SUBSIDIARY LEGISLATION 499.67
MICROMOBILITY REGULATIONS

27th December, 2019

LEGAL NOTICE 352 of 2019, as amended by Legal Notice 275 of 2023.

Citation.

1. The title of these regulations is the Micromobility Regulations.

Interpretation.

2. In these regulations, unless the context otherwise requires -

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"Authority" means the Authority for Transport in Malta established by the Authority for Transport in Malta Act;

"bypass" means a main road built to avoid a town or a village or other congested area;

"cyclepath" means, for the purpose of these regulations, a path along a road or pavement which has been reserved and marked for the exclusive use of bicycles;

"docking station" means a site designated by the Authority for the parking of e-kickscooters licensed under the operator's licence of an e-kickcooter sharing operator from which such licensed e-kickscooters may be taken out on rent and to which such rented e-kickscooters are to be returned at the expiration of the rental;

"docking station sharing service" means an e-kickscooter sharing service whereby the user may, through a mobile app or otherwise, rent an e-kickscooter licensed under the operator's licence of an e-kickcooter sharing operator from a docking station;

"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;

"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;

"footpath" means, for the purpose of these regulations, a path for pedestrians alongside, and a little higher than a road;

"free-floating sharing service" means an e-kickcooter

sharing service whereby the user may, through a mobile app, rent an e-kickscooter licensed under the operator's licence of an e-kickcooter sharing operator from anywhere on the road;

"hirer" means a person making use of an e-kickscooter provided by an e-kickscooter sharing services operator;

"pedestrian zone" means an area:

(a) which has been laid out to improve amenities for pedestrians; and

(b) to which the entry of vehicles is prohibited or restricted;

"promenade" means a public area set aside as a pedestrian walk;

"road" means any road, street, lane, square, or other place of public thoroughfare, and it includes any bridge over which, and any tunnel through which, a road passes;

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

"tunnel" means, for the purpose of these regulations, any roofed road or passage forming part of the road network.

Part I
REGISTRATION, LICENSING AND INSURANCE

Registration and licensing.
Amended by: L.N. 275 of 2023.

3. (1) Electric kick scooters shall be registered and licensed with the Authority.

(2) The Authority shall not register any electric kick scooter unless:

(a) the applicant produces, to the satisfaction of the Authority, a certificate issued by the manufacturer, or, where such a certificate cannot be produced, a report signed by a warranted engineer, stating that the said electric kick scooter has been manufactured or calibrated in such a manner that it cannot achieve a speed in excess of 20km/h; and

(b) the electric kick scooter is in conformity with the requirements established in these regulations.

(3) No person shall ride or drive on a road an e-kickscooter which is not registered and licensed with the Authority.

(4) Such registration mentioned in sub-regulation (1) shall be made against the payment of a ten euro (€10) administration fee

payable to the Authority.

(5) A registration number in the form of a plate or sticker, as the Authority may deem fit according to the circumstances of each case, shall be affixed in a conspicuous position on the e-kickscooter as shall be instructed by the Authority.

(6) The annual licence shall be in the form of a hologram sticker and shall also be affixed in a conspicuous position on the e-kickscooter as shall be instructed by the Authority.

(7) No annual circulation fee shall be payable for e-kickscooters.

Insurance.

4. No electric kick scooter may be used on the road in Malta unless it is covered by a third-party risks insurance in compliance with the requirements of the Motor Vehicle Insurance (Third-Party Risks) Ordinance.

Cap. 104.

Driving licence.

5. (1) No person shall drive or permit any other person to drive an e-kickscooter on the road in Malta unless that person –

(a) has reached the age of sixteen years; and

(b) is in possession of a valid driving licence (Category A, AM or B) issued in conformity with the Motor Vehicles (Driving Licences) Regulations.

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(2) Every person riding an e-kickscooter on the road shall be obliged to carry his driving licence and, when so requested, to produce the same to the Police or any other enforcement officer having the power in terms of law to request the production of a driving licence.

Part II
USAGE

Observance of traffic regulations.

6. Any person who rides an e-kickscooter on a road shall observe and abide by all traffic regulations, including those regulating pedestrian crossings and traffic lights.

Driving on footpaths etc.

7. (1) Electric kick scooters may be driven on footpaths, promenades, shared footpaths, cyclepaths and pedestrian zones on condition that the speed limit established in regulation (9)(b) is observed.

(2) Persons driving an e-kickscooter on any footpath, shared footpath, promenade or pedestrian zone shall be obliged to exert the utmost attention whilst driving and to give precedence to pedestrians at all times.

(3) Persons driving an e-kickscooter on any cyclepath or shared cyclepath shall be obliged not to hinder or obstruct the free flow of cycle traffic.

Prohibited zones.

