VERŻJONI ELETTRONIKA

L.N. 238 of 2016

AUTHORITY FOR TRANSPORT IN MALTA ACT (CAP. 499)

Passenger Transport Services (Amendment) Regulations, 2016

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

Citation.

1. The title of these regulations is the Passenger Transport Services (Amendment) Regulations, 2016, and these regulations shall be read and construed as one with the Passenger Transport Services Regulations, hereinafter referred to as "the principal regulations".

S.L. 65.56

Amends the Table of Contents in the principal regulations.

2. The Table of Contents in the principal regulations shall be amended as follows:

(a) Parts XI, XII, XIII and XIV shall be renumbered as Parts XIII, XIV, XV and XVI respectively; and

(b) immediately after the item -

"Part X	Passenger Transport Services by means of Vintage Buses	68P"

there shall be added the following:

"Part XI	Passenger Transport Services by means of Malta Heritage Buses	68Q
Part XII	Passenger Transport Services by means of Electric Trolley Vehicles	68R".

Amends regulation 2 of the principal regulations.

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

(a) the definition "coach" shall be substituted by the following:

" "coach" means a passenger transport vehicle which has at least thirty passenger seats, in addition to the driver's seat;";

(b) immediately after the definition "driving time" there shall be added the following new definition:

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" "electric trolley vehicle" means an electrically propelled vehicle which is used for the carriage of passengers by road which -

(a) has been issued with a type approval certificate by a competent authority of a Member State or by any other body approved by the Authority authorizing such vehicle for use on the road for the carriage of passengers;

(b) for the purposes of these regulations has a maximum speed which does not exceed 25km/hr; and

(c) fulfils all the applicable specifications and construction requirements established in the Motor Vehicles (Weights, Dimensions and Equipment) Regulations;";

(c) immediately after the new definition "electric trolley vehicle" there shall be added the following new definition:

" "electric trolley vehicle route" means a route established and published by the Authority and which may be used by operators authorised to operate electric trolley vehicles in terms of regulation 68R;";

(d) immediately after the definition "locality" there shall be added the following new definition:

" "Malta heritage bus" means a passenger transport vehicle having its coachwork manufactured in Malta and having been registered in Malta as a passenger transport vehicle prior to 1 January, 1975 and was registered as such for at least five consecutive years at any time prior to the coming into force of these regulations and which:

(i) is not licensed as a vintage bus in terms of Part X; and

(ii) has not, at any point in time, been scrapped or garaged and had its registration plates as a passenger transport vehicle used on another vehicle in replacement thereof;".

Amends regulation 28 of the principal regulations.

4. Regulation 28 of the principal regulations shall be amended as follows:

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(a) immediately after the proviso to sub-regulation (1) thereof there shall be added the following new proviso:

"Provided further that paragraphs (b), (c) and (f) shall not apply to Malta heritage buses.".;

(b) in paragraph (b) of sub-regulation (2) thereof, for the words "seven years and" there shall be substituted the words "seven years and, with the exception of tail lift vans,";

(c) in the proviso immediately after paragraph (d) of sub-regulation (2) thereof, for the words "Provided that no tail-lift van may be issued" there shall be substituted the words "Provided, except in such cases which are specified in regulation 116(4), that no tail-lift van may be issued";

(d) immediately after the second proviso to sub-regulation (2) thereof, there shall be added the following new proviso:

"Provided further that, with regard to Malta heritage buses, paragraphs (b), (c) and (f) of sub-regulation (1) and paragraphs (b) and (c) of sub-regulation (2) shall not apply."; and

(e) in sub-regulation (5) thereof, for the words "trackless trains" there shall be substituted the words "trackless trains and electric trolley vehicles".

Amends regulation 31 of the principal regulations.

5. In sub-regulation (2) of regulation 31 of the principal regulations, for the words "vintage buses" there shall be substituted the words "vintage buses and Malta heritage buses"; and for the words "particular vintage bus" there shall be substituted the words "particular vintage bus or Malta Heritage bus".

