

L.N. 366 of 2020

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

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

**Light Passenger Transport Services and Vehicle Hire Services
Regulations, 2020**

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

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SCHEDULES

First Schedule Fees

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1. The title of these Regulations is the Light Passenger Transport Services and Vehicle Hire Services Regulations, 2020. Citation.

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**PART I
PRELIMINARY**

- Interpretation. **2.** In these regulations, unless the context otherwise requires:
- Cap. 499. "Act" means the Authority for Transport in Malta Act;
- Cap. 499. "Authority" means the Authority for Transport in Malta as established by article 5 of the Authority for Transport in Malta Act;
- Cap. 441. "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;
- S.L. 441. 07. "authorised inspecting officer" means a Police officer, a community officer or an officer of the Authority;
- Cap. 409. "car sharing vehicle" means a vehicle which is licensed under a car-sharing operator's licence to be hired from a car sharing operator for the purpose of being driven by the hirer from one car sharing parking space designated for such purpose by the Authority to another car sharing parking space designated for such purpose by the Authority;
- "designated person" means a natural person, designated to the Authority by an operator or an applicant for an operator's licence, as the person who continuously and effectively manages the passenger transport and, or vehicle rental services;
- "driver's permit" means a permit issued by the Authority to drivers in terms of Part IV;
- "driver's tag" means a tag issued by the Authority to a driver in terms of Part IV;
- "e-kickscooter sharing services" means a short term rent by a user of an e-kickscooter provided by an e-kickscooter sharing operator licensed by the Authority; e-kickscooter sharing services may be provided either as a free-floating service or as a docking station sharing service;
- "electric kick scooter" or "e-kickscooter" means a stand-up device that has a handlebar, a deck and small hard wheels

powered by an electric motor and which also allows for human propulsion;

"goods carrying vehicle" means any N1, or N2 or N3 motor vehicle;

"hire" shall include short lease and long-term lease covered by a lease agreement;

"hire or reward" means payment made for the carriage of passengers other than on own account, that is to say against payment or compensation by the person being transported or by the hirer, whether such payment or compensation is made directly or indirectly; "hirer" means a person who is granted the right to drive a hired motor vehicle for the duration for which a motor vehicle is rented or taken out on lease;

"intermediary booking service platform" means a platform whereby light passenger transport services may be booked by customers from operators of light passenger transport services through an intermediary holding an authorisation for such purpose from the Authority;

"light passenger transport vehicle", for the purpose of these regulations, means such vehicles driven by a person holding a driver's permit who is employed by an operator for the purpose of the conveyancing of passengers; said vehicles are registered under Section 1 of Part IV of the Light Passenger and Rental Services Register;

"light passenger transport services" means the conveyancing of passengers for payment or reward by means of chauffeur-driven vehicles which are registered under an operator's licence;

"light passenger transport services operator " means any person, whether natural or legal, who is authorised by the Authority to operate a light passenger transport service;

"limousine" means a luxury passenger vehicle which either has a chassis or wheel-base that has been stretched, or is a sedan which is promoted as a luxury vehicle by its manufacturer, and for the purpose of this regulation shall in any case have an overall length that exceeds 5.15m;

"low-powered cycle" means a vehicle, having a kerbside weight not exceeding 350 kg, which is either propelled only by

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pedals in the case of a bicycle or tricycle, or by a combination of pedals and a motor in the case of a power assisted bicycle or tricycle, or by a combustion engine of a piston displacement capacity of 50 cm³ or less, and a maximum of two brake horsepower, or an electric motor with a maximum net power output of 1.49Kw, which is capable of a maximum speed of not more than 45 km per hour in the case of a motorised scooter or cycle;

"M1 vehicle" means a motor vehicle used for the carriage of passengers and comprising no more than eight (8) seats in addition to the driver's seat;

"M2 vehicle" means a motor vehicle used for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding five tonnes;

"M3 vehicle" means a motor vehicle used for the carriage of passengers, comprising more than eight (5) seats in addition to the driver's seat, and having a maximum mass exceeding 5 tonnes;

"motorcycle" means any two-wheeled vehicle fitted with an engine having a cylinder capacity of more than 50cm³ if of the internal combustion type and, or having a maximum design speed of more than 45 km/h;

"motor vehicle" means any mechanically self-propelled vehicle, including a motor cycle, a motor tricycle and a low-powered cycle, intended for use on the road, other than a vehicle running on rails, which, for the purpose of these regulations, is licensed to be used for the purpose of providing light passenger transport services or to be hired from a vehicle hire operator;

"motor vehicle for hire" means any motor vehicle which is registered and licensed to be hired for the purpose of being driven by such hirer;

"N1 vehicle" means a motor vehicle used for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes;

"N2 vehicle" means a motor vehicle used for the carriage of goods and having a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes;

"N3 vehicle" means a motor vehicle used for the carriage of goods and having a maximum mass exceeding 12 tonnes;

"new motor vehicle" means, for the purposes of these regulations, a motor vehicle which has never been registered in any country;

"operating centre" means the administrative offices from which the operator co-ordinates and controls the passenger transport and, or vehicle rental services it supplies and in which all records relating to such services are kept;

"operator" means any person, whether natural or legal, who is authorised by the Authority to operate either a light passenger transport service or a vehicle hire service, or both;

"passenger" means a person who is carried in a light passenger transport vehicle for hire or reward;

"Planning Authority" means the Planning Authority as established under the Development Planning Act; Cap. 552.

"ply for hire" means to drive a light passenger transport vehicle on the road to search for, or be available for, hire;

"priority vehicle lane" means an area of carriageway reserved for vehicles on priority duty;

"road" means any road, street, lane, square or other place of public thoroughfare;

"Register" means the Light Passenger and Vehicle Hire Services Register set up in terms of Part VII;

"special purpose vehicles" shall have the same meaning as assigned to it in Annex II of Directive 2007/46/EC;

"stand for hire" means, in the case of a light passenger transport vehicle, to wait in a stationary position in order to entice and accept requests for hire;

"surveillance camera" means a camera which captures images and projects those images into an electric signal to be further processed;

"tracking device" means, for the purpose of these regulations, any individual device that monitors the geographical position, functioning or operation of a light passenger transport

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vehicle;

Cap. 490.

"Tribunal" means the Administrative Review Tribunal established in terms of article 5 of the Administrative Justice Act;

"vehicle hire operator " means any person, whether natural or legal, who is authorised by the Authority to operate a vehicle hire service;

"vehicle hire service" means the offering of motor vehicles for hire;

"vintage vehicle" means an authentic and genuine vehicle with an age of thirty years or more (to be reckoned from the date of manufacture), as certified by the vintage vehicle classification committee, which is kept in a state which is as close as possible to its original state as produced by the manufacturer and which respects the spirit of classic and vintage vehicle preservation.

Open market
policy.

3. (1) When considering an application for –

(a) an operator's licence, or

(b) a driver's permit,

the Authority shall promote an open market policy and will not restrict the issue of such licences and permits on the basis that there are too many current licences or permits or for any other reason not stipulated in these regulations.

Cap. 65.
Cap. 499.

(2) If anything contained in these regulations is inconsistent or in conflict with any regulations issued under the Traffic Regulation Ordinance or the Authority for Transport in Malta Act or any subsidiary legislation made thereunder, the present regulations shall prevail, and to the extent of these inconsistencies or conflicts, such other regulations shall be deemed to be null and void.

Scope.

4. (1) These regulations shall regulate light passenger transport services for hire and reward and vehicle hire services only.

(2) Car sharing services and e-kickscooter sharing services are excluded from the scope of these regulations.

PART II
OPERATOR'S LICENCE FOR LIGHT PASSENGER
TRANSPORT SERVICES

5. (1) No person shall carry out light passenger transport services for hire or reward unless duly authorised under these regulations. Operator's licence.

(2) The Authority shall issue an operator's licence to any undertaking that proposes to carry out light passenger transport services and satisfies the conditions of these regulations and other requirements which the Authority may establish.

(3) An operator's licence shall be issued in the name of a natural person authorised to represent the undertaking and may be transferred at a fee stipulated in Part 1 of the First Schedule, with the approval and written authorisation of the Authority, to any other person that satisfies the criteria established by law for the issuance of such a licence.

(4) Once issued, an operator's licence shall remain valid unless and until it is revoked, suspended or surrendered, provided that the operator submits, within one (1) month preceding the first anniversary from the issue of the said licence, and every year thereafter, the applicable fee stipulated in the First Schedule.

6. (1) An applicant for an operator's licence shall, before being granted the licence, satisfy the Authority that he is of good repute and conduct. Requirements for an operator's licence.

(2) Every applicant for an operator's licence not being a natural person must indicate a designated person. The designated person may be the applicant himself, where the applicant is a physical person, or, where the applicant is a juridical person, the designated person may be a member or an official of such juridical person.

(3) (a) Where the applicant for an operator's licence is a limited liability company, the requirements of sub-regulation (1) must be satisfied by all the directors of the company as well as by the designated person.

(b) Where the applicant for an operator's licence is a partnership *en commandite* or a partnership *en nom collectif* as defined in the Companies Act, the requirements of sub-regulation (1) must be satisfied by all the partners as well as by the designated person. Cap. 386.

