

L.N. 116 of 2014

**AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)**

**TRAFFIC REGULATION ORDINANCE
(CAP. 65)**

**Passenger Transport Services (Amendment No. 2)
Regulations, 2014**

IN exercise of the powers conferred by 43 of the Authority for Transport in Malta Act and by article 54 of the Traffic Regulation Ordinance, the Minister for Transport and Infrastructure has, after consultation with the Authority for Transport in Malta, made the following regulations:-

1. (1) The title of these regulations is the Passenger Transport Services (Amendment No. 2) Regulations, 2014 and these regulations shall be read and construed as one with the Passenger Transport Services Regulations, hereinafter referred to as "the principal regulations".

Citation and commencement.

S.L.499.56

(2) These regulations shall come into force after two months from the publication of the said regulations.

2. In regulation 2 of the principal regulations, immediately after the definition "authorised inspecting officer" there shall be added the following new definition:

Amends regulation 2 of the principal regulations.

" "authorised commercial premises" means any commercial premises as defined by the Trading Licences Act and which is licensed to carry out any commercial activity in terms of the Trading Licences Regulations; and for the purpose of these regulations includes also any building, premises or other establishment which is licensed in terms of the Malta Travel and Tourism Services Act;"

Cap. 441.

S.L. 441.07.

Cap. 409.

3. Regulation 42 of the principal regulations shall be amended as follows:

Amends regulation 42 of the principal regulations.

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

(b) immediately after sub-regulation (1) thereof, as renumbered, there shall be added the following:

"(2) Passenger transport services, other than services on sightseeing passenger transport routes and trackless train services, may only be sold from authorised booths, from authorised commercial premises, from the operator's offices or operating centre, online, by telephone or by mail.

(3) No person shall -

(a) sell, or

(b) cause or permit another person to sell

passenger transport services, other than services on sightseeing passenger transport routes and trackless train services, in breach of the provision of sub-regulation (2).

(4) No person shall solicit, whether directly or indirectly, any other person in any location for any passenger transport service."

Amends
regulation 68O
of the principal
regulations.

4. Immediately after sub-regulation (8) of regulation 68O of the principal regulations, there shall be added the following sub-regulations:

"(9) Trackless train services shall not be sold on the road other than within five metres of pick-up points mentioned in sub-regulation (2)(c), provided such pick-up points are not within five metres from a bus stop or a taxi stand:

Provided that a person selling such services from pick up points or on board a trackless train, shall wear, at all times and in a conspicuous place, an identification tag issued to him by the operator of those services which shall contain a photograph of the person in respect of whom it is issued, his name and his Identity Card number and the name of the operator:

Provided further that where a pick-up point sign is located adjacent to a pavement, such services may be sold only on the pavement within the established distance from the pick-up point sign.

(10) No person shall -

(a) sell, or

(b) cause or permit another person to sell

trackless train services in breach of the provisions of sub-regulation (9).

(11) No person shall solicit, whether directly or indirectly, any other person in any location for any trackless train service."

5. Immediately after sub-regulation (8) of regulation 69 of the principal regulations, there shall be added the following:

Amends
regulation 69 of
the principal
regulations.

"(9) Services on sightseeing passenger transport routes shall not be sold on the road other than within five metres of pick-up points mentioned in sub-regulation (1)(c), provided such pick-up points are not within five metres from a bus stage or a taxi stand:

Provided that a person selling such services from pick up points or on board the vehicle, shall wear, at all times and in a conspicuous place, an identification tag issued to him by the operator of those services which shall contain a photograph of the person in respect of whom it is issued, his name and his Identity Card number and the name of the operator:

Provided further that where a pick-up point sign is located adjacent to a pavement, such services may be sold only on the pavement within the established distance from the pick-up point sign.

For the purpose of this sub-regulation "road" shall include the Cirkewwa port terminal and the Mgarr (Gozo) port terminal, where such services may only be sold from authorized booths or authorised commercial premises.

(10) No person shall -

(a) sell, or

(b) cause or permit another person to sell

sightseeing passenger transport services in breach of the provisions of sub-regulation (9).

(11) No person shall solicit, whether directly or indirectly, any other person in any location for any sightseeing passenger transport service."

6. Regulation 107 of the principal regulations shall be amended as follows:

Amends
regulation 107
of the principal
regulations.

