

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,321, 27 ta' Dicembru, 2019

Taqsimha B

A.L. 352 tal-2019

**ORDINANZA DWAR IR-REGOLAMENT TAT-TRAFFIKU
(KAP. 65)**

**ATT DWAR L-AWTORITÀ GĦAT-TRASPORT F'MALTA
(KAP. 499)**

Regolamenti tal-2019 dwar il-Mikromobilità

BIS-SAHĦA tas-setgħat mogħtija bl-artikolu 54 tal-Ordinanza dwar ir-Regolament tat-Traffiku u bl-artikolu 43 tal-Att dwar l-Awtorità għat-Trasport f'Malta, il-Ministru għat-Trasport, Infrastruttura u Proġetti Kapitali, wara konsultazzjoni mal-Awtorità għat-Trasport f'Malta, għamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2019 Titolu.
dwar il-Mikromobilità.
2. F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma Interpretazzjoni.
teħtiegħ xort'oħra:

"l-Awtorità" tfisser l-Awtorità għat-Trasport f'Malta kif Kap. 499.
stabbilita bl-Att dwar l-Awtorità għat-Trasport f'Malta;

"*bypass*" tfisser triq ewlenija mibnija għat-traffiku biex
jevita milli jgħaddi minn ġo belt, villaġġ jew xi nħawi fejn
jinqabad it-traffiku;

"kerrej" tfisser persuna li tagħmel użu minn *e-kickscooter*
provdut minn operatur ta' servizz ta' *e-kickscooter sharing*;

"*kickscooter* elettriku" jew "*e-kickscooter*" tfisser apparat li
toqgħod bil-wieqfa fuqu li għandu manubriju, gverta u roti żgħar
ibsin li jithaddem b'mutur elettriku u li tista' thaddmu wkoll
b'saqajk;

"mina" tfisser, għall-finijiet ta' dawn ir-regolamenti,
kwalsijasi triq jew passagġ imsaqqaf għall-użu generali tal-
pubbliku;

"mogħdija tar-rigħel" tfisser, għall-finijiet ta' dawn ir-
regolamenti, mogħdija maħsuba biex jimxi fuqha l-pubbliku u li
tkun biswit u matul it-triq f'livell daqsxejn iżjed għoli;

"mogħdija għar-roti" tfisser, għall-finijiet ta' dawn ir-

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regolamenti, mogħdija matul triq jew bankina rizervata u mmarkata għall-użu esklussiv tar-roti;

"*promenade*" tfisser wesgħa pubblika mħollija għall-mixi jew passigġar tal-pubbliku;

ap. 490.

"Tribunal" tfisser it-Tribunal ta' Reviżjoni Amministrattiva mwaqqaf bl-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva;

"servizz ta' *e-kickscooter sharing*" tfisser servizz ta' kiri għal żmien qasir ta' *e-kickscooters* minn operatur ta' servizz ta' *e-kickscooter sharing* liċenzjat mill-Awtorità; is-servizz ta' *e-kickscooter sharing* jista' jiġi provdut jew bħala servizz b'ċirkolazzjoni libera jew inkella servizz bi stazzjon għall-parkeġġ ta' *e-kickscooters*;

"servizz ta' *e-kickscooter sharing* b'ċirkolazzjoni libera" tfisser servizz ta' kiri ta' *e-kickscooter* fejn il-kerrej, permezz ta' *app* tal-mowbajl, ikun jista' jikri minn kwalsijasi post fit-triq *e-kickscooter* liċenzjat taħt liċenzja ta' operatur ta' dan it-tip ta' servizz;

"servizz ta' *e-kickscooter sharing* bi stazzjon għall-ipparkeġġjar ta' *e-kickscooters*" tfisser servizz ta' *e-kickscooter sharing* li permezz tiegħu l-kerrej, permezz ta' *app* fuq il-mowbajl jew b'kull mod ieħor, jikri *e-kickscooter* liċenzjat taħt liċenzja ta' operatur minn stazzjon għall-parkeġġ ta' *e-kickscooters*;

