No. 1438

MINISTRY FOR TRANSPORT, INFRASTRUCTURE AND CAPITAL PROJECTS

Annex 1

Explanatory Notes[1] – Light Passenger Transport Services and Vehicle Hire Services (Amendment No. 3) Regulations, 2023

1. Introduction

By means of the Light Passenger Transport Services and Vehicle Hire Services (Amendment No. 3) Regulations, 2023 (hereinafter referred to as "the amending regulations"), the Authority for Transport in Malta (hereinafter referred to as "Transport Malta") amended 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

The scope of these regulations is to clarify the garaging facility of light passenger transport vehicles. Operators operating fleets of four (4) vehicles or less shall be covered by the relevant Planning Authority permit. Operators operating fleets of five (5) or more vehicles are to provide Transport Malta with the relative development permit approving the use of the garaging facility as a public service garage.

3. Overview of the structure of the instrument

The amending regulations are made up of eight (8) regulations and consist of the following:

Regulation 1 – Citation.

Regulation 2 - Definition of "garaging facility".

Regulation 3 - Amends regulation 5 of the principal regulations.

Regulation 4 - Amends regulation 7 of the principal regulations.

Regulation 5 - Amends regulation 17 of the principal regulation.

Regulation 6 - Amends regulation 56 of the principal regulations.

Regulation 7 - Amends regulation 61 of the principal regulations.

Regulation 8 - Adds new regulation to the principal regulations.

[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.

4. Commentary on parts and articles

Regulation 2: Adds a new definition of garaging facility whereby light passenger transport vehicles shall be parked or garaged.

Regulation 3: Provides for the applicant to prove that the garaging facilities stated on his licence are for his exclusive use. The applicant shall also submit a report by a warranted architect confirming the addresses and site plans of every garaging facility, including the number of vehicle spaceS and in cases of operators with five (5) or more vehicles provide the relative development permit approving the use of the garaging facility as a public service garage.

Regulation 4: The applicant has to prove that he has at his disposal and for his exclusive use off-street parking for all vehicles registered under his operator licence. The operator must also provide a report by a warranted architect in relation to the garaging facilities set out in his licence, which shall include the addresses of the locations, total number of vehicle spaces and in cases of operators with five (5) or more vehicles provide the relative development permit approving the use of the garaging facility as a public service garage.

Regulation 5: Provides that drivers during their work or shift hours are not required to return to their garage and are allowed to leave their vehicles parked legally on the road subject to condition and limitations provided for in sub-regulation (2) of regulation 17. The operator shall bring to the attention of the Authority that he is unable to make use of the garaging facility listed on his operator licence within seven (7) days. The Authority may grant the operator time to find alternative garaging facilities. Where the operator applies to add more vehicles under his operator licence he shall ensure that the existing garaging facility can accomodate the additional vehicles.

Regulation 7: This provides the obligation on the operator to seek permission from the Authority before he proceeds with the tranfer of a light passenger transport vehicle licence or a motor vehicle for hire licence to a third party.

Regulation 8: This is a transitory provision, whereby operators are given twelve (12) months from the coming into force of these regulations to conform with their contents.

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.

18th October, 2023