

L.N. 333 of 2017

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

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

Transport Enforcement Officers (Amendment) Regulations, 2017

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

1. (1) The title of these regulations is the Transport Enforcement Officers (Amendment) Regulations, 2017 and these regulations shall be read and construed as one with the Transport Enforcement Officers Regulations, hereinafter referred to as "the principal regulations".

Citation and commencement.

S.L. 499.51.

(2) These regulations shall come into force on the 1st December 2017.

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

Amends regulation 2 of the principal regulations.

(a) immediately before the definition "the Authority" there shall be added the following new definition:

" "arterial and distributor roads" means those roads listed in the Third Schedule of the Use of Animals and Animal-Drawn Vehicles on the Road Regulations;"

S.L. 499.66.

(b) in the definition "Enforcement Officer", the words "and includes public transport officers" shall be deleted;

(c) in the definition "passenger transport vehicle", immediately after the word "reward" there shall be added the words "and for the purpose of these regulations also includes taxi, motor vehicle for hire and *karrozzin*"; and

(d) immediately after the definition "public passenger transport service", there shall be added the following new definition:

" "Public Transport Officer" means any officer

employed by the Authority acting pursuant to a delegation from the Authority specifically in relation to public passenger transport services;"

Amends
regulation 3 of
the principal
regulations.

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

(a) in the marginal note thereof, immediately after the words "Enforcement Officers" there shall be added the words "and Public Transport Officers";

(b) the regulation shall be renumbered as regulation 3(1);

(c) in sub-regulation (1) thereof, as renumbered, for the words "the Code of Police Laws" there shall be substituted the words "the Motor Vehicles Registration and Licensing Act, the Motor Vehicles Insurance (Third Party Risks) Ordinance"; and

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

"(2) The Authority may appoint Public Transport Officers to supervise and enforce the regulations regarding public passenger transport services in accordance with the
S.L. 499.56. Passenger Transport Services Regulations and the contract for the operation of public passenger transport services awarded by the
Cap. 499. Authority in terms of the Authority for Transport in Malta Act; and to operate any permanent or portable equipment or device used in the enforcement of such regulations and contract and to perform such functions as the Authority may specify."

Amends
regulation 4 of
the principal
regulations.

4. In regulation 4 of the principal regulations and in the marginal note thereof, immediately after the words "Enforcement Officers", wherever they occur, there shall be added the words "and Public Transport Officers".

Amends
regulation 5 of
the principal
regulations.

5. In regulation 5 of the principal regulations, immediately after the words "Enforcement Officers", there shall be added the words "and Public Transport Officers".

6. In regulation 6 of the principal regulations, immediately after the words "Enforcement Officers", there shall be added the words "and Public Transport Officers".

Amends
regulation 6 of
the principal
regulations.

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

Amends
regulation 7 of
the principal
regulations.

(a) in the marginal note thereof, immediately after the word "details", there shall be added the words "and to issue tickets"; and

(b) immediately after sub-regulation (2) thereof, there shall be added the following two new sub-regulations:

"(3) Enforcement Officers shall also have the power to:

(a) order the alighting or carrying of passengers from or on any passenger transport vehicle;

(b) demand and obtain information from any passenger, owner or driver of a passenger transport vehicle, relating to the identity of such person or to details of any passenger transport vehicle or passenger transport service;

(c) order any owner or driver of a passenger transport vehicle to discontinue any trip where any Enforcement Officer deems that such a measure is necessary in the interests of public order or safety;

(d) give such other orders or directives to drivers of any passenger transport vehicle so as to ensure that they perform their duties in accordance with the laws and regulations relating to passenger transport services;

(e) demand and note the particulars of any person who commits an offence relating to passenger transport, or otherwise hinders the proper operation of the public passenger transport system.

(4) Enforcement Officers shall have the authority to issue and hand over to the driver of, or affix to the windscreen of any vehicle which in their opinion was used in the commission of an offence or contravention against the regulations listed in the Schedule, a notice containing a

general description of the offence or contravention and the applicable penalty and any other requirements as the Authority may prescribe."

Amends
regulation 9 of
the principal
regulations.

