

L.N. 161 of 1990

PUBLIC TRANSPORT AUTHORITY ACT, 1989
(ACT NO. IX OF 1989)

CODE OF POLICE LAWS
(CAP. 10)

Code of Police Laws (Amendment) Order, 1990

IN exercise of the powers conferred by section 28 of the Public Transport Authority Act, 1989, the Prime Minister has made the following order:—

1. This order may be cited as the Code of Police Laws (Amendment) Order, 1990, and the amendments affected thereby shall be read and construed as one with the Code of Police Laws, hereinafter referred to as “the Code”. Citation.
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2. Section 2 of the Code shall be amended as follows:—

Amends
section 2
of the Code.

(a) after the definition of “privy” there shall be inserted the following:

“the expression “public transport” has the same meaning given to it in section 2 of the Public Transport Authority Act, 1989;”;

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of 1989.

(b) after the new definition of “public transport” there shall be inserted the following:

“the expression “Public Transport Authority” means the Public Transport Authority established by section 3 of the Public Transport Authority Act, 1989;”;

(c) after the new definition of “Public Transport Authority” there shall be inserted the following:

“the expression “public transport vehicle” has the same meaning given to it in section 2 of the Public Transport Authority Act, 1989;”.

3. For section 49 of the Code there shall be substituted the following:—

Substitutes
section 49
of the Code.

“49. (1) It is prohibited to let on hire any vehicle for the conveyance of persons without a licence from the Public Transport Authority.

(2) It is prohibited to let on hire any vehicle for the carriage of goods or to keep a cart for private use without a licence from the Commissioner of Police.”.

4. For section 50 of the Code there shall be substituted the following:—

Substitutes
section 50
of the Code.

“50. The licence mentioned in subsection (1) of section 49 of this Code in respect of a vehicle for hire shall not be granted unless the Public Transport Authority is satisfied that the vehicle is fit for public use, and provided with such fittings, accessories and brake as, in the opinion of the Public Transport Authority may be necessary for the safety and convenience of passengers.”.

Amends
section 51
of the Code.

5. In section 51 of the Code immediately after the words “by the Commissioner of Police” there shall be inserted the words “or by the Public Transport Authority, as the case may be”, and for the words “the Commissioner of Police shall determine.” there shall be substituted the words “the Commissioner of Police or the Public Transport Authority, as the case may be, shall determine.”.

Substitutes
section 53
of the Code.

6. For section 53 of the Code there shall be substituted the following:—

“53. Every vehicle for hire shall be constructed in accordance with a design approved by the Commissioner of Police or, in the case of public transport vehicles, by the Public Transport Authority.”.

Substitutes
section 57
of the Code.

7. For section 57 of the Code there shall be substituted the following:—

“57. (1) It shall not be lawful to let for hire any vehicle intended for public transport unless it is provided with a brake approved by the Public Transport Authority.

(2) It shall not be lawful to let for hire any four-wheeled vehicle other than a public transport vehicle, or any cart used for the carriage of goods unless it is provided with a brake approved by the Commissioner of Police.”.

Substitutes
section 58
of the Code.

8. For section 58 of the Code there shall be substituted the following:—

“58. (1) It shall not be lawful to make use, in any vehicle for hire which is used for public transport, of any fittings, accessories, brake, lamps or harness declared by the Public Transport Authority to be unfit for public use.

(2) It shall not be lawful to make use, in any other vehicle for hire, of any fittings, accessories, brake, lamps or harness declared by the Commissioner of Police to be unfit for public use.”.

Amends
section 61
of the Code.

9. In section 61 of the Code, for the words “thereon to the Commissioner of Police, and such report” there shall be substituted the words “thereon to the Commissioner of Police, and in the case of public transport vehicles to the Public Transport Authority, and such report”.

Amends
section 63
of the Code.

10. In section 63 of the Code, for the words “of the Commissioner of Police.” there shall be substituted the words “of the Commissioner of Police or of the Public Transport Authority, as the case may be.”.