"stazzjon għall-parkeġġ ta' *e-kickscooters*" tfisser sit deżinjat mill-Awtorità għall-ipparkeġġjar ta' *e-kickscooters* liċenzjati taħt liċenzja ta' operatur ta' servizzi ta' *e-kickscooter sharing*, minn liema stazzjon *e-kickscooters* liċenzjati jistgħu jittieħdu b'kera u fejn għandhom jiġu ritornati fi tmiem il-kirja;

"triq" tfisser kull triq, trejqa, sqaq, pjazza jew wesgħa pubblika oħra, u tinkludi kull pont li minn fuqu tgħaddi triq u kull mina li minnha tgħaddi triq;

"żona pedonali" tfisser żona:

(a) li tkun saret b'mod li ttejjeb il-kumdità għal min juża dik iż-żona bil-mixi; u

(b) li l-aċċess fiha ta' vetturi jkun ipprojbit jew ristrett.

REGISTRAZZJONI, LIĊENZJAR U ASSIGURAZZJONI

3. (1) Il-*kickscooters* għandhom jiġu registrati u liċenzjati mill-Awtorità. Registrazzjoni u liċenzjar.

(2) L-Awtorità m'għandha tirreġistra ebda *kickscooter* elettriku:

(a) sakemm l-applikant jipproduci, għas-sodisfazzjon tal-Awtorità, ċertifikat mahruġ mill-manufattur, jew, fejn dan iċ-ċertifikat ma jkunx jista' jiġi prodott, rapport iffirmit minn inginier bil-*warrant*, li jikkonferma illi l-*kickscooter* elettriku ġie prodott jew kalibrat b'mod li ma jistax jilhaq veloċità ta' iżjed minn 20 kilometru fis-sieġha; u

(b) jekk ma jkunx konformi mal-ħtiġijiet stabbiliti f'dawn ir-regolamenti.

(3) Ebda persuna m'għandha tirkeb jew issuq fit-triq *e-kickscooter*, kemm jekk ikun proprjeta' ta' sid privat u kemm jekk mikri mingħand operatur ta' servizz ta' *e-kickscooter sharing*, li ma jkunx registrat u liċenzjat mill-Awtorità.

(4) Ir-registrazzjoni msemmija fis-subregolament (1) għandha ssir bi h̄las ta' dritt amministrattiv ta' għaxar euro (€10) pagabbli lill-Awtorità.

(5) In-numru ta' registrazzjoni, f'forma ta' pjanċa jew *sticker*, kif tiddeċiedi l-Awtorità skond iċ-ċirkostanzi ta' kull każ, għandu jiġi mwahħal fuq l-*e-kickscooter* f'post prominenti skond l-istruzzjonijiet mogħtija mill-Awtorità.

(6) Il-liċenzja ta' ċirkolazzjoni annwali għandha tkun f'forma ta' *hologram sticker* li għandha titwahħal fuq l-*e-kickscooter* f'post prominenti skond l-istruzzjonijiet mogħtija mill-Awtorità.

(7) Ebda dritt għal-liċenzja ta' ċirkolazzjoni mhu pagabbli għal *e-kickscooters*.

4. Ebda *kickscooter* elettriku ma jista' jintuza fit-triq f'Malta sakemm ma jkunx kopert b'polza ta' assigurazzjoni għar-riskji ta' terzi persuni skond id-dispożizzjonijiet tal-Ordinanza dwar l-Assigurazzjoni ta' Vetturi bil-Mutur għar-Riskji ta' Terzi Persuni. Assigurazzjoni. Kap. 104.

5. (1) Ebda persuna ma tista' ssuq jew tippermetti lil xi persuna oħra li ssuq *e-kickscooter* fit-triq f'Malta h̄lief jekk dik il-persuna - Liċenzja tas-sewqan.

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L.S. 65.18.

(a) tkun għalqet l-eta' ta' sittax-il sena; u

(b) tkun fil-pussess ta' liċenzja valida tas-sewqan (Kategorija A, AM jew B) maħruġa skond ir-Regolamenti dwar Liċenzi għas-Sewqan ta' Vetturi bil-Mutur.

(2) Kull persuna li ssuq *e-kickscooter* fit-triq għandha żżomm fuqha l-liċenzja tas-sewqan u, meta hekk mitluba, turiha lill-Pulizija jew lil uffiċjal tal-infurzar li jkollu s-setgħa skond il-liġi li jitlob il-produzzjoni ta' liċenzja tas-sewqan mingħand is-sewwieq.