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

(a) the marginal note thereof, shall be substituted by the following:

"Power to clamp and remove vehicles and encumbering objects.";

(b) sub-regulation (1) thereof shall be amended as follows:

(i) immediately after paragraph (c) thereof, there shall be added the following new paragraphs:

"(d) is parked or left unattended in an area specifically indicated as a clamping or towing zone,

(e) does not have a valid circulation licence issued by the Authority affixed to its windscreen,

(f) has a circulation licence which has expired by more than one month to be reckoned from the last day of the month in the calendar year shown or indicated on the circulation licence affixed to the windscreen of that motor vehicle,

S.L. 368.02

(g) being a vehicle hired or leased from a vehicle hire undertaking licensed in another Member State which has been brought into Malta, is not in conformity with the provisions of the Registration and Licensing of Motor Vehicles Regulations,

(h) being a motor vehicle bearing foreign registration plates, is not properly licensed for use on the roads in Malta,

(i) is not in conformity with all relevant rules and regulations in order for such vehicle to be used on the roads in Malta,

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(j) is on the road in breach of the Motor Vehicles Registration and Licensing Act and any regulations made thereunder,";

(ii) the words "issue a prohibition notice to prohibit the further use of the vehicle until the fault has been rectified and compliance with the regulations is achieved." shall be substituted by the words "clamp or remove the said vehicle and to take all necessary actions in terms of the Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations:" and immediately thereafter, there shall be added the following new proviso: S.L. 65.13.

"Provided that for vehicles falling under paragraphs (a), (b) and (c) above, Enforcement Officers shall also have the power to issue a prohibition notice to prohibit the further use of the vehicle until the fault has been rectified and compliance with the regulations is achieved. "; and

(c) immediately after sub-regulation (2) thereof, there shall be added the following new sub-regulation:

"(3) Enforcement Officers shall also have the power to:

(a) remove any encumbering object or vehicle which is in a place or space which is not lawfully permitted to be used for such purpose, or which is obstructing the free course of traffic or which is in a place or space specifically indicated as a towing zone;

(b) remove any encumbering object or vehicle which is causing any nuisance, inconvenience or obstruction in a bus terminus or on a bus stage or in a bus bay or in a bus lay-by or in an emergency lane or in a space reserved for the charging of electric vehicles or in a solar car port or on any stand reserved for passenger transport vehicles or in any other sites which, in terms of law, cannot be used for the parking of vehicles or the placing of any encumbering objects. ".

9. Regulation 11 of the principal regulations shall be Substitutes regulation 11 of the principal regulations.

substituted by the following:

"Powers and
duties of
Public
Transport
Officers.

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11. Public Transport Officers shall have the authority to:

(a) carry out inspections on any motor route bus and report back to the Authority any encountered breaches of the regulations listed in Part 2 of the Schedule and of the contract for the operation of public passenger transport services awarded by the Authority in terms of the Authority for Transport in Malta Act;

(b) order a driver of a motor route bus to stop working if in his opinion, the driver is not properly dressed;

(c) hand over to the driver of, or affix to the windscreen of a motor route bus which in their opinion was used in the commission of an offence or contravention against the regulations listed in Part 2 of the Schedule or the contract for the operation of public passenger transport services awarded by the Authority in terms of the Authority for Transport in Malta Act or, where such offence or contravention has been committed by an officer or employee of the bus operator, hand over to such officer or employee, a notice containing a general description of the offence or contravention and the applicable penalty and any other requirements as the Authority may prescribe;

(d) order any driver of a motor route bus to discontinue any scheduled trip where they deem that such a measure is necessary in the interests of public order or safety;

(e) give such other orders or directives to drivers of any motor route bus so as to ensure that they perform their duties in accordance with the laws and regulations relating to public passenger transport service;

(f) demand and note the particulars of any person who commits an offence or contravention relating to public passenger transport, or otherwise hinders the proper operation of the public passenger transport system;

(g) demand and obtain from any passenger using the public passenger transport service proof that he has paid the applicable fare for that public passenger transport service;

(h) demand and obtain from any passenger using the public passenger transport service payment of the fare and penalty fare, where due, or proof of such payment in the event that this has already been effected, to the driver or the motor route bus inspector;

(i) demand and obtain from any passenger who refuses to pay the appropriate fare and/or the penalty fare information relating to his details for the purposes of taking legal action against that passenger in terms of the Passenger Transport Services Regulations;

(j) carry out any inspections at workstations in order to ensure compliance with contractual requirements:

Provided that Enforcement Officers shall also be vested with the powers granted to Public Transport Officers in this regulation."

S.L. 499.56.

10. Regulation 12 of the principal regulations shall be

Substitutes regulation 12 of the principal regulations.

substituted by the following:

"Regulations that can be enforced by Enforcement Officers and Public Transport Officers.