(c) Where the applicant for an operator's licence is a

legal person other than those identified in paragraphs (a) and (b), the requirements of sub-regulation (1) must be satisfied by all persons having the legal and, or juridical representation of such legal person as well as by the designated person.

(4) Where a designated person ceases to continuously and effectively manage the light vehicles passenger transport services operation, the operator shall, within twenty-one (21) days from that occurrence, notify the Authority in writing and the Authority shall allow a period not exceeding three (3) months within which the operator shall appoint another designated person who shall comply with the provisions of sub-regulation (1).

(5) Where a person, other than the designated person, who is required to fulfil the requirement stipulated in sub-regulation (1), ceases to occupy his post, the operator shall, within twenty-one (21) days from such occurrence, notify the Authority in writing. Any new appointments to such posts shall be likewise notified to the Authority and shall be subject to its approval, which approval shall not be granted unless the persons so appointed fulfil the requirements of these regulations.

(6) Any person holding an operator's licence issued by the Authority as well as the designated person shall be obliged to inform the Authority in writing of any conviction against him, the designated person or any person referred to in paragraphs (a), (b) or (c) of sub-regulation (3), as the case may be, of any offence contemplated in paragraph (a) of sub-regulation (1) of regulation 9 within twenty-one (21) days from that conviction or, when an appeal is entered, within twenty (20) days from when such appeal is decided.

(7) Any person who contravenes sub-regulation (6) shall be guilty of an offence.

Application for
an operator's
licence.

7. (1) An application for the grant of an operator's licence shall be made to the Authority and shall be in the form and contain such particulars as the Authority may require, and shall be submitted together with:

(a) a certificate issued by the Police detailing any criminal offences and, or contraventions for which the applicant and, or the persons mentioned in regulation 6(2) and, or 6(3) may have been sentenced together with the punishment thereof:

Provided that where the applicant and, or the persons mentioned in regulation 6(2) and, or 6(3) are not normally resident in Malta, an extract from a judicial record or, failing that, an equivalent

document issued by a competent judicial or administrative authority of the country of origin or the country from which such persons derive shall suffice:

Provided further that where the country of origin or the country from where such persons derive does not issue such document, the said document may be replaced by a declaration on oath or by a solemn declaration made by the person concerned in front of a competent judicial or administrative authority or, where appropriate, a notary in that person's country of origin or the country from where such person derives. Such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration;

(b) particulars of the number and class or description of all light passenger transport vehicles available for use in the relevant light passenger transport services business or proposed business. The said vehicles shall be registered with the Authority;

(c) a declaration giving the details of its operating centre;
and

(d) a declaration signed by the applicant whereby he undertakes not to leave any vehicle which shall be registered under his licence on the road whilst not in use for the purpose of the services.

(2) The documents prescribed in sub-regulation (1)(a) shall not be accepted if produced more than three months after the date of issue.

(3) The Authority may require any particulars given by an applicant in relation to an application mentioned in sub-regulation (1) to be contained in a statutory declaration or in a sworn affidavit in such manner as the Authority shall specify.

(4) An application for the grant of an operator's licence shall be accompanied by the fee stipulated in the First Schedule:

Provided that, where the operator shall have more than one premises, the application fee shall nevertheless be as stipulated in the First Schedule for all the premises where the motor vehicles registered and licensed in the name of the operator shall be garaged whilst not on hire.

(5) In the event that an operator, in addition to an operator's licence for light passenger transport services issued in terms of Part II ,

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also holds an operator's licence for vehicle hire services in terms of Part V, he shall be liable to the payment of the relative fee for both operator's licences.

Decision on the granting of a licence.

8. (1) An application for the issue of an operator's licence shall be processed and decided upon by the Authority.

(2) In the case that the operator's licence is granted, the Authority shall provide the operator with a certified true copy of the operator's licence for every light passenger transport vehicle covered by such licence. Such true copy shall be kept at all times in the said vehicle and shall be produced by the driver upon demand by an authorised inspecting officer.

(3) The decision of the Authority shall be sent by registered post to the applicant at the address specified in the application.

(4) Where the Authority intends to refuse an application, it shall give the applicant concerned notice in writing setting out the reasons for its intention to do so. Every notice of refusal shall state that the applicant has a right to make representations in writing, within ten (10) days, to the Authority giving reasons why the application should not be refused, and the Authority shall consider any representations so made before arriving at a final decision. The Authority shall notify in writing its final decision to the applicant concerned.

(5) When an application is refused by the Authority, the applicant may appeal to the Tribunal against such decision within a period of twenty (20) days from its notification.

Good repute and conduct.

9. (1) A person shall not be deemed to satisfy the condition of good repute and conduct:

(a) if he has been found guilty of committing any crime contemplated in:

Cap. 9.

(i) Title I of Part II of Book First of the Criminal Code or articles 198, 199, 203, 203A, 204, 204A, 204B, 204C, 205, 211, 212, 217 (in the event that a fire-arm was used for the commission of the offence), 220, 238(a), 248B, 248C, 248D of the Criminal Code;

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(ii) articles 2, 3, 5, 7, 8, 9 and 10 of the White Slave Traffic (Suppression) Ordinance;

Cap. 31.

(iii) articles 40A, 40B, 120A and 120B of the Medical and Kindred Professions Ordinance;

(iv) articles 4, 5, 6(a), 7, 8(b), 8(c), 15, 15A, 16, 18 and 22 of the Dangerous Drugs Ordinance; and Cap. 101.

(v) articles 37, 38, 44, 50 and 61 of the Malta Armed Forces Act; Cap. 220.

(b) for such period during which he is serving a sentence of imprisonment of at least one (1) month;

(c) for such period immediately following time spent serving a sentence of imprisonment for a term or terms of at least one (1) month imposed on such person for a crime or crimes connected with violence committed on a person, which period shall be:

(i) of three (3) months for sentences of imprisonment for a term of at least six (6) months and not more than two (2) years;

(ii) equal to one-fourth of the term of imprisonment for which such person was sentenced for sentences for terms of imprisonment of more than two (2) years:

Provided that where the applicant was less than eighteen (18) years of age at the time of the commission of the offence the period referred to in paragraph (c), shall not be longer than two (2) years.

(d) if he has been found guilty of committing any corresponding offence under any law of a country or territory outside Malta.

(2) For the purposes of determining whether a person is of good repute and conduct in terms of sub-regulation (1), the term "sentence" shall not include:

(a) a probation order issued in terms of article 7 of the Probation Act or article 5 of the Probation of Offenders Act and which has been complied with by the probationer or an absolute or conditional discharge issued under article 22 of the Probation Act or article 9 of the Probation of Offenders Act which has been complied with; or Cap. 446.

(b) a sentence for the commission of an offence for which the offender has been pardoned by the President of Malta in terms of article 93(1) of the Constitution of Malta:

Provided that this paragraph shall only apply from the

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date on which the President of Malta has granted such pardon; or

(c) a sentence which is, at the moment of application, under appeal; or

(d) a sentence for the commission of an offence which was delivered at least five (5) years before the date of application for the operator's licence; or

(e) a sentence for the commission of an offence of possession for exclusive personal use mentioned in subparagraphs (iii) and (iv) of sub-regulation (1)(a), which sentence was delivered at least three (3) years before the date of application for an operator's licence where the applicant has rehabilitated himself by means of a rehabilitation program and the applicant shall have no other sentence in these three (3) years.

Operating
centre.

10. An operator shall maintain up to date and comprehensive records relating to all aspects of the light passenger transport services operation, including, but not limited to, records of all bookings, the statutory documents and books of accounts and employment or contracts of service agreements, at the operating centre.

Variation of
number of
vehicles on
operator's
licence.

11. The number of light passenger transport vehicles authorised on the operator's licence may be varied at any time upon a request made in writing by the operator to the Authority; and upon approval he shall pay the fee stipulated in Part 1 of the First Schedule.

Checks on
compliance.

12. (1) The Authority shall have the power to carry out random checks, whenever it deems necessary, in order to verify that an operator is carrying out his operations in accordance with the provisions of these regulations. For this purpose, the Authority may require the operator or any official or employee of the same to attend before it, or before a person appointed by it, at such time and place as it may specify, to answer questions and provide information and documentation with respect to the light passenger transport services of the operator. The Authority may take and keep copies of any documents furnished or provided under this regulation. A statement made and documentation provided in pursuance of this regulation may be used as evidence against the operator as well as against any person to whom they may relate. Such persons shall comply forthwith, and in no case later than twenty-four (24) hours, with any request or order made by the Authority in terms of this regulation.

(2) An operator's licence may be suspended or withdrawn on any of the following grounds:

(a) where the holder has supplied incorrect information to the Authority in relation to the issuance of a licence or any other matter connected thereto; or

(b) where the holder has breached any of the conditions of the licence and has not remedied such breach in spite of having been given written notice of the breach and a reasonable time in which to do so:

Provided that, unless there exist gross acts of misconduct or negligence or any other serious grounds for immediate suspension, withdrawal or revocation, the operative date of such notice shall be not less than twenty-eight days from the date of notification.