(a) sub-regulation (3) thereof, including its proviso, shall be substituted by the following:

"(3) A person who commits a breach of any regulation other than the regulations mentioned in sub-regulation (1), and the regulations stipulated in sub-regulations (7), (8), (9) and (10), shall, on conviction, be liable to a fine not exceeding three thousand euro (€3,000). Furthermore, the court or the Local Tribunal shall order the Authority to impose on such person one penalty point for every ten euro (€10) or part thereof imposed on such person by way of a fine in terms of this sub-regulation.";

(b) in sub-regulation (4) thereof, for the words "When a person is found guilty" there shall be substituted the words "When a person licensed under these regulations is found guilty"; and

(c) immediately after sub-regulation (9) thereof, there shall be added the following new sub-regulation:

"(10) Any person who commits a breach of sub-regulations (3)(a) and (4) of regulation 42, of sub-regulations (10)(a) and (11) of regulation 68O and of sub-regulations (10)(a) and (11) of regulation 69 shall be guilty of an offence and shall, on conviction, be liable to a fine (*ammenda*) of not less than one hundred euro (€100) but not more than five hundred euro (€500):

Provided that where a person is found guilty of selling services for which regulations 42(2), 68O(9) and 69(9) refer within five metres from a bus stop, he shall be liable to a fine (*ammenda*) of not less than two hundred euro (€200) but not more than six hundred euro (€600).".

Substitutes the Ninth Schedule to the principal regulations.

7. The Ninth Schedule to the principal regulations shall be substituted by the following:

"NINTH SCHEDULE

ADMINISTRATIVE PENALTIES

(Regulation 108)

Column 1 Regulation	Column 2 Administrative penalties for operators	Column 3 Administrative penalties for drivers
8(2)	€50	
12	€100	
14(1)	€50 per day	
22(3), (5), (6)		€50
23(1)		€50
25	€250	
27(2)	€50	
27(3)	€500	
32	€50	
34	€50	
35(2)	€100	
35(3)		€50
36(2)	€100	
36(3)	€50 and in addition €50 per day	
37(1), (2)	€1,000	
38	€50 and in addition €50 per day	
41		€100
42(1)		€500
42(3)	€100 or €200 where the sale of a service is made within five metres of a bus stop	€100 or €200 where the sale of a service is made within five metres of a bus stop
42(4)	€100	€100
43		€50
44		€50
45		€100
46		€100

47		€500
48		€50
49		€100
51		€50
52(1)		€10
53		€10
54		€100
55		€100
56	€150	
57 (1), (2)	€150	
57 (3), (4)		€150
58		€25
59		€100
60		€100
61	€100	
62	€100	
63	€250	
64 (1),(2),(3)		€100
65		€100
66		€100
67		€100
68		€100
68C		€50
68D		The penalty prescribed in this Schedule for breaches of the specific regulations stipulated in regulation 68D according to the specific regulation breached.
68E(1), (4)		€100
68E(2), (3), (5), (6)		€25
68F		€25
68G(2)		€50
68K		€100

68O(2)(a),(b),(e)	€500	€500
68O(2)(c)		€500
68O(2)(d)	€500 and in addition €50 per day	
68O(7)	€500	
68O(10), (11)	€100 or €200 where the sale of a service is made within five metres of a bus stop	€100 or €200 where the sale of a service is made within five metres of a bus stop
68P(1)(a)	The penalty prescribed in this Schedule for breaches of the specific regulations stipulated in regulation 68P(1)(a) according to the specific regulation breached.	The penalty prescribed in this Schedule for breaches of the specific regulations stipulated in regulation 68P(1)(a) according to the specific regulation breached.
68P(1)(d), 68P(2), 68P(4)	€500	
69(1)(a), (b), (c), (e)		€500
69(1)(d)	€500 and in addition €50 per day	
69(2), (3), (4), (5), (11)	€500	
69(6)	€500	€500
69(10), (11)	€100 or €200 where the sale of a service is made within five metres of a bus stop	€100 or €200 where the sale of a service is made within five metres of a bus stop
72,73,74,75,76,77,78	€350	€350
107(6)	€150 for a first breach and €1,000 for a subsequent breach	€150 for a first breach and €1,000 for a subsequent breach

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