Amends regulation 35 of the principal regulations.

6. Immediately after sub-regulation (4) of regulation 35 of the principal regulations, there shall be added the following:

"(5) No advertisements may be displayed on Malta heritage buses.".

Amends regulation 36 of the principal regulations.

7. Regulation 36 of the principal regulations shall be amended as follows:

(a) sub-regulation (3) thereof shall be renumbered as sub-regulation (4); and

(b) immediately after sub-regulation (2) thereof there

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shall be added the following new sub-regulation:

"(3) The provisions of sub-regulation (2) shall also apply to electric trolley vehicles.".

Amends regulation 37 of the principal regulations.

8. Sub-regulation (2) of regulation 37 of the principal regulations shall be amended as follows:

(a) for the words "trackless trains" there shall be substituted the words "trackless trains and electric trolley vehicles"; and

(b) immediately after the proviso thereof there shall be added the following new proviso:

"Provided further that electric trolley vehicles shall be required to continuously comply with the applicable provisions of regulation 68R.".

Amends regulation 43 of the principal regulations.

9. In regulation 43 of the principal regulations, for the words "specifically agreed with the hirer." there shall be substituted the words "specifically agreed with the hirer:", and immediately thereafter there shall be added the following new proviso:

"Provided that Malta heritage buses may be operated even if they are not equipped with an air-conditioning system.".

Amends regulation 64 of the principal regulations.

10. Immediately sub-regulation (3) of regulation 64 of the principal regulations, there shall be added the following sub-regulation:

"(4) No Malta heritage bus may be used to carry school children.".

Adds new Parts to the principal regulations.

11. Immediately after Part X of the principal regulations there shall be added the following new Parts:

"PART XI

PASSENGER TRANSPORT SERVICES BY MEANS OF MALTA HERITAGE BUSES

Use of Malta heritage buses to operate pre-booked services.

68Q. (1) The Authority may authorise the use of Malta heritage buses to operate pre-booked passenger transport services for tourists and conference-related purposes only.

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(2) The Authority may restrict the number of Malta heritage buses which can operate on the road in Malta as may be necessary for the regulation, management, safety and control of road traffic and for any other reason which the Authority may deem fit.

(3) Where the Authority decides that the number of Malta heritage buses operating on the road in Malta shall be restricted, it shall only allow to operate on the road in Malta those Malta heritage buses which have been chosen following a public competitive process leading to the issuance of a limited number of licences to operate Malta heritage buses, which number shall be determined by the Authority in its sole and absolute discretion.

(4) No licensed operator shall use or permit to be used any Malta heritage bus registered under its operating licence for any purpose other than to provide pre-booked passenger transport services for tourists and conference-related purposes.

(5) The services of Malta heritage buses may not be sold on the road.

(6) The Authority shall revoke the licence of a Malta heritage bus if such Malta heritage bus is operated for any purpose other than pre-booked passenger transport services for tourists and conference-related purposes, or if its services are sold on the road or if it is in breach of any other condition which the Authority may impose from time to time.

(7) Malta heritage buses may be used on the Maltese national territory only.

(8) In order for a vehicle to be issued with a licence to operate as a Malta heritage bus, such vehicle must satisfy the following conditions:

(a) it shall satisfy the requirements stipulated in the definition "Malta heritage bus" as established in regulation 2:

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(2) The Authority may restrict the number of Malta heritage buses which can operate on the road in Malta as may be necessary for the regulation, management, safety and control of road traffic and for any other reason which the Authority may deem fit.

(3) Where the Authority decides that the number of Malta heritage buses operating on the road in Malta shall be restricted, it shall only allow to operate on the road in Malta those Malta heritage buses which have been chosen following a public competitive process leading to the issuance of a limited number of licences to operate Malta heritage buses, which number shall be determined by the Authority in its sole and absolute discretion.