(3) Where an operator's licence is suspended by the Authority of its own motion for any reason established in sub-regulation (2), the operator may apply for the suspension to be removed following the lapse of fifteen (15) days from the date when the breach leading to the suspension of the licence has been duly remedied to the satisfaction of the Authority.

(4) Any operator whose licence has been withdrawn in terms of these regulations and, or any other regulations issued in terms of the Traffic Regulation Ordinance and the Act may not apply for a new licence before the lapse of a period of two (2) years from such withdrawal, and the Authority shall not consider any application made in contravention of this regulation: Cap. 65.

Provided that the provisions of this regulation shall not apply in cases where the licence has been withdrawn due to the fact that the applicant was not considered to be of good repute and conduct in terms of these regulations or other regulations made under the Act.

(5) An operator's licence shall be revoked where the holder no longer satisfies the conditions laid down in regulation 6(1):

Provided that where the operator is not considered to be of good repute and conduct solely because any of the persons listed in regulations 6(3) and, or 6(4) do not comply with the provisions of regulation 6(1), the operator's licence shall be suspended until the operator substitutes such person with another person who fulfils the requirements of these regulations:

Provided further that, where the operator fails to fulfil the above mentioned requirement within a period of three (3) months from the date of the sentence or sentences in terms of which the person is not considered to be compliant with the requirements of regulation

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6(1), the licence shall be withdrawn *ipso jure*.

(6) A suspension or revocation in terms of this regulation shall be effected by the Authority of its own motion or by order of a court of criminal jurisdiction:

Provided that, where the Authority intends to suspend or revoke an operator's licence of its own motion, it shall give the operator concerned notice in writing setting out the reasons for its intention to do so. Every notice given shall state that the operator concerned may, within ten (10) days from service thereof, make representations in writing to the Authority giving reasons why the operator's licence should not be suspended or revoked and the Authority shall consider any representations so made before arriving at a final decision. The Authority shall notify in writing its final decision to the operator concerned. The operator concerned shall have the right to appeal to the Tribunal against the decision of the Authority to suspend or revoke the operator's licence within twenty (20) days from notification of the Authority's decision:

Provided further that the suspension of the licence shall have immediate effect notwithstanding any appeal therefrom, unless otherwise ordered by the Tribunal or by a court of criminal jurisdiction:

Provided further that a decision of the Authority to revoke an operator's licence shall not become operative until the expiration of the period within which an appeal may be made under this regulation and, if an appeal is made within such period, the decision shall become operative on the date of the decision of the Tribunal dismissing the appeal or the date on which the appeal is abandoned but, until such time, the licence shall remain suspended.

Entry and search
of operating
centre.

13. (1) Any authorised inspecting officer of the Authority, upon the direction and under the authorisation of the Authority, may enter the operating centre of the operator for the purpose of obtaining information or documents which indicate whether the operator is complying with his obligations in terms of these regulations.

(2) No authorised inspecting officer of the Authority may enter an operating centre after seven o'clock in the evening and before seven o'clock in the morning, unless there is reason to believe that delay could cause the loss of necessary information and the search is expressly authorised by the Authority to take place between the said times.

(3) For the purposes of any action taken under this regulation,

the Authority may request the assistance of the Commissioner of Police, who may for such purpose exercise such powers as are vested in him for the prevention of offences and the enforcement of law and order.

(4) The Authority may take any documents found in the operating centre or copies thereof. Any documentation obtained by the Authority in pursuance of this regulation may be used in evidence against the operator as well as against any person to whom they may relate.

14. In the event of the death or physical or legal incapacity of the natural person in whose name the operator's licence is granted in terms of regulation 5(3), or of the designated person, the Authority may permit the continuance of the light passenger transport services operation on a temporary basis for a maximum period of nine (9) months until the licence is transferred in the name of a third party.

Death or physical or legal incapacity.

PART III

LIGHT PASSENGER TRANSPORT SERVICES: OPERATORS' OBLIGATIONS AND REQUIREMENTS

15. (1) No light passenger transport vehicle shall stand or ply for hire.

Standing and plying for hire prohibited.

(2) Light passenger transport services may only be sold or booked from authorised commercial premises, from the operator's offices or operating centre, online, by web application, by telephone, by mail or through authorised intermediaries.

(3) No person shall sell, or cause or permit another person to sell, light passenger transport services on the road.

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

16. (1) The fees levied for the provision of light passenger transport services are to be publicised on the operator's website and all other marketing media by virtue of which an operator chooses to advertise such services.

Fare levied for hire of light passenger transport vehicles.

(2) Furthermore, when such services are booked by means of telephone, email or online, the prospective hirer shall have the right to request the precise amount of the fee which the operator shall levy for the requested service and the operator shall not have the right to charge a fee which is higher than the declared fee unless the hirer increases the length of the booked trip.

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Garaging.	<p>17. An operator shall ensure that any light passenger transport vehicle used in his operations in terms of his operator's licence shall always be garaged or parked off-street while not in use.</p>
Logging.	<p>18. (1) The operator shall be obliged to keep a log of the following information:</p> <p>(a) the date and the time of departure and arrival of each light passenger transport vehicle hired from the operator;</p> <p>(b) the name and driver's permit number of the driver rendering the light passenger transport service;</p> <p>(c) the name and relative details of the hirer.</p> <p>(2) The operator shall be obliged to keep the record as stipulated in sub-regulation (1) for a period of one (1) year or as may be prescribed by the Authority from time to time.</p>
Refusal of service.	<p>19. An operator shall not have the right to refuse to provide light passenger transport services to any hirer except on reasonable grounds, including, when it is clear from his demeanour, that the hirer is under the influence of drugs or alcohol or where the safety and security of the driver may be at risk.</p>
Driver apparel.	<p>20. (1) The driver shall, while on duty, wear clean appropriate clothing.</p> <p>(2) The authorised inspecting officers shall have the power to order a driver to stop working if, in their opinion, the driver is not properly dressed.</p>
Prudent driving.	<p>21. A driver shall drive the light passenger transport vehicle in a prudent manner so as not to create anxiety in passengers or make the passengers feel, in any way, unsafe.</p>
Closed doors whilst in motion.	<p>22. Drivers shall ensure that all doors are securely closed whilst the light passenger transport vehicle is in motion.</p>
Boarding and alighting.	<p>23. Drivers shall not allow passengers to board or alight from the light passenger transport vehicle unless that vehicle is at a complete standstill.</p>
No disturbances while driving.	<p>24. A driver shall not play any audio device while carrying passengers on a light passenger transport vehicle, unless this has been agreed to with the hirer.</p>
Respect towards passengers.	<p>25. A driver shall always act and behave in a manner which is respectful towards passengers.</p>

26. It is forbidden to replenish the fuel supply of any light passenger transport vehicle when passengers are on board.

Replenishing fuel while passengers are on board is prohibited.

27. (1) No passenger and, or driver may smoke while a light passenger transport vehicle is being used on hire.

Smoking.

(2) Every light passenger transport vehicle shall have affixed, in a place which is clearly visible to the passengers, a notice stipulating that smoking is not allowed within the said vehicle.

28. (1) Where a light passenger transport vehicle is fitted with a surveillance camera, the camera shall be positioned in a way as to capture the back seat area of the vehicle.

Surveillance camera.

(2) Light passenger transport vehicles fitted with a surveillance camera shall have affixed, in a place which is clearly visible to the passengers, a sticker denoting that the said vehicle is fitted with a surveillance camera.

(3) The surveillance camera shall be operated according to any specifications which may be issued by the Authority from time to time.

(4) The Police and the Authority may use any such recording as evidence in any case brought before the courts of criminal jurisdiction or in any case brought against a licence holder or driver for an infringement of these regulations.

29. In the event that the driver finds any property which may have been left by a passenger, he shall be obliged to hand over such property to the operator at the operating centre with immediate effect and the operator shall be obliged to communicate with the hirer in order to inform him of the lost property and make arrangements for its consignment.

Lost property.

30. No driver shall carry a number of persons in the light passenger transport vehicle in excess of the number established in the vehicle's registration certificate.

Prohibition of overloading.

31. Drivers may, when driving a light passenger transport vehicle, use the lane of a carriageway indicated as a priority vehicle lane.

Use of priority vehicle lane.

32. No driver shall drive any light passenger transport vehicle while wearing, or using on both ears, earphones or headphones or any other device which may hinder or is likely to hinder that person from hearing properly, with the exception of two-way communication systems and hands-free devices.

Use of apparatus while driving.

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Vehicle to be clean and in good order.

33. (1) Every light passenger transport vehicle shall be kept clean at all times by the operator.

(2) Every operator shall ensure that light passenger transport vehicles registered under his operator's licence, including the equipment fitted thereon, are maintained in good order and in a good state of repair at all times.

Inflammable liquids.

34. No petrol or any other inflammable liquid or material may be carried in a light passenger transport vehicle.

Emergency equipment

35. An operator shall ensure that every light passenger transport vehicle registered in his name shall, at all times, carry a fire extinguisher, a security triangle, and a first-aid kit, in such a position as to be available for immediate use in cases of emergency.

Tracking device

36. (1) An operator shall ensure that a tracking device is installed in each of the light passenger transport vehicles registered in his name and that such tracking device is kept in good working condition at all times and that any faults or breakdowns are reported immediately to the Authority.

