

## No. 674

## MINISTRY FOR TRANSPORT, INFRASTRUCTURE AND CAPITAL PROJECTS

Explanatory Notes<sup>1</sup>

## Light Passenger Transport Services and Vehicle Hire Services (Amendment) Regulations, 2023

**1. Introduction**

By means of the Light Passenger Transport Services and Vehicle Hire Services (Amendment) 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 (hereinafter referred to as “the principal regulations”).

**2. Summary and background**

The principal regulations prohibit the parking on the road of light passenger transport vehicles (LPTVs) while these are not in use. Therefore, LPTVs are required to return to their garage after a light passenger transport service has been completed. Following a recent clampdown on infringements of the garaging rule by Transport Malta’s enforcement officers, operators in the sector claimed that this rule was both outdated and unfair because it did not consider technological advancements on how LPTVs are booked and impinges on the efficiency of the service. They also claimed that drivers working on the road day and night should have the right to temporarily park their vehicles on the road to tend to their personal needs without the risk of being fined €500, which is the applicable administrative penalty for operators who breach this rule.

While the amending regulations seek to address this issue, they are also updating the principal regulations to take into consideration the evolving nature of light passenger transport services, brought about by technological advancements in the sector, and also to implement the EU Commission Guidance Notice on the well-functioning and sustainable local passenger transport-on-demand (taxis and PHV)<sup>2</sup>, which calls on Member States to abolish the return-to-garage rule.

Related local traffic management, enforcement and fair competition considerations were made with the inclusion of measures that are aimed at ensuring compliance with the new requirements and to maintain a level playing field with the competing taxi sector.

In this respect, the amending regulations introduce the following new provisions:

LPTVs shall no longer be obliged to return to their garage if they are available for booking during the course of the driver’s working shift;

LPTVs can be legally parked on the street and left alone for up to an hour using a parking disc, but shall be parked at least 250m away from taxi stands located at all passenger ship berthing sites, at Malta International Airport and in King Edward VII Avenue in Floriana, or 100m away from other taxi stands, and, or 15m away from bus stops;

LPTVs that are parked on the road with the driver inside are not bound by the time restriction, but must still observe the distance restrictions from taxi stands and bus stops;

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

<sup>2</sup>([https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022XC0204\(03\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022XC0204(03)&from=EN))

The time and distance requirements do not apply while passengers are alighting and boarding the LPTV;

Transport Malta has the right to require operators of LPTVs and intermediary booking service platforms to take the necessary measures not to communicate any booking requests to drivers who are with their vehicles parked in the prohibited distances from taxi stands and bus stops;

Upon application and renewal of an operator's licence, operators shall submit an architect's report, confirming that they have sufficient private garage space and, or off-street parking space for their exclusive use where they must park their vehicles while they are not in use;

An administrative penalty of €500 is being introduced for operators who fail to take measures, when requested by Transport Malta, not to communicate any booking request to drivers who are located with their vehicles parked within the prohibited distances from taxi stands and bus stops. An administrative of €500 is also being introduced for drivers who breach parking time and distance restrictions while using the vehicle.

### **3. Overview of the structure of the instrument**

The amending regulations are made up of seven (7) regulations and consist of the following:

Regulation 1 – Citation, scope and commencement.

Regulation 2 – Amends regulation 2 of the principal regulations.

Regulation 3 – Amends regulation 5 of the principal regulations.

Regulation 4 - Amends regulation 7 of the principal regulations.

Regulation 5 – Substitutes regulation 17 of the principal regulations.

Regulation 6 – Amends regulation 59 of the principal regulations.

Regulation 7 – Amends the Fourth Schedule to the principal regulations.

### **4. Commentary on parts and articles**

Regulation 1: Introduces the title of the regulations being the Light Passenger Transport Services and Vehicle Hire Services (Amendment) Regulations, 2023, whilst referring to the principal regulations as the Light Passenger Transport Services and Vehicle Hire Services Regulations (S.L. 65.33) and (S.L. 499.68). This regulation further explains the scope of the regulations, being to provide for the parking on the road of light passenger transport vehicles while these are not in use, without the need to return to their garage, and ensuring that light passenger transport service operators have adequate private garage parking space and, or private off-street parking space for their exclusive use where to park their vehicles while these are not in use.

Regulation 2: adds new definitions to the principal regulations containing phrases which are found in the amending regulations.

Regulation 3: Introduces the requirement for LPTV operators to submit an architect's report when renewing their operator's licence, confirming that they have enough private garage parking space and, or off-street parking space for their exclusive use where to park their vehicles while these are not in use.

Regulation 4: Introduces an exception to the garaging rule in the declaration signed by an applicant for an operator's licence to provide light passenger transport services and introduces the requirement for applicants of an operator's licence to submit an architect's report confirming that they have enough private garage parking space and, or off-street parking space for their exclusive use where to park their vehicles while these are not in use.

Regulation 5: Introduces the following new requirements:

LPTVs shall no longer be obliged to return to their garage if they are available for booking during the course of the driver's working shift;

LPTVs may be parked legally on the road and left unattended for up to one hour with the use of a parking disc which shall be exhibited in a clear and visible position, but shall be parked at least 250m away from taxi stands situated at all passenger ship berthing sites, the Malta International Airport and in King Edward VII Avenue in Floriana, and 100m away from other taxi stands, and, or 15m away from all bus stops;

The time and distance requirements shall not apply while passengers are alighting and boarding the LPTV;

LPTVs that are parked on the road with the driver inside are not bound by the time restriction, but must still observe the distance restrictions from taxi stands and bus stops,

Transport Malta has the right to require LPTV operators and intermediary booking service platforms to take necessary measures not to communicate any booking requests to drivers who are located with their vehicles parked within the prohibited distances from taxi stands and bus stops.

Regulation 6: Introduces an obligation on Transport Malta not to register or licence an additional LPTV under an operator's licence if it results that the number of available parking spaces declared in the architect's report is exceeded. However, in such a case the operator shall have the right to submit an updated architect's report including any additional private parking spaces that may be available for his exclusive use.

Regulation 7: Introduces a €500 administrative penalty for operators who fail to take measures, when required by Transport Malta, not to communicate any booking requests to drivers who are located with their vehicles parked within the prohibited distances from taxi stands and bus stops. A €500 administrative penalty is also being introduced for drivers who breach the parking time and distance restrictions while they are using the vehicle.

## **5. Concluding section**

These regulations shall come into force within two (2) months from their publication in the Gazette.

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.**

23rd May, 2023