Taqsim II UŻU

Osservanza tar-regolamenti tat-traffiku.

6. Kull min isuq *e-kickscooter* fit-triq huwa obligat li f'kull hin josserva u jobdi r-regolamenti tat-traffiku, inkluż dawk li jirregolaw il-postijiet riżervati biex jasmu n-nies u *traffic lights*.

Sewqan fuq mogħdijiet tar-rigħel eċċ.

7. (1) *Kickscooters* elettriċi jistgħu jiġu misjuqa fuq mogħdijiet tar-rigħel, inkluż dawk li ma jintużawx esklussivament għall-mixi, *promenades*, mogħdijiet għar-roti u żoni pedonali iżda għandu jiġi osservat il-limitu ta' velocità stabbilit f'paragrafu (b) ta' regolament 9.

(2) Kull min isuq *e-kickscooter* f'xi mogħdija tar-rigħel, inkluż dawk li mhumiex riżervati esklussivament għall-mixi, *promenade* jew żona pedonali huwa obligat li jeżerċita l-ikbar attenzjoni waqt li jkun qed isuq u li jagħti dejjem il-preċedenza lil min ikun għaddej bil-mixi.

(3) Kull min isuq *e-kickscooter* f'xi mogħdija għar-roti, inkluż dawk li mhumiex riżervati esklussivament għar-roti, huwa obligat li ma jfixkilx lil dawk li jkunu qegħdin jużaw tali mogħdija biex isuqu r-rota.

Żoni projbiti.

8. Ikun ħati ta' reat kull min isuq *kickscooter* elettriku:

(a) fi kwalsijasi parti ta' toroq arterjali jew distributorji li jkunu inklużi f'elenku pubblikat mill-Awtorità minn żmien għal żmien fil-Gazzetta ħlief għal dawk il-partijiet minn dawn it-toroq li jiffurmaw parti mir-Rotta Sigura għas-Sewqan tar-Roti kif imħabbra mill-Awtorità minn żmien għal żmien b'pubblikazzjoni fil-Gazzetta;

(b) ġo mina jew passagġ taħt it-triq;

(ċ) f'kull triq jew wesgħa pubblika oħra fejn l-Awtorità, minn żmien għal żmien, tindika li l-użu ta' *e-kickscooters* huwa pprojbit.

9. Kull min isaq *kickscooter* elettriku għandu josserva l-limiti ta' velocità li ġejjin: Limiti ta' velocità.
- (a) velocità massima ta' għoxrin kilometru fis-siegħa għal sewqan fit-triq;
- (b) velocità massima ta' għaxar kilometri fis-siegħa għal sewqan f'mogħdijiet tar-rigiel, inkluż dawk mhux riżervati esklussivament għall-mixi, *promenades*, żoni pedonali u mogħdijiet għar-roti.
10. Ikun reat li aktar minn persuna waħda tirkeb jew tingarr fuq *e-kickscooter*. Ebda garr ta' passiġġieri.
11. Ikun reat li min ikun fuq *e-kickscooter* iżomm ma' vettura li tkun miexja jew li jżomm ma' persuna jew xi haġa oħra fuq, fi jew marbuta ma' xi vettura bħal dik. Persuna ma tistax iżzomm ma' persuna oħra.
12. Ikun reat li, waqt li ssuq *e-kickscooter*, tiġbed xi karru, *trailer* jew kull oġġett ieħor. Persuna ma tistax tiġbed oġġett.
13. (1) Kull min isaq *e-kickscooter* fit-triq għandu jsuq fl-istess direzzjoni tat-traffiku u jżomm kemm jista' jkun man-naħa tax-xellug tat-triq ħlief meta jasal f'salib it-toroq jew ma' rawndabawt jew meta jkun qiegħed jaqbeż lil xi hadd. Żamma fuq in-naħa tax-xellug tat-triq.
- (2) Persuni li jkunu qed isuqu *e-kickscooters* għandhom isuqu wara xulxin u mhux hdejn xulxin, ħlief meta jkunu qed jaqbzu lil xi hadd.
14. Ikun reat li ssuq *e-kickscooter* bla ma żzomm il-manubriju. Persuna ma tistax issuq bla ma żzomm il-manubriju.
15. Ikun reat li tagħmel użu minn jew iżzom f'idejk mowbajl jew kull oġġett ieħor waqt li tkun qed issuq *e-kickscooter*. Użu ta' mowbajl hu projbit.
16. Ikun reat li tagħmel użu minn *headphones*, *earphones* jew sistemi jew aġġegġi oħra li jistgħu jnaqssu jew jimpedixxu s-smieġħ waqt li tkun qed issuq *e-kickscooter*. Użu ta' *headphones* u apparat simili hu projbit.
17. Sewwieq ta' *e-kickscooter* li m'għandux indikaturi direzzjonali huwa obligat li jindika l-bdil fid-direzzjoni billi jagħmel sinjal b'idejh b'mod ċar u fil-ħin sabiex jagħti avviż bil-quddiem lill-persuni oħra li jkunu fit-triq tal-ħsieb tiegħu li jibdel id-direzzjoni. *E-kickscooters* mingħajr indikaturi direzzjonali.
18. Ikun reat li ssuq *e-kickscooter* kontra d-direzzjoni tat-traffiku sakemm ma jkunx hemm sinjal fit-triq li juri li huwa permess is-sewqan kontra d-direzzjoni tat-traffiku. Sewqan kontra d-direzzjoni tat-traffiku.