(2) The operator shall not tamper with, nor allow any driver or third party to tamper with, the tracking devices installed in the light passenger transport vehicles registered in his name.

(3) When the tracking device installed in a light passenger transport vehicle is in any way defective or tampered with, the operator shall immediately withdraw such vehicle from service until the tracking device is repaired or replaced.

(4) The driver shall keep the tracking device switched on at all times while the vehicle is being used for the conveyancing of passengers and shall cause the device to record and transmit all such information as may be prescribed by the Authority. This information shall be retained by the operator for such period of time as may be prescribed by the Authority.

(5) The operator shall, at the request of the Authority, submit to the Authority the information recorded by the tracking device in any reasonable form as the Authority may request.

(6) The tracking device shall be inspected by the Authority or a body approved by the Authority, to ensure that it conforms to the technical specifications which are established by the Authority from time to time and upon establishing such conformity, an official seal shall be placed on such tracking device by the Authority or by a body approved by the Authority, and the operator shall ensure that such seal

is not tampered with or broken at any time without the approval of the Authority.

37. (1) Any person offering services for the transport of wheelchair-bound persons with the use of light passenger transport vehicles shall be duly registered and authorised for such purpose by the Authority.

Wheelchair accessible light passenger transport vehicles.

(2) The Authority shall only register and license as wheelchair accessible light passenger transport vehicles such vehicles which allow easy and unaided access to persons who make use of wheelchairs.

(3) No motor vehicle other than those duly licensed as a wheelchair accessible light passenger transport vehicle shall carry the sign prescribed in the Second Schedule or any similar sign which may mislead the public to believe that the particular motor vehicle is a wheelchair accessible light passenger transport vehicle.

PART IV DRIVER'S PERMIT

38. No person shall act as a driver of light passenger transport vehicles unless he is in possession of a valid driver's permit issued in accordance with these regulations.

Driver's permit.

39. (1) An applicant for a driver's permit shall, before being granted the authorisation, satisfy the Authority that he:

Conditions for obtaining a driver's permit.

(a) is duly licensed in accordance with the Motor Vehicles (Driving Licences) Regulations;

S.L. 65. 18.

(b) is certified as medically fit to drive;

(c) possesses the requisite skills to act as a driver in terms of regulation 40; and

(d) is of good conduct and repute.

(2) A driver shall be obliged to satisfy the conditions of this regulation at all times during the validity of the permit.

(3) Any driver holding a driver's permit issued by the Authority shall be obliged to inform the Authority in writing of any conviction against him of any offence contemplated in paragraph (a) of sub-regulation (1) of regulation 9 within twenty-one (21) days from that conviction or, when an appeal is entered, within twenty (20) days from when such appeal is decided.

(4) Any person who contravenes sub-regulation (3) shall be

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guilty of an offence.

Skills to act as driver.

40. (1) An applicant for a driver's permit shall be considered to have the requisite skills to act as a driver if he:

(a) attends training courses held or approved by the Authority based on the subjects listed in Part 1 of the Third Schedule; and

(b) passes a written or an oral examination held by the Authority or by a body approved by the Authority, based on the subjects addressed in the training courses referred to in the preceding paragraph.

S.L. 65. 18.

(2) A driver who holds a certificate of professional competence issued in terms of the Motor Vehicles (Driving Licences) Regulations or is already in possession of a Taxi Driver's Permit issued under the Taxi Services Regulations, shall be exempt from the requirements of sub-regulation (1)(a) and (b).

S.L. 499. 59.

Good conduct and repute.

41. Regulation 9 shall apply *mutatis mutandis* for the purpose of determining whether an applicant for a driver's permit is of good repute and conduct.

Application for a driver's permit.

42. An application for the grant or renewal of a driver's permit shall be submitted to the Authority in the form stipulated by the same and shall contain such particulars as the Authority may require. The said application shall be submitted together with:

(a) a certificate issued by the Police detailing any criminal offences and, or contraventions mentioned in regulation 9 for which the applicant may have been sentenced together with the punishment thereof:

Provided that where the applicant is not normally resident in Malta, an extract from a judicial record or, failing that, an equivalent document issued by a competent judicial or administrative authority of the country of origin or the country from which such persons derive shall suffice:

Provided further that where the country of origin or the country from where such persons derive does not issue such document, the said document may be replaced by a declaration on oath or by a solemn declaration made by the person concerned in front of a competent judicial or administrative authority or, where appropriate, a notary in that person's country of origin or

the country from where such person derives. Such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration;

(b) the relevant application fee fixed by the Authority in terms of the First Schedule;

(c) a medical certificate; and

(d) evidence of the skills to act as a driver required in terms of regulation 40.

43. (1) An application for a driver's permit shall be processed and decided upon by the Authority. Processing of application for a driver's permit.

(2) The decision of the Authority shall be sent by registered post to the applicant at the address specified in the application.

(3) Where the Authority intends to refuse an application, it shall give the applicant concerned notice in writing setting out the reasons for its intention to do so. Every notice of refusal shall state that the applicant has a right to make representations in writing, within ten (10) days, to the Authority giving reasons why the application should not be refused, and the Authority shall consider any representations so made before arriving at a final decision. The Authority shall notify in writing its final decision to the applicant concerned.

(4) When an application is refused by the Authority, the applicant may appeal to the Tribunal against such decision within twenty (20) days from its notification.

44. (1) The Authority shall, upon granting a driver's permit in accordance with these regulations, issue to the successful applicant, following the payment of the fee prescribed in the First Schedule, a driver's tag evidencing that such person has been granted a driver's permit. Validity and evidence of permit.

(2) No person shall drive a light passenger transport vehicle unless his driving licence indicates that he has a driver's permit.

(3) A driver's permit and the driver's tag shall be valid for a period of five (5) years from the date on which the driver's permit is granted or any other shorter period, specified thereon by the Authority, unless revoked or suspended, and shall not be transferable.

(4) Every driver shall, while driving a light passenger transport vehicle, fix the driver's tag in the said vehicle in a position which shall be clearly visible to the passengers. Every driver shall while on duty

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but not driving a light passenger transport vehicle, wear the driver's tag in a conspicuous place on the left side of his chest in a manner that it may easily be seen. Every driver shall produce the driver's tag whenever requested to do so by an authorised inspecting officer.

(5) A driver who loses his tag shall immediately, and without delay, inform the Authority of such fact, and if the Authority is satisfied that such tag was lost, the Authority shall issue a replacement tag upon payment of a fee as prescribed in the First Schedule.

(6) In the event that the driver's tag becomes discoloured, disfigured or is torn, the driver shall immediately return such tag to the Authority and the Authority shall issue a replacement tag free of charge:

Provided that the holder of the driver's tag shall be bound to make payment to the Authority of the fee prescribed in the First Schedule for the fourth and any subsequent replacement of a driver's tag made within the tag's validity period.

(7) A driver shall return the tag immediately to the Authority upon the revocation or the suspension of his driver's permit or upon the expiration of the same, and the Authority shall give due receipt for the tag so returned.

Suspension or
revocation of
permit.

45. (1) The Authority may, at any time, require a driver to submit evidence that he continues to fulfil the requirements of regulation 39(1) and the driver shall produce any information and documents requested by the Authority within the time frame stipulated by the Authority which shall in no case be less than three (3) working days.

(2) A driver's permit may be suspended or revoked on the following grounds:

(a) where the holder has supplied incorrect information to the Authority; or

(b) where the holder has breached any of the conditions of the driver's permit; or

(c) where the holder has committed serious infringements of these regulations.

(3) A driver's permit shall be revoked where the holder no longer satisfies the conditions laid down in regulation 39(1):

Provided that where the person is not considered of good

repute and conduct solely because he has been sentenced to a term of imprisonment of more than one (1) month but less than one (1) year for committing a crime or crimes other than one which is connected with violence committed on a person, the driver's permit shall not be revoked but shall be suspended for the period indicated in regulation 9(1)(b).

(4) A suspension or revocation in terms of this regulation shall be effected by the Authority on its own motion or by order of a court of criminal jurisdiction:

Provided that where the Authority intends to suspend or revoke a driver's permit of its own motion, it shall give the driver concerned notice in writing setting out the reasons for its intention to do so. Every notice given shall state that the driver concerned may, within ten (10) days from service thereof, make representations in writing to the Authority giving reasons why the driver's permit should not be suspended or revoked and the Authority shall consider any representations so made before arriving at a final decision. The Authority shall notify in writing its final decision to the driver concerned. The driver concerned shall have the right to appeal to the Tribunal against the decision of the Authority to suspend or revoke the driver's permit within twenty (20) days from notification of the Authority's decision:

Provided further that the suspension of the licence shall have immediate effect notwithstanding any appeal therefrom, unless otherwise ordered by the Tribunal or by a court of criminal jurisdiction:

Provided further that when a driver's permit is suspended for any reason other than because he no longer satisfies the requisite of good conduct and repute as established in these regulations, the person in question shall have the right to apply for the suspension to be removed following the lapse of fifteen (15) days from the date when the reason for the suspension has ceased to exist:

Provided further that, a decision of the Authority to revoke a driver's permit shall not become operative until the expiration of the period within which an appeal may be made under this regulation and, if an appeal is made within such period, the decision shall become operative on the date of the decision of the Tribunal dismissing the appeal or the date on which the appeal is abandoned but until such time the driver permit shall remain suspended.