12. Enforcement Officers shall have the power to enforce the regulations listed in Part 1 of the Schedule in arterial and distributor roads and Public Transport Officers shall have the power to enforce the regulations listed in Part 2 of the Schedule:

Provided that Enforcement Officers shall also have the power to enforce the regulations listed in Part 2 of the Schedule."

Amends regulation 13 of the principal regulations.

11. In regulation 13 of the principal regulations, immediately after the words "Enforcement Officer", wherever they occur, there shall be added the words "or Public Transport Officer".

Substitutes the Schedule to the principal regulations.

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

"SCHEDULE
(Regulation 12)

Part 1

Regulations which can be enforced by Enforcement Officers

- (a) *Traffic Regulation Ordinance* (Cap. 65): article 15 (driving motor vehicle without licence), article 15J (driving through or emerging a red light), article 16 (letting without a licence of motor vehicles), article 16 A (proper use of taximeter), article 17 (licence to let vehicle on hire), article 20 (vehicle without plates to be deemed unlicensed), article 22 (keeping of vehicle in good state of repair, etc), article 23 (vehicles for conveyance of persons not to be used for conveyance of corpses), article 24 (vehicles for conveyance of corpses), article 27 (number of vehicle to be kept always visible to public), article 30 (driver of vehicle to be licensed), article 34 (wearing of identification tag by public passenger vehicles' drivers), article 35 (driver to carry licence), article 36 (owner or driver may not refuse to hire vehicle except on reasonable grounds), article 37 (fare leviable for hire of taxi-cars), article 39 (owner or driver not to carry person or thing on or behind vehicle without consent of hirer), article 40 (no person to act as driver of vehicle without consent of owner), article 45 (no licensed vehicle to stand for hire unless provided with proper

fittings), article 48 (passengers not to drive vehicle), article 49 (lights to be carried by vehicles), article 59 (driving while under disqualification), article 61 (offence of driving away without consent), First Schedule and Second Schedule.

- (b) *Traffic Signs and Carriageway Markings Regulations* (S.L. 65.05): regulation 2 (traffic signs and carriageway markings) and the Schedule.
- (c) *Motor Tractor Regulations* (S.L. 65.08): regulation 3 (motor tractors and trailers to be registered and licensed), regulation 6 (maximum overall length and gross overall weight), regulation 7 (route to be followed by tractor), regulation 11 (driver to be licensed); regulation 12 (authorised parking place and storage depot), regulation 13 (loading and unloading from trailer), regulation 14 (parking or storage in authorised places) and regulation 15 (leaving parking place or storage depot).
- (d) *Motor Vehicles Regulations* (S.L.65.11): regulation 61 (entry of heavy vehicles into Valletta), regulation 62 (licence to keep a garage), regulation 65 (licence to act as a car park attendant), regulation 67 (duty to stop in case of accident), regulation 68 (control of motor vehicle), regulation 69 (overloading of vehicles), regulation 70 (carriage of things which may cause damage), regulation 71 (corners), regulation 72 (entering or leaving garage), regulation 74 (leaving a motor vehicle on the road), regulation 75 (driving on left side), regulation 77 (obstructions), regulation 78 (reserved parking area), regulation 79 (parking prohibition), regulation 80 (parking of motor cycles), regulation 81 (reversing), regulation 82 (right of way), regulation 83(2) (vehicles on priority duty), regulation 84 (drivers to give way to priority duty vehicles), regulation 85 (signal before stopping), regulation 86 (stopping at request), regulation 87 (tow rope), regulation 88 (white lines in the vicinity of bus stop or fare stage sign), regulation 90(4) (priority lanes), regulation 91 (alterations to vehicles), regulation 92 (brakes), regulation 93 (defective vehicles), regulation 94 (fire extinguishers on motor vehicles), regulation 95 (fittings), regulation 96 (horns), regulation 97 (obligatory lights), regulation 99 (rear identification plates to be lit), regulation 100 (headlamps), regulation 102 (motorcycle headlamps), regulation 103 (prescribed lights), regulation 105 (noise), regulation 106 (silencer), regulation 107 (exhaust pipes not

to emit pollutants), regulation 108 (speedometer), regulation 109 (steering), regulation 110 (tyres), regulation 110A (windcreens and other windows), regulation 114 (flap attached to rear wheels), regulation 115 (use of mobile phones and other devices), regulation 116 (electronic sounds), regulation 116A (retrofitting of mirrors to goods vehicle), regulation 117 (dangerous behaviour), regulation 118 (flags), regulation 123 (pillion riding and wearing of helmets), regulation 125 (vehicular traffic light signals), regulation 126 (responsibility of owner), regulation 127 (speed limits), regulation 130 (safety of motor vehicles for hire), regulation 130A (wearing of tag and uniform) and regulation 134 (general provisions for motor vehicles for hire).

