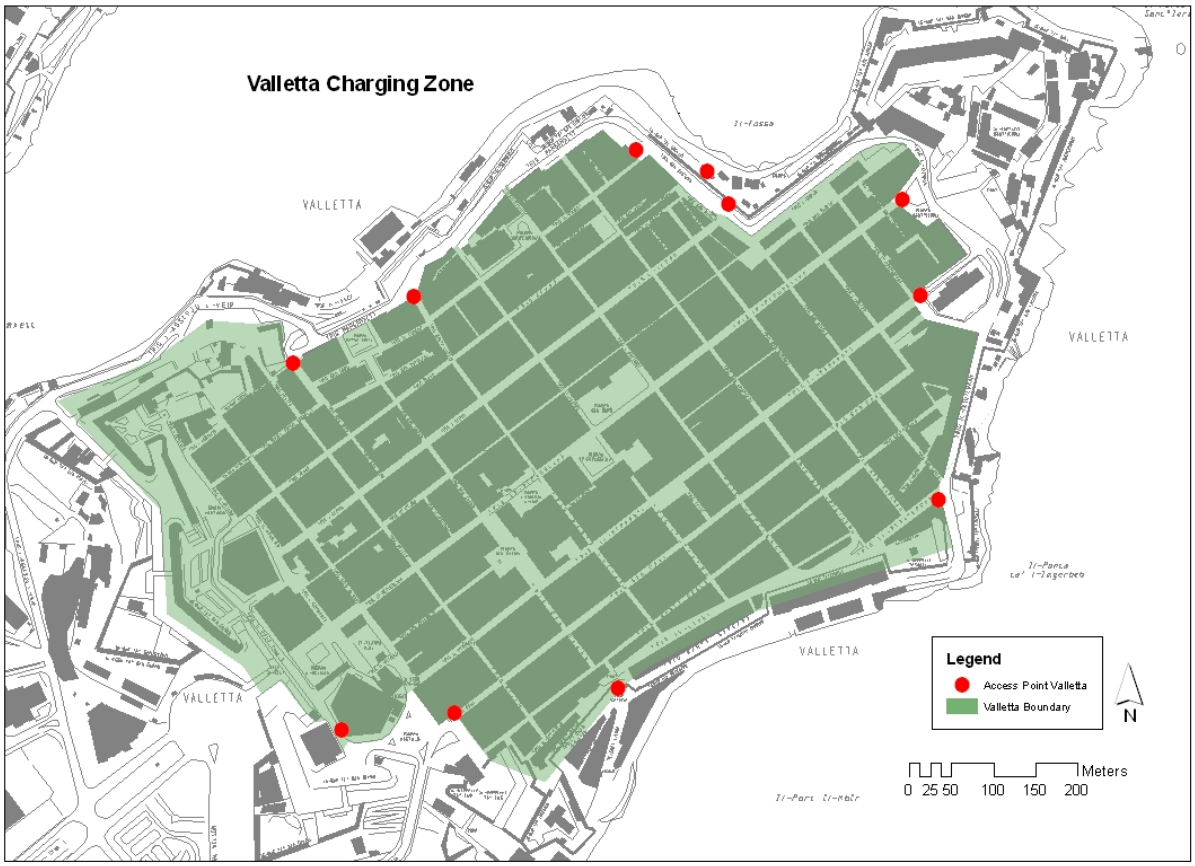
(2) A person who accesses the charging zone with a vehicle whose registration plate has been obscured as mentioned in sub-regulation (1) commits an offence and shall be liable, on conviction, to a fine *(multa)* not exceeding five hundred Maltese liri.

FIRST SCHEDULE
(Regulations 3 and 5)

Localities designated as charging zones and prescribed periods

VALLETTA

The area designated as a charging zone is that specified in the following plan:



Prescribed periods: Monday to Friday from 08.00 to 18.00
Saturday from 08.00 to 13.00

SECOND SCHEDULE
(Regulation 3)

Controlled Vehicle Access Zone Sign

THIRD SCHEDULE
(Regulation 5)

1. The fees to be charged for accessing a charging zone shall be the following:

Access for first 30 mins:	Free
Access over 30 mins up to 60 mins :	35cents
Access over 60 mins:	35cents per hour or part thereof with a maximum daily charge of Lm2.80
Public holidays falling on a day during which the charging zone is in force:	Free

2. When the area designated as a charging zone is accessed during periods of time when the charging zone is not in force, access is free.

3. Where a vehicle accesses the charging zone 30 minutes before the time in which the charging zone discontinues to remain in force, no access fee shall be charged if the vehicle remains within the charging zone until the time in which the charging zone discontinues to remain in force.

The charges provided in paragraph 1 above shall be increased or decreased by the percentage indicated below in the circumstances indicated:

For payments before invoice is sent and for automatic debit:	Applicable charge discounted by 10%
Payment at invoice:	Applicable charge
Payment after 30 days after first invoice	Applicable charge increased by 2% or Lm2.50, whichever is the higher, if not settled within 30 days and by another 2% if not settled within the next 30 days
Payment after 90 days after first invoice:	Applicable charged increased by 100%

Payment of access fees:

Access fees imposed for accessing a charging zone shall be paid by the owner or keeper of the vehicle to the Operator, who collects them on behalf of the Authority, either personally, or by post or on-line or by other methods offered by the Operator.

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