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(5) Any driver whose driver's permit has been withdrawn in terms of these regulations and, or any other regulations issued in terms of the Traffic Regulation Ordinance and the Act may not apply for a new driver's permit before the lapse of a period of two (2) years from such withdrawal, and the Authority shall not consider any application made in contravention of this regulation:

Provided that the provisions of this regulation shall not apply in cases where the driver's permit has been withdrawn due to the fact that the applicant was not considered to be of good repute and conduct in terms of these regulations or other regulations made under the Act.

PART V OPERATOR'S LICENCE FOR VEHICLE HIRE SERVICES

Operator's
licence.

46. (1) No person shall operate a vehicle hire service unless duly authorised under these regulations:

Provided that no such authorisation shall be given unless the applicant intends to have registered and licensed for such purpose at least five (5) motor vehicles and such authorisation shall be withdrawn by the Authority if it results, at any given time, that the number of vehicles being operated under the said authorisation is less than five (5) motor vehicles.

(2) The Authority shall issue an operator's licence to any undertaking that proposes to carry out vehicle hire services and satisfies the conditions of these regulations and other requirements which the Authority may establish.

(3) In order to qualify for an authorisation, an applicant:

(a) shall have an operating centre from where the service shall be administered; and

(b) shall declare that he has sufficient space to garage the vehicles whilst these are not hired or leased.

(4) An operator may have a number of garages and, or off-street parking areas in which to keep the vehicles used for the purposes of the vehicle hire services, and all garages and, or off-street parking areas are to be registered on the operator's licence which will be issued by the Authority in favour of the operator;

(5) An operator's licence shall be issued in the name of a natural person authorised to represent the undertaking and may be transferred at a fee stipulated in Part V of the First Schedule, with the

approval and written authorisation of the Authority, to any other party that satisfies the criteria established by law for the issuance of such a licence.

(6) Once issued, an operator's licence shall remain valid unless and until it is revoked, suspended or surrendered, provided that the operator submits, within one (1) month preceding the first anniversary from the issue of the said licence, and every year thereafter, and the applicable fee stipulated in the First Schedule.

47. (1) An application for the grant of an operator's licence for vehicle hire services shall be made to the Authority and shall be in the form and contain such particulars as the Authority may require and shall be submitted together with:

Application for
an operator's
licence

(a) the details of the designated person who must continuously and effectively manage the operations and who, together with the operator, shall be liable for any penalties resulting from an infringement of these regulations;

(b) particulars of the number and class or description of motor vehicles available for use in the relevant vehicle hire services business or proposed business. The said vehicles shall be registered with the Authority;

(c) a declaration relative to the garages and, or off-street parking areas in which the applicant intends to keep the vehicles which will be used in the vehicle hire services operation;

(d) the details of the operating centre from where the business will be conducted; and

(e) a declaration signed by the applicant whereby he undertakes not to leave any vehicle which shall be registered under his licence on the road whilst not rented or leased out.

(2) The Authority may require any particulars given by an applicant in relation to an application mentioned in sub-regulation (1) to be contained in a statutory declaration or in a sworn affidavit in such manner as the Authority shall specify.

(3) An application for the grant of a vehicle hire services operator's licence shall be accompanied by the fee stipulated in the First Schedule.

(4) Where an operator already established in Malta applies for any additional authorisation, or where an operator established in another Member State applies for authorisation from the Authority, the

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operator shall not be required to undergo requirements and controls which are equivalent or essentially comparable as regards their purpose to which the applicant is already subject in Malta or another Member State.

(5) Where an applicant is not already established in Malta or in another Member State and proposes to act as an operator in more than one place in Malta in the same application process (Dual Application) or following the first application (Subsequent Application), the applicant shall:

(a) in the case of a Dual Application, not to be required to provide the information which is common to both places more than once but shall provide any information which is specific or particular to such additional places; and

(b) in the case of a Subsequent Application, provide only that information which was given in the original application and which is at the date of such subsequent application not valid anymore and provide that information which is specific or particular to such additional places in accordance with paragraph (a):

Provided that the term "applicant" shall not include those applicants which have had their application or applications validly and conclusively refused by the Authority.

(6) Notwithstanding anything contained in sub-regulations (4) and (5), the applicant shall still complete any application form as may be required by the Authority.

Decision on the
granting of a
licence

48. (1) An application for the issue of an operator's licence for vehicle hire services shall be processed and decided upon by the Authority.

(2) In the case that the operator's licence is granted, the Authority shall provide the operator with an Operator Licence Certificate which shall include the details of all the vehicles registered under such licence and such Certificate shall be displayed in a prominent place of the operating centre of the operator.

(3) The decision of the Authority shall be sent by registered post to the applicant at the address specified in the application.

(4) Where the Authority intends to refuse an application, it shall give the applicant concerned notice in writing setting out the reasons for its intention to do so. Every notice of refusal shall state that

the applicant has a right to make representations in writing, within ten (10) days, to the Authority giving reasons why the application should not be refused, and the Authority shall consider any representations so made before arriving at a final decision. The Authority shall notify in writing its final decision to the applicant concerned.

(5) When an application is refused by the Authority, the applicant may appeal to the Tribunal against such decision within a period of twenty (20) days from its notification.

49. The provisions of regulations 10 to 14 contained in Part II shall also apply to vehicle hire services *mutatis mutandis*. Applicability of provisions.

PART VI

VEHICLE HIRE SERVICES: OBLIGATIONS AND REQUIREMENTS OF THE OPERATOR

50. (1) The operator shall be obliged to have a proper office from which the vehicle hire services shall be administered. Requirement of office.

(2) Furthermore, the operator shall be obliged to designate a person who shall manage and administer such office and who shall be ultimately responsible to reply to any queries raised by hirers and to handle all matters of customer service.

51. (1) The fees and conditions for the rental or leasing of vehicles are to be clearly publicized on the operator's website and all other marketing media by virtue of which an operator chooses to advertise such services. Fees and Conditions for hire of vehicles.

(2) Furthermore, such fees and conditions are to be clearly explained to the hirer at the time of hiring a vehicle and are to be stipulated in clear and simple terms in the contract of rental or leasing which is to be signed between the operator or his representative and the hirer, a signed copy of which is to be given to the hirer.

52. An operator shall ensure that all vehicles registered under his licence and used in his operations are, at all times, garaged or parked off-street while not hired out. Garaging.

53. (1) The operator shall be obliged to keep detailed records of all his operations including a log which shall contain details relative to every contract of hire including the date, length of time, the registration number of the hired vehicle and the full name, address and contact details of the hirer. Records.

(2) The operator shall be obliged to keep the record as stipulated in sub-regulation (1) for a period of one (1) year or as may

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be prescribed by the Authority from time to time.

Vehicles to be clean and in good order.

54. All vehicles registered under the operator's vehicle hire services licence are to be kept clean, well maintained and in good working order at all times.

Replacement vehicle.

55. Where a vehicle is rented or leased to a hirer, the operator shall be obliged to provide the hirer with a replacement vehicle from the same category or higher in the event of a break-down, traffic accident or theft so that the hirer may continue to make use of a hired vehicle for the entire duration of the contracted term.

PART VII LIGHT PASSENGER AND VEHICLE HIRE SERVICES REGISTER

Light Passenger and Vehicle Hire Services Register.

56. (1) The Authority shall set up and maintain a register to be known as the Light Passenger and Vehicle Hire Services Register, which shall be divided into Part I, Part II, Part III, Part IV and Part V.

(2) In Part I of the Register there shall be registered the name, address and any other relevant details of any person or undertaking to whom an operator's licence for light passenger transport services has been granted, together with such other particulars which the Authority may consider relevant including the details of the designated person, the operating centre and of the garages or premises where the motor vehicles registered under the said operator's licence shall be kept when not in use.

(3) In Part II of the Register there shall be registered the name, address and any other relevant details of any person or undertaking to whom an operator's licence for vehicle hire services has been granted, together with such other particulars which the Authority may consider relevant including the details of the designated person, the operating centre and of the garages or premises where the motor vehicles registered under the said operator's licence shall be kept while not hired out.

(4) In Part III of the Register there shall be registered the name and address of every person to whom a driver's permit has been issued, together with other particulars which the Authority may consider relevant, including:

(a) an indication of whether a driver is a self-employed driver or otherwise, and

(b) the name of the operator or operators, if applicable, in whose operations the driver is engaged.

(5) Part IV of the Register shall be divided into Section 1 and Section 2. In Section 1 thereof there shall be listed the vehicles registered under the licences of light passenger transport services operators. In Section 2 thereof there shall be listed the vehicles registered under the licences of vehicle hire services operators. Wheelchair accessible vehicles are to be specifically referred to in Part IV of the Register.

(6) In Part V of the Register there shall be registered the name, address and any other relevant details of any person or undertaking which shall be authorised by the Authority to act as an intermediary booking service platform, including the corresponding details of light passenger transport operators making use of such platform.

57. No operator shall employ as a driver in any light passenger transport services operation any person who is not registered in Part III of the Register.

Employment of drivers.

