

L.N. 246 of 2023

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

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

**Light Passenger Transport Services and Vehicle Hire Services
(Amendment No. 3) Regulations, 2023**

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 responsible for transport, after consultation with the Authority for Transport in Malta, has made the following regulations:-

Citation.

1. (1) The title of these regulations is the Light Passenger Transport Services and Vehicle Hire Services (Amendment No. 3) Regulations, 2023 and these regulations shall be read and construed as one with the Light Passenger Transport Services and Vehicle Hire Services Regulations, hereinafter referred to as "the principal regulations".

S.L. 65.33.
S.L. 499.68.

(2) All the terms used in these regulations shall have the same meaning assigned to them in the principal regulations.

Amends
regulation 2 of
the principal
regulations.

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

" "garaging facility" means any premises which is off-street and in which the parking or garaging therein of motor vehicles is permitted by the relevant planning authority permit;"

Amends
regulation 5 of
the principal
regulations.

3. Sub-regulation (4) of regulation 5 of the principal regulations shall be amended as follows:

(a) paragraph (c) thereof shall be substituted by the following new paragraph:

"(c) proof that the applicant has at his disposal for his exclusive use the garaging facility stated on his license together with a declaration signed by the operator by virtue of which he confirms that all vehicles registered under his operator's license are being parked in his garaging

facility.";

(b) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) a report signed by a warranted architect that, in relation to each garaging facility set out in the operator's licence shall:

(i) include the addresses of locations and site plans of every said garaging facility;

(ii) specify the total number of car spaces at every said garaging facility;

(iii) certify that these spaces are sufficient to park all light passenger transport vehicles that are registered under the operator's licence; and

(iv) in the case of an operator's licence for the registration of five (5) or more vehicles, provide the relative development permit approving the use of the garaging facility in which the vehicles are parked as a public service garage, and provide the details of any such permit; and".

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

Amends
regulation 7 of
the principal
regulations.

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

(i) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) proof that the applicant has at his disposal for his exclusive use garaging facilities for the off-street parking of all vehicles registered under his licence. The applicant shall furthermore undertake to the Authority that during the period of validity of his licence all vehicles which are registered under his licence shall, when not in use for the purpose of providing services, and except as provided by regulation 17, be parked in the garaging facilities so indicated by the applicant;"

(ii) paragraph (e) thereof shall be substituted by the following new paragraph:

"(e) a report signed by a warranted architect that, in relation to each garaging facility set out in the operator's licence shall:

(i) include the addresses of locations and site plans of every said garaging facility;

(ii) specify the total number of car spaces at every said garaging facility;

(iii) certify that these spaces are sufficient to park all light passenger transport vehicles that are registered under the operator's licence; and

(iv) in the case of an operator's licence for the registration of five (5) or more vehicles, provide the relative development permit approving the use of the garaging facility in which the vehicles are parked, as a public service garage and provide the details of any such permit.";

(b) sub-regulation (4) thereof shall be substituted by the following new sub-regulation:

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

Provided that where the operator shall have more than one (1) garaging facility, the application fee shall nevertheless be as stipulated in the First Schedule for all garaging facilities."

Amends
regulation 17 of
the principal
regulations.

5. Regulation 17 of the principal regulations shall be amended as follows:

(a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"17. (1) An operator shall ensure that any light passenger transport vehicle used in his operations in terms of his operator's licence shall, while it is not in use be garaged or parked off-street in the garaging facility described in accordance with his licence:

Provided that a light passenger transport vehicle

that is not in use, but which is being driven by a driver who is available to be booked for hire during his working time or shift, or which is parked in accordance with the provisions of sub-regulation (2), shall not be required to be garaged or parked off-street.";

(b) immediately after sub-regulation (3) thereof there shall be added the following new sub-regulations:

"(4) In the event that the operator is unable to make use of the garaging facilities described under his license, he shall within seven (7) days bring this fact to the attention of the Authority. The Authority may grant the operator time to find alternative garaging facilities which shall be subject to the approval of the Authority.

(5) In the event that an operator applies to register further light passenger vehicles under an existing license, he shall ensure that any such further vehicles may be accommodated within the existing garaging facilities described in his license. In the event that the operator's existing garaging facilities are insufficient to accommodate the increased number of motor vehicles, the operator shall apply to the Authority for the authorisation regarding the addition of the garaging facilities necessary to accommodate the increased number of vehicles.

(6) Any application in accordance with sub-regulations (4) and (5) shall be accompanied by all the information and documentation required in accordance with the provisions of regulation 7(1)(d) and (e), together with the payment of the necessary fees."

6. Regulation 56 of the principal regulations shall be amended as follows:

Amends
regulation 56 of
the principal
regulations.

(a) in sub-regulation (2) thereof the word "garages" shall be substituted by the words "garaging facilities";

(b) in sub-regulation (3) thereof the word "garages" shall be substituted by the words "garaging facilities".

7. Sub-regulation (2) of regulation 61 of the principal regulations shall be substituted by the following new sub-regulation:

Amends
regulation 61 of
the principal
regulations.

"(2) Notwithstanding the relative provisions of regulation 59, a light passenger transport vehicle licence or a motor vehicle for hire licence may 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 seek the prior authorisation by the Authority in accordance with regulation 17(5).".

Adds new regulation to the principal regulations.

8. Immediately after regulation 77 of the principal regulations there shall be added the following new regulation:

"Transitory provision.

78. Operators who, upon the coming in force of the definition "garaging facility" in regulation 2, the provisions of regulation 5(4)(c) and (d), the provisions of regulation 7(1)(d) and (e), and 7(4), the provisions of regulation 17(1), (4), (5) and (6), the provisions of regulation 56(2) and (3) and the provisions of regulation 61(2) are in possession of a valid operator's license or have a pending application for the issuance of an operator's license shall have twelve (12) months from the coming into force of the mentioned regulations within which to comply with the said regulations. Any licence renewal shall be authorized subject to the condition that the operator complies with the said regulations within the period herein specified.".