(4) No licensed operator shall use or permit to be used any Malta heritage bus registered under its operating licence for any purpose other than to provide pre-booked passenger transport services for tourists and conference-related purposes.

(5) The services of Malta heritage buses may not be sold on the road.

(6) The Authority shall revoke the licence of a Malta heritage bus if such Malta heritage bus is operated for any purpose other than pre-booked passenger transport services for tourists and conference-related purposes, or if its services are sold on the road or if it is in breach of any other condition which the Authority may impose from time to time.

(7) Malta heritage buses may be used on the Maltese national territory only.

(8) In order for a vehicle to be issued with a licence to operate as a Malta heritage bus, such vehicle must satisfy the following conditions:

(a) it shall satisfy the requirements stipulated in the definition "Malta heritage bus" as established in regulation 2:

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Provided that any vehicle which was formerly used as a motor route bus and which was subsequently issued with a passenger transport vehicle licence shall also have the right to participate in the competitive process referred to in paragraph (b) as long as such vehicle has its coachwork manufactured in Malta and has been registered in Malta as a passenger transport vehicle prior to 1 January, 1975 and was registered as such for at least five consecutive years at any time prior to the coming into force of these regulations and is not licensed as a vintage bus in terms of Part X, whether the passenger transport vehicle licence of such vehicle has been surrendered to the Authority in order to obtain a replacement passenger transport vehicle licence and is currently licensed as a private vehicle [in which case such vehicle shall be liable to payment of the entry fee per seat due in terms of regulation 117(6)] or whether such vehicle is had been duly licensed as a passenger transport vehicle and is now entitled to obtain a replacement passenger transport vehicle licence [(in which case the payment of the entry fee per seat established in terms of regulation 117(6) shall not apply]:

Provided further that, in the event that such a vehicle which is still duly licensed as a passenger transport vehicle or which is entitled to obtain a replacement passenger transport vehicle licence succeeds to obtain a 'Malta heritage bus' licence after participating in the above-stated competitive process, the owner of such a vehicle shall not be entitled to obtain a replacement passenger transport vehicle licence in addition to the 'Malta heritage bus' licence thus obtained.

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(b) in the event that the Authority decides that the number of Malta heritage buses operating on the road in Malta shall be restricted, it shall have been awarded a licence by the Authority following the competitive process referred to in sub-regulation (3);

(c) it shall be powered either by an engine which runs on LPG or by an engine which is not less than Euro V standard;

(d) it shall be equipped with an audio recording of not less than ten minutes in length explaining the history of Malta, which audio recording shall be played on every trip made by the Malta heritage bus.

(9) In order for any person to operate a Malta heritage bus, such person must be in possession of an operator's licence issued by the Authority for the carrying out of passenger transport services in terms of Part II.

(10) Furthermore, in order for a vehicle licensed for such purpose to operate as a Malta heritage bus, the operator shall:

(a) in addition to the annual circulation fee, pay the applicable annual fee established in the Tenth Schedule;

(b) except for such vehicles which are exempt from the payment of the entry fee as stipulated in the proviso to paragraph (a) of sub-regulation (8), pay the relative entry fee due in terms of regulation 117(6);

(c) comply with all the provisions of Part VII; and

(d) comply with any other conditions which the Authority may impose.

PART XII
PASSENGER TRANSPORT SERVICES BY MEANS OF ELECTRIC TROLLEY VEHICLES

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Routes for electric trolley vehicles.

68R. (1) Electric trolley vehicle routes may only be established by the Authority which may impose any conditions for the operation of electric trolley vehicles on such routes.