PART VIII LICENSED VEHICLES

58. (1) Only vehicles registered under the operator's licence of a light passenger transport services operation or of a vehicle hire services operation and included in the Register under Section 1 or Section 2, as the case may be, of Part IV of the said Register, may be used to carry out light passenger transport services or may be rented or leased, as the case may be.

Only licensed vehicles may be used.

(2) Each licensed vehicle included under Section 1 of Part IV of Register shall be issued with a light passenger transport vehicle licence certifying that the said vehicle is authorised to carry passengers for hire or reward and is included in the Register. Such light passenger transport vehicle licence shall be issued by the Authority, subject to the payment of the fee stipulated in the First Schedule and shall indicate the operator's licence under which the light passenger transport vehicle is registered in the Register, together with the vehicle registration number. The light passenger transport vehicle licence shall be affixed by the operator on the left-hand side of the windscreen of the vehicle in such a position as to be visible from the front.

(3) A light passenger transport vehicle registered under Section 1 of Part IV of the Register shall only be used for the light passenger transport services operations of the operator under whose licence it is registered.

(4) A light passenger transport vehicle may be driven by any person who holds a valid driver's permit issued by the Authority in terms of these regulations.

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Specifications
of vehicles to be
registered under
Section 1 of Part
IV of the
Register.

59. (1) No vehicle may be registered under Section 1 of Part IV of the Register unless it satisfies the following conditions:

S.L. 368. 02.

(a) it is registered and licensed in terms of the Registration and Licensing of Motor Vehicles Regulations;

(b) it is not of a white colour;

(c) it is a new vehicle, except for the following:

(i) vehicles of thirty-six (36) months or less of age from the date of first registration used for hire having 'QZ' registration plates which can be converted to light passenger transport vehicles with 'LY' registration plates on condition that the colour of said vehicles cannot be white;

(ii) certified vintage vehicles which may only be hired out specifically for special occasions, including weddings; and

(iii) limousines which satisfy the following conditions:

- are not of a white colour;
- have a maximum seating capacity of eight (8) passengers in addition to the driver;
- have ample leg space and head room;
- are fitted with adequate internal lighting;
- are equipped with a tracking device; and
- are fit and safe for the conveyance of passengers:

S.L. 65. 11.

Provided that vehicles that are already licensed under a public service garage permit in terms of the Motor Vehicles Regulations on the day of coming into force of these regulations shall be deemed to satisfy the requirements of this sub-regulation and shall therefore be automatically included under Section 1 of Part IV of the Register.

(2) All vehicles registered under Section 1 of Part IV of the Register shall bear a registration mark which shall include a letter

followed by the letters 'GY' or 'LY' and three numbers:

Provided that owners of vehicles bearing a registration mark which includes a letter followed by the letters 'GY' shall be allowed to change the registration marks thereof to one with a letter followed by the letters 'LY' on condition that such vehicles satisfy the requirements stipulated in sub-regulation (1), with the exception of the requirement stipulated in paragraph (c) thereof.

(3) With the exception of certified vintage vehicles, which may only be hired out specifically for special occasions, including weddings, all motor vehicles for the carriage of passengers shall not be more than twenty-two (22) years of age to be reckoned from the date of first registration:

Provided that, with regard to such motor vehicles that are on the date of coming into force of these regulations already licensed for the carriage of passengers, this provision shall only apply following the lapse of two (2) years from the date of coming into force of these regulations:

Provided further that the owners of light passenger transport vehicles which are already in use and licensed and which are twenty-two (22) years or older at the time of coming into force of these regulations shall be allowed to replace such vehicles with other vehicles which are not new but which are not older than two (2) years to be reckoned from the date of first registration, and this by not later than twelve (12) months from the date of coming into force of these regulations.

60. (1) No motor vehicle for hire may be registered under Section 2 of Part IV of the Register unless it satisfies the following conditions:

Specifications of vehicles to be registered under Section 2 of Part IV of the Register.

(a) it is registered and licensed in terms of the Registration and Licensing of Motor Vehicles Regulations;

S. L. 368. 02.

(b) in the case of motor vehicles for hire used for the carriage of passengers:

(i) its maximum seating capacity is eight (8) passengers in addition to the driver; and

(ii) it is a new vehicle:

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Provided that:

(i) vehicles of thirty-six (36) months of age or less, to be reckoned from the date of first registration, which are used for light passenger transport services having 'LY' registration plates may be converted to motor vehicles for hire with 'QZ' registration plates;

(ii) in any event, the licence of a motor vehicle for hire used for the carriage of passengers shall not be renewed beyond fifteen (15) years of age to be reckoned from the date of first registration of the vehicle:

Provided that, with regard to motor vehicles for hire which are already in use and licensed for the carriage of passengers and which are fifteen (15) years or older from the date of registration at the time of coming into force of these regulations, this provision shall only apply following the lapse of two (2) years from the date of coming into force of these regulations:

Provided further that the owners of motor vehicles for hire which are already in use and licensed for the carriage of passengers and which are fifteen (15) years or older at the time of coming into force of these regulations shall be allowed to replace such vehicles with other vehicles which are not new but which are not older than two (2) years to be reckoned from the date of first registration, and this by not later than twelve (12) months from the date of coming into force of these regulations;

(iii) N1 motor vehicles for hire registered for the first time on the operator's authorisation shall not be more than four (4) years of age to be reckoned from the date of first registration and their licence shall not be renewed beyond fifteen (15) years of age to be reckoned from the date of first registration of the vehicle;

(iv) N2 motor vehicles for hire registered for the first time on the operator's authorisation shall not be more than six (6) years of age to be reckoned from the date of first registration and their licence shall not be renewed beyond twenty (20) years of age to be reckoned from the date of first registration of the vehicle;

(v) N3 motor vehicles for hire registered for the first time on the operator's authorisation may be of any age

and there shall be no age limit for their licence to be renewed; and

(vi) Special Purpose motor vehicles for hire and machinery without a chassis for hire registered for the first time on the operator's authorization may be of any age and there shall be no age limit for their licence to be renewed:

Provided that, with regard to motor vehicles referred to in sub-paragraphs (iii) and (iv) which, on the date of coming into force of these regulations are already licensed as motor vehicles for hire, this provision shall only apply following the lapse of two (2) years from the date of coming into force of these regulations.

(2) All vehicles registered under Section 2 of Part IV of the Register shall bear a registration mark which shall include two letters followed by the letter 'K' and three numbers, or a letter followed by the letters 'QZ' and three numbers:

Provided that owners of vehicles bearing a registration mark which includes two letters followed by the letter 'K' shall be allowed to change the registration marks thereof to one which includes a letter followed by the letters 'QZ' on condition that such vehicles satisfy the requirements stipulated in sub-regulation (1), with the exception of the requirement stipulated in paragraph (b)(ii) thereof.

61. (1) All motor vehicles registered on the operator's licence for light passenger transport services and vehicle hire services shall: Requirements applicable to all vehicles

(a) be duly covered by a third party liability insurance policy;

(b) be kept in a good state of repair and maintenance;

(c) be duly registered and licensed with the Authority in terms of law; and

(d) have passed a vehicle roadworthiness test in terms of the Motor Vehicle (Roadworthiness Test) Regulations, where applicable. S.L. 65. 15.

(2) Notwithstanding the relative provisions of regulation 59, a light passenger transport vehicle licence or a motor vehicle for hire licence can be transferred to any other person provided that if such person is an operator and intends to use the vehicle for his business, the operator shall be obliged to notify the Authority of such transfer

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within seven (7) days thereof and the Authority shall thereupon amend the Register accordingly.

Inspections

62. (1) The Authority may call in vehicles, whether registered under an operator's licence for light passenger transport services or under an operator's licence for vehicle hire services, for inspections, in which case the operator shall be obliged to comply without delay with such requests.

(2) If a licensed vehicle is not presented for inspection upon a request made by the Authority or if upon inspection by the Authority the vehicle is found to be in a state which is not fit for use and not fit and safe for the conveyance of passengers, the licence relative to such vehicle shall be suspended and the operator shall not have the right to continue to use such vehicle for the purposes of his operations until such vehicle is presented for inspection and, or its state is duly remedied to the satisfaction of the Authority.

Advertisements.

63. (1) A vehicle included in the Register may bear advertisements solely in the form of printed film stuck on its exterior.

(2) Where any advertisement, lettering or other printed matter is displayed in contravention of any law and, or any regulation issued thereunder, or an order of the Authority, the Authority may suspend the licence of such vehicle and the operator shall not have the right to continue to use such vehicle for the purposes of his operations until such state is duly remedied to the satisfaction of the Authority.

(3) Without prejudice to the above provisions, nothing shall be permitted to obstruct or otherwise interfere with the view of the driver or substantially hinder the view of passengers.

(4) The Authority may, in its complete discretion, order the removal of any advertisement.

PART IX BOOKING PLATFORMS

Intermediary
booking
platform
service.

64. Any intermediary transport service provider which offers globalised internet-based services for the provision of light passenger transport services shall be obliged, in order to be able to operate in Malta, either to obtain an operator's licence for light passenger transport services in terms of Part II or else to serve only as an intermediary booking service platform under a contract of service with licensed operators registered under Part I of the Register.

Application for
authorisation.