Taqsimha III
APPARAT

Htieġa ta' fanal ta' quddiem u fanal ta' wara.

19. Kull *kickscooter* elettriku li jintuża fit-triq għandu jkollu fanal ta' quddiem u fanal ta' wara li jkunu viżibbli b'mod ċar minn persuni oħra li jkunu qed jagħmlu użu mit-triq.

Sidrija ta' viżibbiltà għolja.

20. Kull min isuaq *e-kickscooter* fit-triq bejn inżul ix-xemx u tluġh ix-xemx għandu jilbes sidrija ta' viżibbiltà għolja f'kull hin.

Taqsimha IV
PARKEĠĠ

Parkeġġ fuq il-bankina eċċ.

21. *Kickscooters* elettriċi jistgħu jiġu parkeġġjati fuq il-bankini u *promenades* jew f'mogħdijiet tar-rigiel u żoni pedonali pero mhu b'mod li jostakolaw lil min ikun miexi fit-triq jew li jxekklu jew itellfu lill-persuni bi problemi ta' mobilita' jew b'mod li jimpedixxu l-aċċess għall-bankini, *promenades* jew mogħdijiet tar-rigiel.

Parkeġġ f'postijiet deżinjati għall-parkeġġ.

22. (1) Kull fejn ikun hemm infrastrutturi appożiti għall-parkeġġ ta' *e-kickscooters* jew postijiet ta' parkeġġ deżinjati apposta għall-użu ta' *e-kickscooters*, min jagħmel użu minn *e-kickscooters* għandu jipparkeġġjahom f'dawn il-postijiet.

(2) F'dawk it-toroq fejn ma jkunx hemm dawn il-facilitajiet, l-*e-kickscooters* jistgħu jiġu parkeġġjati fit-triq f'pożizzjoni perpendikolari għall-bankina pero mhux b'mod illi jokkupaw postijiet ta' parkeġġ li huma deżinjati speċifikament għal mezz oħra ta' trasport.

Parkeġġ illegali ta' *e-kickscooters*.

23. (1) Min jipparkeġġja *e-kickscooter* bi ksur tad-dispożizzjonijiet ta' regolamenti 21 jew 22 ikun soġġett għal multa għall-parkeġġ illegali jew ostaklu, skond iċ-ċirkostanzi tal-każ.

L.S. 65.13.

(2) Meta *e-kickscooter* jiġi parkeġġjat b'mod li jostakola t-traffiku liberu ta' vetturi jew ta' persuni bil-mixi jew b'mod li jokkupa post ta' parkeġġ li huwa speċifikament deżinjat għal mezz oħra ta' trasport, tali *e-kickscooter* jista' jiġi mneħħi skond ir-Regolamenti dwar l-Ikklampjar u t-Tneħħija ta' Vetturi bil-Mutur u Ogġetti ta' Ingombri.