- (e) *Motor Vehicles (Wearing of Seat Belts) Regulations* (S.L. 65.12): regulation 3 (wearing of seat belts by drivers), regulation 4 (wearing of seat belts in the front and rear seats), regulation 5 (priority of seat occupation), regulation 6 (restraint of young children), regulation 7 (restraint of children), regulation 8 (priority of seat occupation for children), regulation 9 (prohibition of removal of seat belts) and regulation 11 (information to passengers).
- (f) *Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations* (S.L. 65.13): regulations 3, 4 and 7 (removal of motor vehicles and fixing of clamps to motor vehicles).
- (g) *Motor Vehicles (Roadworthiness Tests) Regulations* (S.L.65.15): regulation 10 (compliance with conditions for operators), regulation 14 (compliance with conditions for licensed testers), and regulation 25 (major offences), regulation 26 (keeping and return of records), regulation 28 (inspection of premises, apparatus and records) and Part VIII (Roadside Technical Inspection of Certain Vehicles).
- (h) *Motor Vehicles (Driving Licences) Regulations* (S.L.65.18): regulation 3 (possession of a valid driving licence), regulation 52 (recognition of disqualifications imposed by Member States), regulation 56 (dual control system and learner plates), regulation 57 (use of motor vehicles for instruction purposes), regulation 58 (authorisation of motoring school), regulation 69 (identification tag), regulation 77 (production of licences) and regulation 78 (immediate delivery of cancelled licence).

- (i) *Motor Vehicles (Carriage of Goods by Road) Regulations* (S.L.65.19): regulation 5 (possession of an operator's licence), regulations 27 to 31 (driving and rest periods of drivers) and regulation 38 (Community licence), regulations 61 to 63 (conditions of cabotage), regulation 67 (vehicle safety), regulations 68 and 69 (loads), regulations 71 to 77 (goods vehicles), regulation 82 (presentation of authorisation), regulation 84 (inspections at quayside or roadside) and regulation 86 (inspections at premises).
- (j) *Motor Vehicles (Weights, Dimensions and Equipment) Regulations* (S.L.65.21): First Schedule (general maximum weights and dimensions), regulation 8 (goods vehicles and trailers), regulation 9 (conformity with First Schedule requirements), regulation 11 (passenger transport vehicle and trailer), regulation 12 (conformity with specifications), regulation 14 (proof of compliance), regulation 15 (prohibitive road signs to prevail), regulation 16 (applicability), regulations 18 to 24 (installation and use of speed limitation devices), regulation 29 (installation and use of recording equipment), regulations 30, 35, 36, 40 and 44 (tachograph) and regulation 47 (duty to ensure correct functions).
- (k) *Motor Vehicles (Carriage of Dangerous Goods by Road) Regulations* (S.L.65.22): regulation 3 (limitation and prohibition of transport of dangerous goods), regulation 10 (checks and enforcement action), regulation 13 (immobilization of defaulting vehicles), regulation 22 (packaging), regulations 23 to 29 (vehicles' roadworthiness), regulation 31 (driver certification), Part VII (use of tanks, tank containers, multiple-element gas containers, demountable tanks and transport pressure equipment) and Second Schedule (infringements).
- (l) *Low-Powered Vehicles and Pedal Cycles Regulations* (S.L. 65.26): regulation 3 (motor fitted to a pedal cycle), regulation 4 (power assisted pedal cycle to be registered), regulation 4A (third party risks insurance), regulation 5 (age of driver of power assisted pedal cycles), regulation 6 (requirements applicable to power assisted pedal cycles), regulation 7 (bell or horn required), regulation 8 (inspection), regulation 9 (lighting equipment and riding at night), regulation 10 (helmet required for power assisted pedal cycles), regulation 11 (restrictions on riding in public areas), regulation 12 (observance of traffic regulations), regulation 13 (restrictions of carriage of persons),

regulation 14 (holding on to other vehicles); regulation 15 (restrictions on cycle racing on roads), regulation 17 (vehicle to be registered and/or licensed), regulation 18 (driving licence required), regulation 19 (plates required), regulation 20 (vehicle to be insured), regulation 21 (helmet to be worn), regulation 22 (not to be used on footpaths), regulation 23 (holding on to other vehicles), regulation 24 (restrictions of carriage of persons), regulation 25 (vehicle to be registered), regulation 26 (motorised scooters not to be used on roads), regulation 28 (registration and usage) and regulation 30 (dangerous or reckless driving).