11. In section 65 of the Code, for the words “part-owner of the vehicle.” there shall be substituted the words “part-owner of the vehicle:”, and immediately thereafter there shall be inserted the following proviso:—

Amends
section 65
of the Code.

“Provided that in the case of public transport vehicles the said notice shall be given, and the said licence shall be produced, to the Public Transport Authority.”.

12. In section 66 of the Code, for the words “assigned by the Police and painted on” there shall be substituted the words “assigned by the Police or by the Public Transport Authority and affixed by means of a plate on”.

Amends
section 66
of the Code.

13. For section 67 of the Code, there shall be substituted the following:—

Substitutes
section 67
of the Code.

“67. Whenever the Police or the Public Transport Authority, as the case may be, may deem it expedient to change the number of a vehicle, notice shall be given to the person to whom the licence relative to such vehicle shall have been granted; such person shall, within seven days after such notice, produce the licence to the Police or to the Public Transport Authority, as the case may be, who shall assign another number plate and enter on the licence a note of such change. Such person shall affix on the vehicle the new number plate in the same manner as the original number plate was affixed, or in such manner as the Police or the Public Transport Authority, as the case may be, may direct.”.

14. In section 69 of the Code, for the words “not having such licence.” there shall be substituted the words “not having such licence:”, and immediately thereafter there shall be inserted the following proviso:—

Amends
section 69
of the Code.

“Provided that in the case of a public transport vehicle which is not a self-drive car or a bicycle, such licence shall be exclusively issued by the Public Transport Authority.”.

15. In section 70 of the Code, for the words “of the Commissioner of Police, are fit” there shall be substituted the words “of the Commissioner of Police or of the Public Transport Authority, as the case may be, are fit”.

Amends
section 70
of the Code.

16. Section 73 of the Code shall be amended as follows:—

Amends
section 73
of the Code.

(a) in the Maltese text thereof, for the word “midalja” wherever it occurs there shall be substituted the word “*badge*”; and

(b) immediately after subsection (5) thereof there shall be inserted the following new subsection:—

“(6) In the case of a driver of a public transport vehicle, the said badge shall be given by the Public Transport Authority on payment of a fee to be established by the same Authority, and the functions

and powers given under this section to the Commissioner of Police shall be exercised *mutatis mutandis* by the same Public Transport Authority as regards such badge.”.

Amends
section 77
of the Code.

17. Section 77 of the Code shall be amended as follows:—

(a) in subsection (1) thereof, for the words “by the Police, on payment” there shall be substituted the words “by the Public Transport Authority, on payment”; and

(b) in subsection (2) thereof, for the words “The Commissioner of Police may direct” there shall be substituted the words “The Public Transport Authority may direct”.

Amends
section 82
of the Code.

18. For subsection (1) of section 82 of the Code there shall be substituted the following:—

“(1) Where the vehicle is intended for public transport, the driver shall be decently dressed to the satisfaction of the Public Transport Authority.”.

Amends
section 85
of the Code.

19. In subsection (1) of section 85 of the Code, for the words “of the Police” wherever they occur there shall be substituted the words “of the Public Transport Authority”.

Amends
section 86
of the Code.

20. In section 86 of the Code, for the words “by the Police” there shall be substituted the words “by the Public Transport Authority”.

Amends
section 87
of the Code.

21. In section 87 of the Code, for the words “by the Police” there shall be substituted the words “by the Public Transport Authority”.

Amends
section 90
of the Code.

22. In section 90 of the Code, for the words “for the Police” there shall be substituted the words “for the Public Transport Authority”.

Amends
section 91
of the Code.

23. Section 91 of the Code shall be amended as follows:—

(a) for subsection (1) thereof there shall be substituted the following:

“(1) It shall be lawful for the Public Transport Authority to suspend, for any period not exceeding one month, the licence of any driver who, in the exercise of his calling, shall infringe any of the provisions of this Part.