Taqsimha V
SERVIZZI TA' *E-KICKSCOOTER SHARING*

Liċenzja lil operaturi.

24. (1) L-Awtorità tista' toħroġ liċenzja lil operaturi biex joperaw servizzi ta' *e-kickscooter sharing* f'Malta.

(2) Meta l-Awtorità tikkonsidra applikazzjonijiet għall-ħruġ ta' liċenzja ta' operatur ta' servizzi ta' *e-kickscooter sharing*, l-Awtorità

għandha tippromwovi politika ta' suq hieles u ma tillimitax il-ħruġ ta' tali liċenzji abbażi tan-numru ta' liċenzji diġa maħruġa jew konsiderazzjonijiet oħra li mhumiex stipulati f'dawn ir-regolamenti.

(3) Hadd ma jista' jopera servizz ta' *e-kickscooter sharing* mingħajr liċenzja u awtorizzazzjoni maħruġa skond dawn ir-regolamenti.

(4) L-Awtorità għandha toħroġ liċenzja ta' operatur lil kull impriża li tipprova li toffri servizzi ta' *e-kickscooter sharing* li tissodisfa l-kundizzjonijiet ta' dawn ir-regolamenti u rekwiżiti oħra li l-Awtorità tistabbilixxi.

(5) Il-liċenzja ta' operatur għandha tinħareġ f'isem persuna naturali awtorizzata biex tirrappreżenta l-impriża.

(6) L-applikazzjoni għal-liċenzja ta' operatur għandha tiġi magħmula lill-Awtorità fuq il-formola preskritta u bi hlas annwali ta' mitejn euro (€200) u hlas annwali amministrattiv ta' għaxar euro (€10) għal kull *e-kickscooter* li jiġi liċenzjat taħt il-liċenzja ta' operatur.

(7) Meta tinħareġ liċenzja ta' operatur din għandha tibqa' fis-seħh sakemm ma tiġix revokata, sospiża jew ċeduta diment li l-operatur jibqa' jhallas b'mod puntwali l-hlasijiet amministrattivi stabbiliti fis-subregolament (6).

(8) Dawk l-operaturi li jipprovdu servizzi ta' *e-kickscooter sharing* bi stazzjon għall-ipparkeġġjar ta' *e-kickscooters* huma obligati li josservaw l-istruzzjonijiet kollha li tista' tagħti l-Awtorità fir-rigward ta' tqegħid ta' stazzjonijiet għall-ipparkeġġjar ta' *e-kickscooters* fit-toroq u li jhallsu kwalsijasi hlasijiet amministrattivi li l-Awtorità tista' timponi minn żmien għal żmien fir-rigward tat-tqegħid u użu ta' stazzjonijiet għall-ipparkeġġjar ta' *e-kickscooters*.

(9) L-Awtorità għandha tissospendi jew tirrevoka l-liċenzja ta' operatur ta' servizzi ta' *e-kickscooter sharing* f'każ li dan iwettaq ksor materjali ta' dawn ir-regolament li, fid-diskrezzjoni assoluta tal-Awtorità, tkun timmerita s-sospensjoni jew revoka tal-liċenzja ta' dak l-operatur.

(10) Sospensjoni jew revoka skont dan ir-regolament għandha ssir mill-Awtorità minn jeddha jew b'ordni tal-qorti ta' ġurisdizzjoni kriminali:

Iżda meta l-Awtorità tkun minn jeddha bi hsiebha tissospendi jew tirrevoka liċenzja tal-operatur, hija għandha, permezz ta' avviż bil-kitba, tgħarraf lill-operatur konċernat bir-raġunijiet

tagħha għal dan. Kull notifika għandha tgħid li l-operatur konċernat jista', fi żmien għaxart ijiem min-notifika, jagħmel rappreżentazzjonijiet bil-miktub lill-Awtorità fejn jagħti r-raġunijiet għaliex il-liċenzja tiegħu m'għandhiex tiġi sospiża jew revokata u l-Awtorità għandha tiegħu f'konsiderazzjoni dawn ir-rappreżentazzjonijiet hekk magħmula qabel ma tiegħu deċiżjoni finali. L-Awtorità għandha, permezz ta' avviż bil-miktub, tgħarraf lill-operatur konċernat dwar id-deċiżjoni finali tagħha. L-operatur konċernat għandu d-dritt jappella quddiem it-Tribunal kontra d-deċiżjoni tal-Awtorità li tissospendi jew tirrevoka l-liċenzja tiegħu fi żmien tletin gurnata min-notifika tad-deċiżjoni tal-Awtorità:

Iżda wkoll minkejja li jkun hemm appell mid-deċiżjoni, is-sospensjoni jew revoka tal-liċenzja għandu jkollha effett immedjat, sakemm it-Tribunal jew il-qorti ta' ġurisdizzjoni kriminali ma jordnawx xort'oħra.

Servizzi ta'
sharing.

25. (1) Ebda operatur liċenzjat biex jipprovdi servizzi ta' *e-kickscooter sharing* ma jista' juża jew jippermetti li jintuża xi *e-kickscooter* registrat taht il-liċenzja tiegħu għal kwalsijasi skop ħlief għal servizz ta' *e-kickscooter sharing*.

(2) Kull *e-kickscooter* użat għal servizzi ta' *e-kickscooter sharing* għandu jkun registrat, *branded*, liċenzjat u assigurat.

(3) Servizzi ta' *e-kickscooter sharing* jistgħu jiġu provduti jew bħala servizzi b'ċirkolazzjoni libera jew bħala servizzi bi stazzjon għall-ipparkeġġjar ta' *e-kickscooters*.

(4) Operaturi liċenzjati biex jipprovdu servizzi ta' *e-kickscooter sharing* ikollhom id-dritt li jipprovdu dawn is-servizzi f'Malta soġġett għall-kundizzjonijiet li ġejjin:

(a) l-operatur jeħtieġ li jkollu u li jzomm fis-seħħ *app* b'pagna *web* jew kull forma oħra li permezz tagħha s-servizz ta' *e-kickscooter sharing* ikun jista' jiġi prenotat jew mikri dak il-ħin stess u li awtomatikament tiegħu lill-kerrej għal *website* li jkun fiha dan li ġej:

(i) lista tar-regolamenti saljenti, kif emendati jew aġġornati minn żmien għal żmien, dwar l-użu ta' *e-kickscooters* f'Malta sabiex il-kerrej ikun jista' jagħmel użu mill-*e-kickscooter* minnu mikri b'osservanza ta' dawn ir-regolamenti; u

(ii) għal dawk l-operaturi li joperaw servizz ta' *e-kickscooter sharing* bi stazzjon għall-ipparkeġġjar ta' *e-kickscooters*, mappa interattiva li turi l-istazzjonijiet f'ħin

reali, inkluż dawk li jkollhom postijiet ta' parkeġġ vojta fejn l-*e-kickscooter* ikun jista' jiġi parkeġġjat wara li jintuża;

(b) m'għandu jsir ebda użu ta' *e-kickscooters* li ma jkunux ġew debitament reġistrati, liċenzjati u assigurati għas-servizz ta' *e-kickscooter sharing*;

(c) kull *e-kickscooters* irid ikun ipprogrammat b'mod li ma jkunx jista' jinstaq f'dawk it-toroq, jew sezzjonijiet ta' toroq, u żoni fejn l-użu ta' *e-kickscooters* huwa projbit bil-liġi;

(d) kull *e-kickscooter* għandu jkollu l-livell meħtieġ ta' kapaċità telematika li tissodisfa r-rekwiżit ta' regolament programmat għal dak li jirrigwarda l-limiti ta' veloċità sabiex tiġi assigurata l-osservanza tal-limiti ta' veloċità stabbiliti fir-regolament 9;

(e) kull aġġeġġ li jista' jiġi stallat mill-operatur fuq *e-kickscooters* għal skop ta' navigazzjoni għandu jiġi hekk stallat b'mod li ma jkunx jista' jinqala' u ma jkunx jista' jintuża għal skop ta' komunikazzjoni;