- (m) *Vehicle Access Zones (Control) Regulations* (S.L.65.31): regulation 12 (pedestrian areas) and regulation 13 (obscured vehicles registration marks).
- (n) *Motor Vehicles Insurance (Third Party Risks) Ordinance* (Cap.104): article 3 (users of motor vehicles to be insured against third-party risks), article 5 (requirements in respect of policies regarding certain motor vehicles entering Malta), article 7A (random checks) and article 21 (refusing to give name or address or giving false name).
- (o) *Motor Vehicles Registration and Licensing Act* (Cap. 368): article 2A (motor vehicle without a circulation licence), article 4 (notice of importation of motor vehicle), article 18 (motor vehicles brought into Malta temporarily) and article 21 (offences against the Act).
- (p) *Registration and Licensing of Motor Vehicles Regulations* (S.L. 368.02): regulation 3 (motor vehicles not registered with the Authority), regulation 5 (imported chassis to be declared), regulation 6A (temporary licence disc), regulation 6B (vehicles brought under a contract of lease or hire), regulation 6C (vehicles registered to be used only on weekends and public holidays), regulation 8 (production of vehicle registration certificate on demand), regulation 9 (alterations to vehicles), regulation 13 (circulation licence), regulations 17 and 18 (vehicle licence disc), regulation 19 (renewal of licence), regulation 21 (validity of licences), regulation 22 (suspension or withdrawal of vehicle licence), regulation 23 (suspension of licence of vehicle used for hire and reward), regulation 24 (vehicle to be used according to specific licence), regulation 26 (provisional registration and licensing of motor vehicle) and Part VI (motor vehicle registration marks and registration plates).

- (q) *Placing of Billboards and Advertising on the Road Regulations* (S.L. 499.32): regulation 9 (not permissible).
- (r) *Passenger Transport Services Regulations* (S.L.499.56): any breach of any of the provisions of the Passenger Transport Services Regulations.
- (s) *New Roads and Road Works Regulations* (S.L.499.57): regulation 23 (naming of roads), regulation 24 (destruction, obliteration or defacement of name of road, suburb or village), regulation 25 (permit required), regulation 28 (conditions), regulation 31 (protection of traffic and commuters), regulation 36 (prohibition of unauthorised works), regulation 38 (works causing obstruction or danger in roads), regulation 39 (fences to be set up during repairs), regulation 40 (light at night-time to be placed on or near materials in road), regulation 41 (prohibition to leave materials or other obstruction in road longer than necessary), regulation 42 (openings in surface or footway leading to cellars, etc., to be covered) and regulation 43 (rebuilding of walls fallen on the road).
- (t) *Vehicle Hire Services Regulations* (S.L.499.58): regulation 3 (authorisation required) and regulation 10 (renewal of authorisation).
- (u) *Taxi Services Regulations* (S.L. 499.59): any breach of any of the provisions of the Taxi Services Regulations.
- (v) *Use of Animals and Animal-Drawn Vehicles on the Road Regulations* (S.L.499.66): regulation 3 (licensing of vehicles and animals), regulation 4 (insurance required), regulation 6 (driving licence categories), regulation 7 (operator's licence required), regulation 12 (responsibility), regulation 13 (inspection of animal-drawn vehicle), regulation 16 (driver to be in possession of a tag and shall maintain a clean appearance), regulation 17 (hiring of animal-drawn vehicles and *karrozzini*), regulation 18 (fare to be charged and loading of passengers), regulation 20 (riding of animals under saddle), regulation 21 (wearing of helmet), regulation 22 (cleaning of excrement), regulation 23 (use of animals after sunset), regulation 24 (conditions relating to horse riding schools), regulation 25 (prohibition from use of certain roads), regulation 26 (prohibition of racing on roads) and regulation 27 (conduct of drivers).

Part 2**Regulations which can be enforced by
Public Transport Officers**

Passenger Transport Services Regulations (S.L.499.56): regulation 68C (motor route buses may only be used to provide public passenger transport services), regulation 68D (applicability of regulations to motor route buses), regulation 68E (duties of drivers of motor route buses), regulation 68F (stopping places for motor route buses), regulation 68G (payment of fare), regulation 68I (behaviour of motor route bus passenger), regulation 68J (animals), regulation 68K (surveillance camera), regulation 68L (internal lighting) and regulation 68M (bus stops).".