8. It shall be an offence for a person to drive an electric kick scooter:

(a) in any part of the arterial or distributor roads which are included in a list which shall be published by the Authority from time to time in the Gazette except such parts of such roads forming part of the Safe Cycle Route Network established by the Authority from time to time by means of a publication in the Gazette;

(b) in any tunnel or underpass;

(c) in any other road or public space, as may be designated by the Authority from time to time and indicated by appropriate road signage, where the use of e-kickscooters shall be prohibited.

Speed limits

9. All persons driving electric kick scooters shall be obliged to observe the following speed limits:

(a) a maximum speed of 20km/h when driving on roads;

(b) a maximum speed of 10km/h when driving on footpaths, promenades, pedestrian zones and shared footpaths and cyclepaths.

No carriage of persons.

10. It shall be an offence for more than one person to ride, or be carried on, an e-kickscooter.

Holding on to other vehicles.

11. It shall be an offence for a person on an e-kickscooter to hold on to any other vehicle which is in motion or hold on to any person or thing on, in or attached to any such vehicle.

No towing of objects.

12. It shall be an offence to tow any cart, trailer or any other object whilst riding an e-kickscooter.

Keeping to the left of the road.

13. (1) When riding an e-kickscooter on a road, a person shall keep to the nearside left of the road as much as possible in the direction of traffic except on the approach to an intersection or a roundabout or when overtaking other traffic.

(2) Persons riding e-kickscooters shall travel in a single file, except when effecting a manoeuvre of overtaking, and not next to each other.

Offence to ride freehand.

14. It shall be an offence for any person to ride an e-kickscooter freehand.

Prohibition to make use of mobile phones.

15. It shall be an offence to make use of, or to hold in one's hands, a mobile phone or any other object whilst riding an e-kickscooter.

Prohibition to make use of headphones and similar equipment.

16. It shall be an offence to make use of headphones, earphones or any other system or gadget which may hinder or impede hearing whilst riding an e-kickscooter.

E-kickscooters not equipped with directioal equipment.

17. Where an e-kickscooter is not equipped with directional indicators, the person riding such e-kickscooter shall be obliged to indicate a change of direction with his hand in a clear and timely manner in order to give other road users adequate prior notice of his intention to change direction.

Contraflow.

18. It shall be an offence to drive an e-kickscooter against the direction of traffic unless there is a road sign and marking which indicates that driving against the direction of traffic is permitted.

Part III
EQUIPMENT

Head lamp and tail lamp requirement.

19. Electrick kick scooters to be used on the road are required to be equipped with a head lamp and a tail lamp which are clearly visible to other road-users and pedestrians.

High visibility vest.

20. Any person riding an e-kickscooter on a road between sunset and sunrise shall be obliged to wear a high visibility vest at all times.

Part IV
PARKING

Parking on pavements etc.

21. Electric kick scooters may be parked on pavements and promenades or on footpaths and in pedestrian zones but not in such a manner as to obstruct the free flow of pedestrian traffic or in such a manner as to restrict or hinder the use thereof by persons with mobility impairment or to impede the access to such pavements, promenades or footpaths.

Parking in designated parking spaces.

22. (1) Wherever available, e-kickscooters are to be parked in such parking infrastructures, such as racks, which may be provided or in such parking spaces which are specifically designated and marked for such purpose.

(2) In such roads where there are no spaces specifically designated and marked for such purpose, e-kickscooters may be parked on the road in a perpendicular position to the pavement but not in such a manner as to occupy a parking space which is specifically designated and marked for the parking of other types of vehicles.

Illegal parking of e-kickscooters.

23. (1) Any e-kickscooter parked in any manner which is in breach of regulations 21 or 22 shall be subject to a fine for illegal parking or obstruction, depending on the circumstances of the case.

(2) Where an e-kickscooter is parked in such a manner as to impede the free flow of pedestrian or vehicular traffic or in such a manner as to occupy a parking space which is specifically designated and marked for the parking of other types of vehicles, such e-kickscooter may be removed from the road in accordance with the Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations.

S.L. 65.13.

Part V
E-KICKSCOOTER SHARING SERVICES

Licence for operators.

24. (1) The Authority may issue a licence for operators to operate e-kickscooter sharing services in Malta.

(2) When considering an application for a licence to operate e-kickscooter sharing services, 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 for any other reason not stipulated in these regulations.

(3) No person shall carry out e-kickscooter sharing services unless duly licensed and authorised under these regulations.

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

(5) An operator's licence shall be issued in the name of a natural person authorised to represent the undertaking.

(6) The application for an operator's licence shall be submitted to the Authority on the prescribed form and against payment of an annual fee of two hundred euro (€200) and payment of an annual administrative fee of ten euro (€10) for every e-kickscooter which shall be licensed under the operator's license.