65. (1) No person may act as an intermediary booking service platform without an authorization from the Authority.

(2) The Authority shall issue an authorisation to act as an intermediary booking service platform for light passenger transport services and to register under Part 5 of the Register any undertaking which shall file an application with the Authority for such purpose and satisfies the conditions of these regulations and other requirements which the Authority may establish.

(3) The application for such authorisation and registration shall be made to the Authority and shall be in the form and contain such particulars as the Authority may require, and shall be submitted together with:

(a) documents relative to the juridical personality of the undertaking together with the name, address and relative details of its members and officials;

(b) copies of contracts of service with licensed operators registered under Part 1 of the Register for whose services the undertaking shall act as an intermediary booking service platform; and

(c) the name, address and relative details of a designated person who shall have his ordinary residence in Malta who shall be responsible for all effects and purposes of these regulations for the operation and administration of the intermediary booking service platform.

(4) An application for the grant of an authorisation in terms of sub-regulation (1) shall be accompanied by payment of the fee prescribed in the First Schedule.

(5) The authorisation shall be issued in the name of the undertaking having filed the application, and renewed every year, subject to the payment of the fee prescribed in the First Schedule, unless and until it is revoked, suspended or surrendered.

(6) The authorisation may be subject to any such conditions which the Authority, in its absolute discretion, may deem to be fit and proper to impose and the undertaking shall be obliged to abide by such conditions:

Provided further that where an intermediary service provider provides a booking platform for operators of light passenger transport services, it shall:

(i) have an office established in Malta where all booking data shall be kept;

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(ii) make all booking data available to the Authority at any time upon request by the Authority;

(iii) have notified the Authority in writing about its intention to provide such a booking service and has provided all details requested by the Authority;

(iv) make available to the client during a service booking operation and through the provision of the service the name and other contact details of the operator of light passenger transport services with whom the service has been booked and who shall ultimately provide the service.

Decision on the granting of an authorization.

66. (1) An application for the issue of an authorisation in terms of regulation 65 shall be processed and decided upon by the Authority.

(2) The decision of the Authority shall be sent by registered post to the applicant at the address specified in the application.

(3) Where the Authority intends to refuse an application, it shall give the applicant concerned notice in writing setting out the reasons for its intention to do so. Every notice of refusal shall state that the applicant has a right to make representations in writing, within ten (10) days, to the Authority giving reasons why the application should not be refused, and the Authority shall consider any representations so made before arriving at a final decision. The Authority shall notify in writing its final decision to the applicant concerned.

(4) When an application is refused by the Authority, the applicant may appeal to the Tribunal against such decision within a period of twenty (20) days from its notification.

PART X OFFENCES AND PENALTIES

Criminal proceedings and penalties.

67. (1) Any person who commits a breach of:

(a) regulation 5(1),

(b) regulation 46(1),

shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding ten thousand euro (€10,000), or to imprisonment for a period of not more than six (6) months, or to both such fine and imprisonment. Furthermore, the court may order the immediate revocation of any authorisation, licence or permit held in terms of these regulations by the person found guilty of such

an offence.

(2) Any person who commits a breach of:

- (a) regulation 38,
- (b) regulation 58(1),

shall be guilty of an offence and shall, on conviction, be liable to a fine (*ammenda*) not exceeding three thousand euro (€3,000).

(3) Any person who commits a breach of regulation 72 shall be guilty of an offence and shall, on conviction, be liable to a fine (*ammenda*) of two hundred euro (€200).

(4) Any intermediary service provider who commits a breach of any of the conditions stipulated in regulations 64 and 65 shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than five hundred euro (€500) and not more than one thousand and two hundred euro (€1,200).

(5) A person who, for the purpose of obtaining, whether for himself or another, the grant or renewal of any licence, authorisation or permit in terms of these regulations, makes a declaration required by these regulations which he knows to be false, or submits false documentation, shall be guilty of a crime and shall, on conviction, be liable to imprisonment for a period of not more than six (6) months or to a fine (*multa*) not exceeding twelve thousand euro (€12,000), or to both such fine and imprisonment. Furthermore, the Court shall order the immediate revocation of the licence in relation to which the false declaration was made or the false documentation was submitted as well as any other licence, authorisation and/or permit held in terms of these regulations by the person found guilty of such crime.

(6) With regard to the offences and penalties stipulated in this regulation, the court 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 where such person is a holder of an operator's licence, or a driver's permit or an authorisation to act as an intermediary booking service platform, as the case may be.

(7) When a holder of an operator's licence (being an operator's licence for light passenger transport services or an operator's licence for vehicle hire services) or a driver's permit is found guilty of contravening any of the provisions of the Traffic Regulation Ordinance or any regulations made thereunder, or the Act or any regulations made thereunder, the Court, Local Tribunal or other adjudicating authority shall notify the Authority of such fact, and the Authority shall impose

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on such person one penalty point for every ten euro (€10) or part thereof imposed on such person by way of a fine.

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(8) With regard to the penalties established in sub-regulations (2) and (3), in the event that the same fact constitutes a violation of any of the provisions of the Traffic Regulation Ordinance or any regulations made thereunder, or the Act or any regulations made thereunder which carries with it a higher penalty than the ones established in sub-regulations (2) and (3), such higher penalty shall apply.

(9) Whosoever shall hinder or obstruct any authorised inspecting officer in the exercise of his powers or duties, or unduly or in any manner whatsoever interfere in the exercise thereof, or refuse to comply with any orders or directives which such authorised inspecting officer may give in the execution of his powers or duties, shall, on conviction, be liable, and without prejudice to any other law, to a fine (*multa*) of not less than one hundred and twenty euro (€120) and not exceeding two hundred and fifty euro (€250) for a first conviction, and to a fine (*multa*) of not less than two hundred and fifty euro (€250) and not exceeding one thousand and two hundred euro (€1,200) for each subsequent conviction.

Penalty points
and
administrative
penalties.

68. (1) The Authority shall impose the administrative penalties prescribed in the Fourth Schedule and the corresponding penalty points calculated in terms of sub-regulation (4) on any holder of an operator's licence (being an operator's licence for light passenger transport services or an operator's licence for vehicle hire services) who contravenes the provisions of the regulations listed in the Fourth Schedule.

(2) The Authority shall impose the administrative penalties prescribed in the Fourth Schedule and the corresponding penalty points calculated in terms of sub-regulation (4) on any driver who contravenes the provisions of the regulations included in the Fourth Schedule.

(3) Where the holder of an operator's licence or driver's permit contravenes the same provision of these regulations on five (5) different occasions within a period of twelve (12) consecutive months, the Authority shall impose upon that operator or driver, in addition to the administrative penalties prescribed in the Fourth Schedule and the corresponding penalty points calculated in terms of sub-regulation (4), an additional twenty (20) penalty points.

(4) The Authority shall impose one (1) penalty point for every ten euro (€10) or part thereof imposed on a person by way of an

administrative penalty in terms of this regulation:

Provided that, notwithstanding the provisions of sub-regulation (3), where a person contravenes the same provision of these regulations more than once within a period of six (6) consecutive months, there shall be imposed upon him two (2) penalty points for every ten euro (€10) or part thereof imposed upon him by order of the court or a local tribunal, as the case may be.

(5) Penalty points and administrative penalties shall be imposed by the Authority without recourse to a court hearing and may be imposed either as a one-time penalty or on a daily cumulative basis until compliance, provided that in the latter case the accumulated penalty shall not exceed two thousand euro (€2,000) for the holder of a driver's permit and five thousand euro (€5,000) per licensed vehicle for the holder of an operator's licence.

(6) The Authority shall, before imposing an administrative penalty in terms of these regulations, inform the person on whom the penalty is imposed of its intention to do so by notice in writing. Every such notice shall state that the person concerned has a right to make representations in writing within ten (10) days to the Authority, giving reasons why the administrative penalty should not be imposed, and the Authority shall consider any such representations before arriving at a final decision. The Authority shall notify in writing its final decision to the applicant concerned.

(7) Where a breach of these regulations is committed by an operator who is a natural person, the Authority shall hold the designated person liable *in solidum* with the operator for the payment of any administrative penalty, unless the designated person proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such breach.

(8) Where a breach of these regulations is committed by a partnership, company or other legal person, the Authority shall hold every person who at the time of the commission of the breach was a designated person, director, partner or other similar officer, or was purporting to act in any such capacity, or was a person having a power of representation or having an authority to take decisions on behalf of or having authority to exercise control within that partnership, company or other legal person, liable *in solidum* with the operator for the payment of any administrative penalty imposed on the operator unless such person proves that the breach was committed without his knowledge and that he exercised all due diligence to prevent the commission of such breach.

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Right of appeal from imposition of penalty points and administrative penalties.

69. (1) A person aggrieved by the decision of the Authority to impose administrative penalties and the corresponding penalty points may, within twenty (20) days from the date when such decision is communicated to him, lodge an appeal therefrom with the Tribunal.

(2) The Tribunal may confirm, revoke or alter the administrative penalty and the corresponding penalty points imposed by the Authority. The administrative penalty, if any, as confirmed or modified by the Tribunal, and, or by the Court of Appeal, where an appeal on a point of law is lodged in terms of the Act, shall be recoverable by the Authority as a civil debt and the decision of the Tribunal or the Court of Appeal, as the case may be, shall constitute an executive title for all intents and purposes of the Code of Organization and Civil Procedure.

