

L.N. 396 of 2011

**Authority for Transport in Malta Act
(CAP. 499)**

**Passenger Transport Services (Amendment) (No. 3)
Regulations, 2011**

In exercise of the powers conferred by article 43 of the Authority for Transport in Malta Act, the Minister for Infrastructure, Transport and Communications has, in consultation with the Authority for Transport in Malta, made the following regulations:-

1. The title of these regulations is the Passenger Transport Services (Amendment) (No. 3) Regulations, 2011, and they shall be read and construed as one with the Passenger Transport Services Regulations, 2009, hereinafter referred to as “the principal regulations”.

Citation.
L.N. 149 of 2009

2. In the table of contents of the principal regulations, for the words “Part XI” to the words “101-106” there shall be substituted the words “Part XI Working and Driving Times, International Carriage and Cabotage Transport Operations 70 - 106”.

Amends the table
of contents in the
principal regulations.

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

Amends regulation
2 of the principal
regulations.

(a) in the definition “mobile worker” for the words “on its own account;” there shall be substituted the words “on its own account and includes any driver who is not a self-employed driver;”;

(b) in the definition “other work” for the words “as defined in the definition “working times”” there shall be substituted the words “as defined in the definition “working time””;

(c) immediately after the definition “periods of availability” there shall be added the following new definition:

“ “persons performing mobile road transport activities” means any mobile worker or self-employed

driver who performs such road transport activities;”;

(d) immediately after the definition “road passenger transport operation” there shall be added the following new definition:

“ “road transport activities” shall include driving, assisting passengers boarding and disembarking the vehicle, cleaning and technical maintenance, and all other work intended to ensure the safety of the vehicle, its passengers 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

(e) for the definition “working time” there shall be substituted the following:

“ “working time” means:

(a) in the case of a mobile worker, 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 –

(i) the time devoted to road transport activities; and

(ii) 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;

(b) in the case of a self-employed driver, the

time from the beginning to the end of work, during which the self-employed driver is at his workstation, at the disposal of the client and exercising his functions or activities, being –

(i) the time devoted to road transport activities; and

(ii) the times during which the self-employed driver 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 agreements between the social partners:

Provided that general administrative work that is not directly linked to the specific transport operation underway shall not be deemed to be working time; and”.

4. In paragraph (g) of sub-regulation (1) of regulation 7 of the principal regulations, for the word “drivers” there shall be substituted the words “mobile workers”. Amends regulation 7 of the principal regulations.

5. For the title to Part XI of the principal regulations there shall be substituted the following new title: Amends Part XI of the principal regulations.

“WORKING AND DRIVING TIMES,
INTERNATIONAL CARRIAGE AND CABOTAGE
OPERATIONS”.

6. Regulation 70 of the principal regulations shall be amended as follows: Amends regulation 70 of the principal regulations.

(a) in sub-regulation (1) thereof, for the words “Regulations 71 to 93” there shall be substituted the words “Regulations 71, 72, 73(2), 73(3), 73(4), 74(2), 75, 76(1), 76(2), 76(3), and 79 to 93”;

(b) in sub-regulation (2) thereof, for the words “Regulations 93 to 101” there shall be substituted the words

“Regulations 93 to 100”; and

(c) in sub-regulation (3) thereof, for the words “Regulations 102 to 106” there shall be substituted the words “Regulations 101 to 106”.

Amends regulation
73 of the principal
regulations.

7. Regulation 73 of the principal regulations shall be amended as follows:

(a) in paragraph (a) of sub-regulation (1) thereof, immediately after the words “including overtime, for a mobile worker” there shall be added the words “or a self-employed driver”;

(b) in the first proviso to paragraph (a) of sub-regulation (1) thereof, immediately after the words “weekly working time for a mobile worker” there shall be added the words “or a self-employed driver”;

(c) in the second proviso to paragraph (a) of sub-regulation (1) thereof, for the words “in relation to particular mobile workers” there shall be substituted the words “in relation to mobile workers and self-employed drivers” and for the words “by a collective agreement” there shall substituted the words “by a collective agreement, an agreement between social partners”;

(d) in paragraph (b) of sub-regulation (1) thereof, for the words “Working time for different employers” there shall be substituted the words “Working time for a mobile worker employed by different employers”;

(e) in paragraph (c) of sub-regulation (1) thereof, immediately after the words “the daily working time of a mobile worker” there shall be added the words “or a self-employed driver”;

(f) in the proviso to paragraph (c) of sub-regulation (1) thereof, for the words “in relation to particular mobile workers” there shall be substituted the words “in relation to mobile workers and self- employed drivers” and for the words “by a collective agreement” there shall substituted the words “by a collective agreement, an agreement between social partners”; and

(g) in paragraph (f) of sub-regulation (1) thereof, the words “before the start of the relevant period” shall be deleted and for the words “reasonably foreseeable duration” there shall be substituted the words “reasonably foreseeable duration before the commencement of that period of availability”.

8. Regulation 74 of the principal regulations shall be amended as follows:

Amends regulation 74 of the principal regulations.