(7) Once issued, an operator's licence shall remain valid unless and until it is revoked, suspended or surrendered, provided that the operator continues to pay in a timely manner the annual administrative fee established in sub-regulation (6).

(8) Operator's which shall provide e-kickscooter docking station sharing services shall be obliged to observe all instructions which may be given by the Authority with regard to the placing of docking stations on the road and to pay any administrative fees which the Authority may impose from time to time with regard to the installation and use of such docking stations.

(9) The Authority shall suspend or revoke the licence for the operation of an e-kickscooter sharing service if the operator commits any material breach of these regulations which, in the absolute

discretion of the Authority, warrants the suspension or revocation of the licence of such operator.

(10) Suspension or revocation in terms of this regulation shall be affected 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 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 thirty days from notification of the Authority's decision:

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

Sharing services.

25. (1) No licensed e-kickscooter sharing operator shall use or permit the use of any e-kickscooter registered under its operating licence for any purpose other than for e-kickscooter sharing services.

(2) All e-kickscooters used for e-kickscooter sharing services shall be duly registered, branded, licensed and insured.

(3) E-kickscooter sharing services may be provided by licensed e-kickscooter sharing operators either as a free-floating sharing service or as a docking station sharing service.

(4) Licensed e-kickscooter sharing operators shall have the right to operate e-kickscooter sharing services in Malta under the following conditions:

(a) the operator must have in place and maintain at all times a web-based application or some other booking form by virtue of which an e-kickscooter sharing service may be pre-booked or booked in real time, together with a dedicated website to which the hirer is automatically directed, which shall contain the following:

(i) a list of the salient regulations, as may be amended and up-dated from time to time, relative to the usage of e-kickscooters in Malta which are to be brought

to the attention of the hirer in order to be able to use the same on the roads in Malta in observance of the law; and

(ii) for those operators providing a docking station sharing service, an interactive map which shows in real time all docking stations including such docking stations having free space where to park the e-kickscooter after use;

(b) only e-kickscooters duly registered, licensed and insured by the operator for use as e-kickscooter sharing services may be used for such purpose;

(c) all e-kickscooters are to be geo-fenced in line with these regulations so that the said e-kickscooters may not be driven in such roads, road sections and zones where the use thereof is prohibited by law;

(d) all e-kickscooters must have the required high level of telematic capability in order to reach the requirement of programmed regulation with respect to granularized speed limits in order to ensure the observance of the maximum speed limits established in regulation 9;

(e) any device which may be fitted on e-kickscooters by the operator for navigational purposes is so fitted in a way that it cannot be detached from its mount by the hirer and that such devices may not be used for communication purposes;

(f) a customer care contact number which shall be operative on a twenty-four hour service on a daily basis (including Saturdays, Sundays and public holidays) is to be made available for use by all hirers as well as the Authority should it require to communicate with the said operator;

(g) operators shall be obliged to confirm that data from their platform is shared with the Authority both in raw form as well as through a user-friendly dashboard; and

(h) operators shall be obliged to comply at all times with any other conditions which may be established by the Authority from time to time.

(5) The operator shall charge hirers a single rate which shall incorporate all and any relative costs and charges comprised in the provision of the e-kickscooter sharing service, including insurance, licence and docking charges, if applicable.

Right of appeal.

26. Any person aggrieved by any decision of the Authority not to grant or renew, or to suspend or to revoke an authorisation, or to impose conditions, limitations or exclusions therein or therefor, shall have the right to enter within thirty days from the notification of such

decision an appeal before the Tribunal.

Part VI
OFFENCES AND PENALTIES

Offences and penalties.
Amended by: L.N. 275 of 2023.

27. (1) Any person who contravenes the provisions of regulation 3(3) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of five hundred euro (€500).

(2) Any person who contravenes the provisions of regulation 4 shall be guilty of an offence and shall, on conviction, be liable:

(a) in the case of a first offence, to a fine (multa) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (€4,658.75) or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment;

(b) in the case of a second offence, to a fine (multa) of not less than four thousand and six hundred and fifty-eight euro and seventy-five cents (€4,658.75) but not exceeding five thousand and eight hundred and twenty-three euro and forty-three cents (€5,823.43) or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment;

(c) in the case of a third or subsequent offence, to a fine (multa) of not less than five thousand and eight hundred and twenty-three euro and forty-three cents (€5,823.43) but not exceeding six thousand and nine hundred and eighty-eight euro and twelve cents (€6,988.12) or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment, and

(i) where the offence consists in the use of an e-kickscooter on a road by a person who is the owner of the e-kickscooter or by a member of his family or other person registered under the same address as the owner of the e-kickscooter, the court shall, in addition to the punishments laid down in this sub-paragraph, order the forfeiture of the e-kickscooter;

(ii) where the offence, as aforesaid, is committed by any other person, the court shall, in addition to the punishments laid down in this sub-paragraph, impose a further fine (multa) equivalent to the value of the e-kickscooter.

