No. 1016

MINISTRY FOR TRANSPORT, INFRASTRUCTURE AND CAPITAL PROJECTS

Explanatory Notes[1]

Light Passenger Transport Services and Vehicle Hire Services (Amendment No. 2) Regulations, 2023

1. Introduction

By means of the Light Passenger Transport Services and Vehicle Hire Services (Amendment No. 2) Regulations, 2023 (hereinafter referred to as "the amending regulations"), the Authority for Transport in Malta (hereinafter referred to as "Transport Malta") is amending the Light Passenger Transport Services and Vehicle Hire Services Regulations (S.L. 65.33. and S.L. 499.68) (hereinafter referred to as "the principal regulations").

2. Summary and background

One of the current requirements for an applicant to obtain a driver's permit in terms of the principal regulations is for that applicant to be duly licensed in accordance with the Motor Vehicles (Driving Licences) Regulations.

Relatedly the Motor Vehicles (Driving Licences) Regulations (S.L. 65.18.) allow any holder of a driving licence issued by the competent authority in a third country to drive in Malta for a period not exceeding twelve (12) months from the date of his last entry into Malta.

This has inevitably allowed third country nationals to immediately obtain a driver's permit to carry passengers for hire or reward in Malta on the basis of a driving licence that is not necessarily equivalent to the European norms and standards that are required for the carriage of passengers, and which may therefore pose a risk to the safety of their passengers.

In this respect, and to further raise the standard of drivers of light passenger transport vehicles, the principal regulations are being amended to provide that any applicant for a driver's permit shall, before being granted the authorisation, satisfy the Authority that he holds a valid driving licence issued by Transport Malta or by the competent authority of any other EU Member State[2].

This requirement shall be in addition to the other eligibility requirements that are already established in the principal regulations, namely, that the applicant shall:

be of good repute and conduct,

be certified as medically fit to drive, and

have the requisite skills to act as a driver after attending a sector-specific training course and pass a written examination.

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

[2]The definition of an EU Member State in these amending regulations includes Norway, Iceland and Liechtenstein.

3. Overview of the structure of the instrument

The amending regulations are made up of four (4) regulations and consist of the following:

Regulation 1 – Citation and scope.

Regulation 2 – Amends regulation 2 of the principal regulations.

Regulation 3 – Amends regulation 39 of the principal regulations.

Regulation 4 - Amends regulation 44 of the principal regulations.

4. Commentary on parts and articles

Regulation 1: Introduces the title of the regulations. This regulation further explains the scope of the regulations, which is to provide that any person who applies for a new driver's permit, or for the renewal of a driver's permit, shall be in possession of a valid driving licence issued by Transport Malta or by the competent authority of any other EU Member State.

Regulation 2: adds the new definition "European Union", which is referred to in the amending regulations.

Regulation 3: Introduces the requirement that any person who applies for a new driver's permit shall, in addition to the other requirements that are already established in the principal regulations, be in possession of a valid driving licence issued by Transport Malta or by the competent authority of any other EU Member State.

Regulation 4: Introduces the requirement that any person who applies for the renewal of a driver's permit shall, in addition to the other requirements that are already established in the

principal regulations, be in possession of a valid driving licence issued by Transport Malta or by the competent authority of any other EU Member State.

5. Concluding section

These regulations shall come into force on publication.

For more information or clarification on the implementation of these regulations, kindly refer your queries to Transport Malta via email on info.tm@transport.gov.mt.

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 Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

21st July, 2023