(2) The Authority may authorise operators to provide regular passenger services on electric trolley vehicle routes by means of electric trolley vehicles subject to the following conditions:

(a) operators shall only be able to operate electric trolley vehicles in such localities and on such routes as may be established by the Authority from time to time;

(b) operators shall make available to the public all information pertaining to fares, schedules, routes, pickup and drop off points. Such information shall also be available on each electric trolley vehicle operating on such route;

(c) operators and drivers shall comply with all the information made publicly available in terms of paragraph (b)

(d) drivers shall not, while carrying out regular passenger services, pick up and, or drop off passengers on any location other than the pick up and drop off points approved by the Authority along the electric trolley vehicle route;

(e) operators shall pay the fee established by the Authority for the electric trolley vehicle route; and

(f) operators and drivers shall comply at all times with any other conditions made by the Authority.

(3) The Authority may restrict the number of electric trolley vehicles authorised to operate regular passenger services on any electric trolley vehicle route as may be necessary for the regulation, management, safety and control of road traffic.

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(4) Where the Authority decides that the number of electric trolley vehicles operating on any electric trolley vehicles route shall be restricted, it shall only allow electric trolley vehicles to operate on such route following a public competitive process leading to the award of a concessionary agreement to operate such route with electric trolley vehicles to one or more operators.

(5) The Authority shall withdraw the authorisation for the operation of an electric trolley vehicles route for which authorisations have been restricted if the operator fails to operate the service, without the prior written permission of the Authority, for a period of seven consecutive days or commits any other material breach of these regulations which, in the absolute discretion of the Authority, warrants the withdrawal of the authorisation.

(6) The Authority shall also withdraw the authorisation for the operation of an electric trolley vehicle route for reasons of safety and security or should it deem this to be in the interest of the general public.

(7) All electric trolley vehicles used for the transport of passengers on electric trolley vehicle routes established by the Authority shall be properly registered, licensed and insured.

(8) When submitting an application for a vehicle to be licensed by the Authority as an electric trolley vehicle for the transport of passengers on such routes as may be established by the Authority, the applicant shall, in his application, in addition to any other documentation and information which may be requested by the Authority, specify -

(a) the maximum number of passengers which the electric trolley vehicle may carry in accordance with the type-approval certificate;

(b) the overall length of the vehicle;

(c) the overall width of the vehicle; and

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(d) the articulating angle in degrees or turning circle in meters of the vehicle.

(9) Electric trolley vehicles may only be licensed by the Authority to be operated exclusively on electric trolley vehicle routes established by the Authority in terms of this regulation and no other use thereof, whether for private use or for hire and reward, shall be permitted.

(10) Electric trolley vehicle services shall only be sold from such pick up points which shall be established by the Authority or on board electric trolley vehicles. All persons selling such services, which may also include the driver, shall wear a uniform and shall also 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. Such uniform and identification tag shall be subject to the approval of the Authority.

(11) No person shall sell or cause or permit another person to sell electric trolley vehicle services in breach of the provisions of sub-regulation (10).

(12) No person shall solicit, whether directly or indirectly, any other person in any location for any electric trolley vehicle service.

(13) The operator of electric trolley vehicles shall be obliged to ensure that -

(a) all such electric trolley vehicles are properly fitted with audio mechanisms by means of which the driver may communicate any necessary notices, warnings or information to the passengers aboard;

(b) all such electric trolley vehicles are right-hand drive vehicles;

(c) all the details specified in the application submitted in terms of sub-regulation (8) continue to be observed and remain unchanged;

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(d) no modifications to any electric trolley vehicle is carried out following the issuance of the certificate authorizing the use on the road of such vehicle;

(e) prior to the use of an electric trolley vehicle on the road, such vehicle is covered by a certificate issued by a warranted mechanical engineer which certifies that it has passed a roadworthiness test conducted in his presence on safety of brakes, lights, steering mechanism, audio mechanism and condition of tyres;

(f) such roadworthiness test is conducted every twelve months prior to the renewal of the licence;

(g) the electric trolley vehicle can always be accessed for the boarding and alighting of passengers only from the left hand side of the vehicle;

(h) the electric trolley vehicles are properly designed and equipped to allow and facilitate access to persons with disability and mobility problems; and

(i) the electric trolley vehicles have all adequate and necessary signage and equipment in order to ensure the safety of its passengers.".