(2A) Any person convicted of an offence under this regulation shall (unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification) be disqualified from holding or obtaining a driving licence for a period of twelve months from the date of the conviction:

Provided that if the execution of the judgment ordering the conviction is stayed in view of the declared intention of the person convicted to enter an appeal against such judgment, the period of disqualification shall commence to run –

(a) if it is confirmed or reduced by the judgment of the Court of Criminal Appeal, from the date of such judgment;

(b) if an application of appeal is not filed within the time established by law, from the day next following the day on which such time expires;

(c) if the appeal is withdrawn by note, from the day when such note is filed in the court or, if the appeal is otherwise abandoned after the filing of the application of appeal, from such day as the Court of Criminal Appeal shall, on application of the Commissioner of Police or of the Authority for Transport in Malta, establish.

Cap. 9.
Cap. 446.

(2B) The provisions of article 21 of the Criminal Code and of the Probation Act, shall not apply in respect of any offence against the provisions of this regulation.

(2C) Notwithstanding any enactment prescribing a time within which proceedings may be brought before any court, proceedings for an offence under this sub-regulation may be brought –

(a) within a period of six months from the date of the commission of the alleged offence; or

(b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecution that the offence had been committed or one year from the date of the offence, whichever period is the longer.

(3) Any person who contravenes the provisions of regulation 5(1) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand and two hundred euro (€1,200) or to imprisonment not exceeding one year and the court shall, in addition to the punishment established in this sub-regulation, disqualify the offender from holding or obtaining a driving licence, in the case of a first conviction for a period of not less than three months, and in the case of a second or subsequent conviction, for a period of not less than one year and the proviso to sub-regulation (2A) shall apply *mutatis mutandis.*

(4) Any person who makes use of a registration plate or sticker on an e-kickscooter other than that allotted by the Authority shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand and two hundred euro (€1,200) or to imprisonment not exceeding six months, or to both such fine and

imprisonment.

(5) Any person who contravenes the provisions of regulation 8(a) or (c) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of two hundred euro (€200).

(6) Any person who contravenes the provisions of regulation 8(b) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of five hundred euro (€500).

(7) Any person who contravenes the provisions of regulation 9 shall be guilty of an offence and shall, on conviction, be liable -

(a) to a fine (ammenda) of thirty-four euro and ninety-four cents (€34.94) and the imposition of three penalty points in terms of regulation 40 and the Sixth Schedule of the Motor Vehicles (Driving Licences) Regulations if the excessive speed is up to 5 kilometers per hour over the maximum speed limit established in regulation 9; and S.L. 65.18.

(b) to a fine (ammenda) of sixty-nine euro and eighty-eight cents (€69.88) and the imposition of six penalty points in terms of regulation 40 and the Sixth Schedule of the Motor Vehicles (Driving Licences) Regulations if the excessive speed is more than 5 kilometers per hour over the maximum speed limit established in regulation 9. S.L. 65.18.

(8) Any person who contravenes the provisions of regulations 10, 11, 12, 13 or 14 shall be guilty of an offence and shall, on conviction, be liable to a fine (ammenda) of not less than fifty euro (€50) but not exceeding one hundred euro (€100).

(9) Any person who contravenes the provisions of regulation 15 shall be guilty of an offence and shall, on conviction, be liable to a fine (*ammenda*) of two hundred euro (€200).

(10) Any person who contravenes the provisions of regulation 16 shall be guilty of an offence and shall, on conviction, be liable to a fine (*ammenda*) of three hundred euro (€300).

(11) Any person who contravenes the provisions of regulation 17, 18, or 19 shall be guilty of an offence and shall, on conviction, be liable to a fine (*ammenda*) of one hundred euro (€100).

(12) Any person who contravenes the provisions of regulation 20 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of two hundred euro (€200).

(13) Any person who contravenes the provisions of regulation 24(3) shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than two thousand euro (€2,000) but not exceeding ten thousand euro (€10,000).

(14) Any person who contravenes the provisions of regulation 25 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding two thousand euro (€2,000).

28. (1) Unless specifically regulated in Part VI, the commission of any offence in violation of any traffic regulation whilst using or driving an electric kick scooter shall carry with it the same penalties and consequences applicable to the commission of the same offence whilst using or driving a motor vehicle.

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(2) The provisions of regulation 40 and the Sixth Schedule of the Motor Vehicles (Driving Licences) Regulations and of articles 15A to 15I of the Traffic Regulation Ordinance shall also apply to the use of electric kick scooters in the same way as they apply to the use of motor vehicles, *mutatis mutandis*.