(a) in paragraph (a) of sub-regulation (1) thereof, for the words “mobile workers” there shall be substituted the words “a person performing mobile road transport activities”;

(b) in paragraph (b) of sub-regulation (1) thereof, for the words “mobile worker” there shall be substituted the words “person performing mobile road transport activities”; and

(c) in paragraph (c) of sub-regulation (1) thereof, for the words “mobile worker” there shall be substituted the words “person performing mobile road transport activities”.

9. Regulation 75 of the principal regulations shall be amended as follows:

Amends regulation 75 of the principal regulations.

(a) in sub-regulation (1) thereof, for the words “A driver or any other mobile worker” there shall be substituted the words “A mobile worker or a self-employed driver”;

(b) in paragraph (a) of sub-regulation (5) thereof, the words “a driver or any other mobile workers” there shall be substituted the words “a mobile worker or a self-employed driver”; and

(c) in paragraph (b) of sub-regulation (6) thereof, for the words “a driver or any other mobile worker” there shall be substituted the words “a mobile worker or a self employed driver” and for the words “sleeping facilities for each driver or mobile worker” there shall be substituted the words “sleeping facilities for each mobile worker or self-employed driver”.

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Amends regulation
76 of the principal
regulations.

10. Regulation 76 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, for the words “Notwithstanding regulation 75, a driver or any mobile worker” there shall be substituted the words “Notwithstanding regulation 75, a mobile worker or a self-employed driver”; for the words “by ferry or train, that driver or mobile worker” there shall be substituted the words “by ferry or train, that mobile worker or self-employed driver”; and for the words “regular daily rest period, the driver or mobile worker” there shall be substituted the words “regular daily rest period, the mobile worker or self-employed driver”;

(b) in sub-regulation (2) thereof, for the words “when the vehicle is neither at the driver’s or mobile worker’s home” there shall be substituted the words “when the vehicle is neither at the mobile worker’s home or at the home of the self-employed driver”; for the words “operational centre where the driver or other mobile worker” there shall be substituted the words “operational centre where the mobile worker”; and for the words “break unless the driver or mobile worker” there shall be substituted the words “break unless the mobile worker or self-employed driver”; and

(c) in sub-regulation (4) thereof for the words “73 to 75” there shall be substituted the words “73(2), 73(3), 73(4), 74(2), and 75,” and for the words “duty roster,” there shall be substituted the words “log book issued by the Authority in terms of regulation 78,”.

Amends regulation
78 of the principal
regulations.

11. Regulation 78 of the principal regulations shall be amended as follows:

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

“(a) notify every mobile worker in his employment of the provisions of regulations 73 to 77, the internal rules of the transport undertaking, where applicable, and the provisions of any collective or any other agreement applicable to the said worker reached on the basis of these regulations;”;

(b) for paragraph (b) of sub-regulation (1) thereof there shall be substituted the following:-

“(b) 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 accordance with paragraph (b) of sub-regulation (1) of regulation 73. The working time may be recorded by any recording equipment available for the use of the mobile workers, or in a logbook issued by the Authority for the purposes of recording working time;”;

(c) for paragraph (c) of sub-regulation (1) thereof there shall be substituted the following:-

“(c) provide, at the request of a mobile worker, a copy of the record of hours worked by that mobile worker;”;

(d) in paragraph (d) of sub-regulation (1) thereof, for the words “drivers’ and other mobile workers’ work” there shall be substituted the words “the work of a mobile worker”;

(e) for sub-regulation (2) thereof there shall be substituted the following:-

“(2) A mobile worker shall, upon the request of his employer, notify to his employer any time worked for another employer for inclusion in the calculation of the mobile worker’s working time.”; and

(f) immediately after sub-regulation (4) there shall be added the following new sub-regulations –

“(5) A self-employed driver shall keep a record of any working time by the use of any recording equipment available or in a log book issued by the Authority for such purposes and shall keep such records in his possession at all times during working times.

(6) The records referred to in sub-regulation (5) shall be kept by the self-employed driver for a period of two years after the end of the period covered by the said records.

(7) The self-employed driver and the employer of mobile workers shall, upon the request of the Authority, provide the Authority with copies of any records kept in accordance with this regulation for inspection by the Authority. Such copies shall be certified by the signature of the self-employed driver or the employer as the case may be.

(8) Any authorised inspecting officer shall have the right to carry out any inspections at workstations in order to ensure compliance with this regulation.”.

Adds a new regulation to the principal regulations.

12. Immediately after regulation 78 of the principal regulations there shall be added the following new regulation:

“Exempt vehicles 78A. Regulations 71 to 78 shall not apply to the following types of vehicles:

(a) vehicles used for regular passenger services where the route covered by the service in question does not exceed 50 kilometres;

(b) vehicles with a maximum authorised speed not exceeding 40 kilometres per hour;

(c) vehicles owned or hired without a driver by the armed services, civil defence services, fire services and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control;

(d) commercial vehicles which have a historic status in terms of law and which are used for the non-commercial carriage of passengers.”.

Amends the Ninth Schedule to the principal regulations.

13. In the first column of the table in the Ninth Schedule to the principal regulations for the words “72, 72, 74,” there shall be substituted the words “72, 73, 74,”.