Amends regulation 107 of the principal regulations.

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

(a) immediately after paragraph (j) of sub-regulation (1) thereof there shall be added the following new paragraph:

"(k) regulation 68Q(4),"; and

(b) sub-regulation 10 thereof shall be substituted by the following:

"(10) Any person who commits a breach of regulation 42(3)(a) and (4), of regulation 68O(10)(a) and (11), of regulation 68Q(5), of regulation 68R(10), (11) and (12) and of regulation 69(10)(a) and (11) 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).".

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13. Regulation 112 of the principal regulations shall be amended as follows: Amends regulation 112 of the principal regulations.

(a) immediately after sub-regulation (1) thereof there shall be added the following proviso:

"Provided that where an operator has more than one passenger transport vehicle registered on his operator's licence, the operator's licence shall be withdrawn either in the event that its holder accumulates an aggregate of five hundred penalty points on any one vehicle registered under such licence or accumulates, on the total number of vehicles registered under his operator's licence, a total amount of five hundred penalty points plus an additional one hundred penalty points per vehicle registered under such operator's licence."; and

(b) in sub-regulation (4) thereof, for the words "less than 16 penalty points" there shall be substituted the words "less than 16 penalty points per vehicle registered under his operator's licence".

14. Immediately after sub-regulation (5) of regulation 117 of the principal Regulations, there shall be added the following new sub-regulation: Amends regulation 117 of the principal regulations.

"(6) The application fee for a Malta heritage bus referred to in regulation 68Q shall be made up of two parts being the application fee and the entry fee, where this is applicable, as stipulated in Part 4A of the Tenth Schedule.".

15. In the Ninth Schedule to the principal regulations, immediately after the item - Amends the Ninth Schedule to the principal regulations.

"	68P(1)(d), 68P(2), 68P(4)	€500		"

there shall be added the following items:

"	68Q(1)	The penalty prescribed in this Schedule for breaches of the specific regulations stipulated in regulation 68R according to the specific regulation breached	
	68Q(4)	€500	
	68Q(5)	€200	
	68Q(10)(c)	€500	

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68R(1)	The penalty prescribed in this Schedule for breaches of the specific regulations stipulated in regulation 68R according to the specific regulation breached	
68R(2), 68R(7), 68R(13)	€500	
68O(10), (11) and (12)	€100 or €200 where the sale of a service is made within five metres of a bus stop	

".

Amends the Tenth Schedule to the principal regulations.

16. The Tenth Schedule to the principal regulations shall be amended as follows:

(a) the proviso immediately after the table in Part 4 thereof shall be substituted by the following:

"Provided that coaches which are new motor vehicles, open top buses which are new motor vehicles, tail lift vans which are new motor vehicles, vintage buses, trackless trains and electric trolley vehicles shall be exempt from the entry fee irrespective of the number of passengers which they can carry."; and

(b) immediately after Part 4 thereof there shall be added the following new Part:

"Part 4A

Application for Malta Heritage Bus Licence - Regulation 68Q

1. Application fee for a Malta Heritage Bus Licence €500

2. Entry Fee payable in applicable cases:

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Entry Fee payable upon application for a passenger transport vehicle licence

Number of Passengers which may be carried on Malta Heritage Bus	Entry Fee Payable
30	€25,000
31	€25,500
32	€26,000
33	€26,500
34	€27,000
35	€27,500
36	€28,000
37	€28,500
38	€29,000
39	€29,500
40	€30,000
41	€30,500
42	€31,000
43	€31,500
44	€32,000
45	€32,500
46	€33,000
47	€33,500
48	€34,000
49	€34,500
50 or more	€35,000".

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