(2) It shall be lawful for the Commissioner of Police to suspend, for any period not exceeding one month, the licence of any driver who, in the exercise of his calling, shall infringe any regulation relating to vehicular traffic, or in any way disobey any lawful order of the Police, or who is proved to be a habitual drunkard.

(3) Where a licence has been suspended according to subsection (1) or (2) of this section, it shall not be lawful for the Police, in respect of the same contravention, to proceed against such driver under the provisions of section 319.”; and

(b) subsection (2) thereof shall be renumbered as subsection (4) and for the words therein “for the Commissioner of Police to order” there shall be substituted the words “for the Public Transport Authority or the Commissioner of Police, as the case may be, to order”.

24. Section 93 of the Code shall be amended as follows:—

Amends
section 93
of the Code.

(a) in subsection (1) thereof, for the words “vehicles of all kinds, other than those” there shall be substituted the words “vehicles of all kinds, other than in respect of public transport vehicles and in respect of those vehicles”; and

(b) in subsection (2) thereof, for the word “vehicles.” there shall be substituted the words “vehicles, other than in respect of public transport vehicles in regard of which the tariff of fares may be prescribed by regulations made by the Public Transport Authority.”.

25. Section 270 of the Code shall be amended as follows:—

Amends
section 270
of the Code.

(a) in subsection (1) thereof for the words “from the Commissioner of Police” there shall be inserted the words “from the Public Transport Authority”; and

(b) for subsection (4) thereof there shall be substituted the following:—

“(4) It shall be lawful for the Public Transport Authority, even after the grant of a licence, to require the owner, at intervals of not less than four months, to produce a fresh certificate as provided in subsection (2) of this section in order to ascertain that the boat continues to be, as regards its solidity, fit for the service intended.”.

26. In section 273 of the Code, in subsection (2) thereof, for the words “The Commissioner of Police shall, on request,” there shall be substituted the words “The Public Transport Authority shall, on request,”.

Amends
section 273
of the Code.

27. In section 277 of the Code for the words “by the Commissioner of Police” there shall be substituted the words “by the Public Transport Authority”.

Amends
section 277
of the Code.

28. In section 280 of the Code, in subsection (1) thereof, for the words “from the Commissioner of Police” there shall be substituted the words “from the Public Transport Authority”.

Amends
section 280
of the Code.

29. Section 284 of the Code shall be amended as follows:—

Amends
section 284
of the Code.

(a) in subsection (3) thereof, for the words “It shall be lawful for the Commissioner of Police to suspend” there shall be substituted the words “It shall be lawful for the Commissioner of Police, or, in the case of passage boats, the Public Transport Authority, to suspend”; and

(b) in subsection (4) thereof, for the words from "Where a licence" to the words "the said Commissioner to order" there shall be substituted the words "Where a licence has been suspended by order of the Commissioner of Police or of the Public Transport Authority, or has been suspended or cancelled in virtue of judgment under the provisions of section 320, it shall be lawful for the Commissioner of Police or the Public Transport Authority, as the case may be, to order".

Amends
section 290
of the Code.

30. In section 290 of the Code, in subsection (1) thereof, after the words "by the Commissioner of Police" there shall be added the words "in the case of a tug, and by the Public Transport Authority in the case of a passenger boat".

Amends
section 298
of the Code.

31. In section 298 of the Code, after the words "lodged with the Commissioner of Police" there shall be added the words "when referring to tugs, and with the Public Transport Authority when referring to passenger boats," and after the words "to the satisfaction of the Commissioner of Police" there shall be added the words "or of the Public Transport Authority, as the case may be".

Amends
section 307
of the Code.

32. In section 307 of the Code, after the words "from the Commissioner of Police" there shall be added the words "or, in respect of passenger boats, from the Public Transport Authority".

Amends
section 308
of the Code.

33. In section 308 of the Code, after the words "of the Commissioner of Police" there shall be added the words "or of the Public Transport Authority, as the case may be".

Interpretation.

34. In the interpretation of this order, regard shall also be had to the provisions of the proviso to subsection (2) of section 28 of the Public Transport Authority Act, 1989.