No. 1532

MINISTRY FOR TRANSPORT, INFRASTRUCTURE AND CAPITAL PROJECTS

Explanatory Notes[1]

1. Introduction

Title of Legislation:	Blue Grotto and Neighbouring Caves Boats Service (Fares) (Amendment) Regulations, 2023 (hereinafter referred to as the "amending regulations").
Activity to be Regulated:	To amend the tariff of fares found in the Schedule to the Regulations and update the definitions
Responsible entity:	Authority for Transport in Malta (hereinafter referred to as the "Authority")
Responsible Person:	Dr Robert Vassallo Senior Manager Legal, EU and International Affairs Ports and Yachting Directorate

2. Summary and Background

The Blue Grotto and Neighbouring Caves Boats Service (Fares) Regulations (S.L. 499.46) (hereinafter referred to as the "principal regulations") have been in force since 28th November 2006. They lay down the statutory tariffs that can be charged by the Operators of the Blue Grotto and Neighbouring Caves Boat Service (hereinafter referred to as the "Operators") for the provision of the commercial passenger transport-related services they offer.

The current Tariff of Fares found in the principal regulations has been in force since the enactment and coming into force of such regulations. However, in 2013, following discussions with the Authority, these tariffs were increased and have since been implemented and applied by the Operators. This notwithstanding, the principal regulations were not amended to reflect this new Tariff of Fares structure.

In March 2023, the Operators made a new request to increase the fares from those being applied since 2013 to cover the inflationary costs and other expenses being incurred. The Operators also requested that the reduced tariff applicable to persons over 65 is removed, thereby meaning that persons over 65 will have to pay the full tariff. The Operator's request was discussed between the Authority and the Malta Tourism Authority.

Both Authorities supported this request deeming it as justified, reasonable and reflecting a proportionate increase to cover the inflationary costs and other expenses. The proposed increase is also intended to reflect the benefits and experience to those wishing to use this service, namely tourists, ensuring that the Operators can continue operating in a sustainable manner while delivering a high-quality service.

[1]These Explanatory Notes are for the purpose of and in accordance with Article 3(2)(c) and Schedule III of Chapter 512 of the Laws of Malta.

During the discussions, it further transpired that the definition "persons with special needs" is outdated and consequently, an amendment is required to reflect the terminology currently used.

The main aim of Blue Grotto and Neighbouring Caves Boats Service (Fares) (Amendment) Regulations, 2023 is therefore to update the statutory Tariff of Fares structure found in the Schedule to the principal regulations and the definitions found therein.

3. Overview of the Structure of the Instrument

The amending regulations are made up of four (4) regulations.

Regulation 1 establishes the title of the amending regulations and the commencement date. Regulations 2 and 3 effectively amend the principal regulations as follows:

- Regulation 2 amends the definitions found in regulation 2 of the principal regulations; and

- Regulation 3 replaces the Schedule to the principal regulations which establishes the Tariff of Fares.

4. Commentary on the Operative Parts of the Amending Regulations

Regulation 2: Replaces the definition of "persons with special needs" with "persons with disability"; and introduces a definition of "disability" by making reference to the definition found in the United Nations Convention on the Rights of Persons with Disabilities Act (Chapter 627 of the Laws of Malta).

Regulation 3: Replaces the Schedule to the principal regulations with the new Tariff of Fares structure.

5. Concluding Section

These amending regulations shall come into force within 2 months from their publication in the Government Gazette.

For further information, please contact:

- Customer Care on (info.tm@transport.gov.mt) or on telephone number 21 222 203.

N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

These Explanatory Notes refer to Legal Notice No. 260 published in the Supplement to the Malta Government Gazette No. 21,143 of the 3rd November, 2023

7th November, 2023