(3) If, upon the renewal of any licence or permit granted in terms of these regulations, the person in whose name such licence or permit is granted owes the Authority a civil debt in terms of sub-regulation (2), such licence or permit shall not be renewed unless and until such time that the debt is settled in full.

(4) If at the moment that any check on compliance is carried out by the Authority, a civil debt in terms of sub-regulation (2) is due by the operator to the Authority, the relative licence shall be suspended without the need of recourse to the Tribunal until such debt is settled in full.

No criminal action when an administrative penalty is paid.

70. In the event that the Authority imposes an administrative penalty in terms of regulation 69 and the person on whom such penalty is imposed, pays such penalty to the Authority within thirty (30) days from the date of receipt of intimation to pay, no criminal proceedings shall be instituted against such person in relation to the relative breach.

Suspension or withdrawal of any licence or permit.

71. (1) The Authority shall suspend for a period of one (1) year an operator's licence for light passenger transport vehicles if, at any time, he accumulates five hundred (500) penalty points in terms of these regulations:

Provided that where an operator has more than five (5) light passenger transport vehicles registered on his operator's licence, the said operator's licence shall only be withdrawn if its holder accumulates a total amount of five hundred (500) penalty points plus an additional twenty (20) penalty points per vehicle registered under such operator's licence.

(2) The provisions of sub-regulation (1) shall also apply to an operator's licence for vehicle hire services, *mutatis mutandis*.

(3) The Authority shall suspend for a period of one (1) year a driver's permit if, at any time, the driver accumulates two hundred (200) penalty points in terms of these regulations.

(4) Without prejudice to the provisions of sub-regulations (1) to (3), the Authority shall not revoke an operator's licence or a driver's permit where the holder has entered an appeal before the Tribunal or a court from a decision of the Authority on the imposition of any of the accumulated penalty points.

(5) Where the holder of an operator's licence or of a driver's permit incurs less than sixteen (16) penalty points within a period of thirty-six (36) consecutive months, the Authority shall, on the lapse of such period, cancel all penalty points imposed on him, and shall notify the holder accordingly.

72. Where a driver's permit has been suspended or revoked or is no longer in force, for any reason, the driver shall immediately forward his driving licence to the Authority and the Authority shall amend that driving licence accordingly.

Driving licence to be amended by the Authority.

73. Where criminal proceedings have been instituted against an operator or a driver, whereby the said operator or driver is accused of any of the offences listed in regulation 9(1)(a) and, if found guilty, will no longer satisfy the requisite of good conduct and repute necessary to hold an operator's licence and, or driver's permit, the licence and, or permit of such person shall be suspended until a definitive judgment is delivered in such proceedings.

Suspension or withdrawal of licence and, or permit.

74. Any person whose licence and, or permit has been withdrawn in terms of these regulations and, or any other regulations issued in terms of the Traffic Regulation Ordinance and the Act may not apply for a new licence and, or permit before the lapse of a period of two (2) years from such withdrawal, and the Authority shall not consider any application made in contravention of this regulation.

Prohibition to apply for a licence and, or permit. Cap. 65.

PART XI

GENERAL AND TRANSITORY PROVISIONS

75. Persons who on the date of the coming into force of these regulations hold a public service garage licence issued in terms of the Motor Vehicles Regulations, shall have twelve (12) months from the coming into force of these regulations within which to convert their public service garage licence into an operator's licence in terms of these regulations provided that they shall apply to the Authority for such conversion within six (6) months from the coming into force of these regulations. Such conversion shall be effected by the Authority upon presentation of proof by such person of compliance with the

Period for conversion of public service garage licence. S.L. 65. 11.

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requisites of Part II or of Part VI, as the case may be.

Right to
continue to
make use of
current driver's
permit.
S.L. 65. 11.

76. Persons who, on the coming into force of these regulations, already hold a driver's permit issued by the Authority in terms of regulation 130A of the Motor Vehicles Regulations, shall have the right to continue to make use of their current driver's permit up to the date of its expiry, following which they shall be obliged to apply for and obtain a driver's permit according to these regulations.

Both categories
of operator's
licence.

77. An undertaking may apply for an operator's licence:

- (a) to operate light passenger transport services; and, or
- (b) to operate vehicle hire services:

Provided that the relative fee for both operator's licences shall be applicable and payable by such undertaking.

FIRST SCHEDULE

(Regulations 5(4), 42(b), 44(5), 44(6), 65(4))

FEES

Application fee for Light Passenger Transport Vehicle Services Operator Licence (under Part II)	€200
Renewal fee for Light Passenger Transport Vehicle Services Operator Licence (under Part II)	€200
Transfer of Operator Licence (under Part II)	€50
Changes in Licence (under Part II)	€25
Reissuing lost Licence (under Part II)	€10
Application for granting and renewal of driver's tag (under Part IV)	€12
Replacement of lost driver's tag (under Part IV)	€12
Application fee for Vehicle Hire Services Operator Licence (under Part V)	€200
Renewal fee for Vehicle Hire Services Operator Licence (under Part V)	€200
Transfer of Operator Licence (under Part V)	€50
Changes in Operator Licence (under Part V)	€25
Reissuing lost licence	€10
Application fee for a Passenger Transport Vehicle Licence (under Part VIII)	€25

Application fee for Intermediary Booking Platform Service (under Part IX)	€100
Renewal Fee (under Part IX)	€100

SECOND SCHEDULE
(Regulation 37(3))

Wheelchair accessible sign



THIRD SCHEDULE
(Regulation 40(1)(a))

PART 1:

List of subjects to be covered in the training course to obtain a driver's permit referred to in regulation 40(1)(a):

1. Knowledge of vehicle characteristics and safety features including, *inter alia*:
 - a. Knowledge of the characteristics of the transmission

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(gear) systems enabling a driver to make the best possible use of them;

b. Knowledge of the technical characteristics and operation of the safety controls in order to control the vehicle (compliance with safety and security procedures), minimise wear and tear and prevent vehicle malfunction; and

c. Ability to optimise fuel consumption and ECO driving skills.

2. Safety of driver, passengers and other road users including:

a. Ability to ensure passenger comfort and safety including particular behaviour with elderly and passengers with special needs;

b. Knowledge of legislation regulating the carriage of passengers, including a thorough knowledge of the Light Passenger Transport Services Regulations;

c. Ability to assess and deal with emergency situations, including:

i. First aid/CPR (cardiopulmonary resuscitation)

ii. Aggressive or drunken behaviour by passengers.

iii. Dealing with accidents

d. Ability to prevent and deal with criminality, including:

i. Refusal by the passenger to pay the fare or tariff

ii. Passengers requesting information on illegal activities.

iii. Passengers requesting over-speeding.

iv. Passengers requesting overloading of passengers

e. Correct use of speed;

f. Physical fitness to drive a light passenger transport vehicle; and

g. Awareness of the risks on the road and accidents at work.

3. Routes and destinations

a. Thorough knowledge of routes, including the ability to provide shortest route and alternate routes; and

b. Basic knowledge of prime tourist and commercial locations across Malta and Gozo

4. Interpersonal skills including:

a. Customer Care

b. Politeness

c. Personal cleanliness

5. Languages and competences

a. The ability to communicate in either Maltese or English

b. Basic computer literacy skills and adeptness within the use of e-mails, internet, navigation systems, digital applications and software.

6. Optional training with respect to the use of a wheelchair accessible light passenger transport vehicles:

a. Maintaining wheel belts or wheel clamps in good working order; and

b. Ability to safely install the wheelchair in the vehicle, backing the chair to the "fold down" seats, then securing both wheelchair brakes, secure seat belts/safety harness and also secure wheel belts/clamps if fitted to vehicle, ensure that the wheelchair and the person making use thereof are secure.

PART 2:

Organisation of the Examination

The Authority or a body approved by the Authority shall organise a compulsory examination which may be written or oral to establish whether the applicant has achieved the required level of knowledge in the subjects listed in Part I.

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FOURTH SCHEDULE
(regulation 68)

ADMINISTRATIVE PENALTIES

Column 1	Column 2	Column 3	Column 4
Regulation	Administrative Penalties for Light Passenger Transport Operator Licence Holder (€)	Administrative Penalties for Light Passenger Transport Drivers (€)	Administrative Penalties for Vehicle Hire Services Operator Licence Holder (€)
regulation 6(6)	100		
regulation 10	200		
regulation 11	200		
regulation 15	500	500	
regulation 16	200		
regulation 17	500		
regulation 18	200		
regulation 19	200		
regulation 20		50	
regulation 21		250	
regulation 22		200	
regulation 23		50	
regulation 24		50	
regulation 25		50	
regulation 26		50	
regulation 27		100	
regulation 28	250		
regulation 29	100	100	
regulation 30		100	
regulation 32		100	
regulation 33	100		
regulation 34	100	100	
regulation 35	50		

regulation 36	100		
regulation 37	250	250	
regulation 51	1,500		
regulation 52			200
regulation 53			200
regulation 54			100
regulation 55			100
regulation 57	250		