(f) kull operatur għandu jipprovdi numru tat-telefown dedikat li permezz tiegħu l-kerrejja tas-servizz u anke l-Awtorità jkunu jistgħu jikkommunikaw mal-operatur kuljum (inkluż nhar ta' Sib, nhar ta' Hadd u f'festi pubbliċi) erbgħa u għoxrin siegħa kuljum;

(g) kull operatur għandu jikkonferma illi l-informazzjoni miġbura mis-sit elettroniku tiegħu tkun tista' tiġi trasmessa lill-Awtorità kemm fi stat mhux ipproċessat u kif ukoll permezz ta' *dashboard* li jkun jista' jintuża b'mod faċli; u

(h) kull operatur huwa obbilgat li josserva kull kundizzjoni oħra li tista' timponi l-Awtorità minn żmien għal żmien.

(5) L-operatur għandu jimponi tariffa waħda li tkun tkopri l-ispejjeż kollha relatati mas-servizz ta' *e-kickscooter sharing*, inkluż assigurazzjoni, liżenzja u l-użu tal-istazzon għall-parkeġġ ta' *e-kickscooters*, fejn ikun il-każ.

26. Persuna li ma taqbilx mad-deċiżjoni tal-Awtorità li tirrifjuta jew ma ggeddidx, jew li tissospendi jew tirrevoka liċenzja, jew li timponi limitazzjonijiet, kundizzjonijiet jew esklużjonijiet fl-istess liċenzja, ikollha d-dritt li fi żmien tletin ġurnata minn meta dik id-deċiżjoni tiġi lilha notifikata, tressaq appell minnha quddiem it-

Dritt ta' appell.

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Tribunal.

Taqsim VI
REATI U PIENI

Reati u pieni.

27. (1) Persuna li tikser id-dispożizzjonijiet tar-regolament 3(4) tkun ħatja ta' reat u teħel, meta tinsab ħatja, multa ta' ħames mitt euro (€500).

(2) Persuna li tikser id-dispożizzjonijiet tar-regolament 4 tkun ħatja ta' reat u teħel, meta tinsab ħatja:

(a) fil-każ tal-ewwel reat, multa ta' mhux anqas elfejn, tliet mija u disgħa u għoxrin euro u sebgħa u tletin ċenteżmu (€2,329.37) iżda ta' mhux iżjed minn erbat elef, sitt mija u tmienja u ħamsin euro u ħamsa u sebgħin ċenteżmu (€4,658.75) jew priġunerija għal żmien ta' mhux iżjed minn tliet xhur, jew il-multa u l-priġunerija flimkien;

(b) fil-każ tat-tieni reat, multa ta' mhux anqas minn erbat elef, sitt mija u tmienja u ħamsin euro u ħamsa u sebgħin ċenteżmu (€4,658.75) iżda ta' mhux iżjed minn ħamest elef, tmien mija u tlieta u għoxrin euro u tlieta u erbghin ċenteżmu (€5,823.43) jew priġunerija għal żmien ta' mhux iżjed minn sitt xhur, jew il-multa u l-priġunerija flimkien;

(c) fil-każ tat-tielet reat jew iktar, multa ta' mhux anqas minn ħamest elef, tmien mija u tlieta u għoxrin euro u tlieta u erbghin ċenteżmu (€5,823.43) iżda ta' mhux iżjed minn sitt elef, disa' mija u tmienja u tmenin euro u tnax-il ċenteżmu (€6,988.12) jew priġunerija għal żmien ta' mhux iżjed minn sena, jew il-multa u l-priġunerija flimkien, u -

(i) meta r-reat ikun jikkonsisti fl-użu ta' *e-kickscooter* fit-triq minn min ikun is-sid tal-*e-kickscooter* jew minn membru tal-familja tiegħu jew persuna li tgħix fl-indirizz fejn jgħix is-sid tal-*e-kickscooter*, u ma jkunx hemm fis-seħħ polza tal-assigurazzjoni dwar dan l-*e-kickscooter*, il-qorti għandha, b'żieda mal-pieni indikati f'dan is-subparagrafu, tordna l-konfiska tal-*e-kickscooter*;

(ii) meta r-reat, kif imsemmi, jitwettaq minn xi ħaddiehor, il-qorti għandha, b'żieda mal-pieni indikati f'dan is-subparagrafu, twaħħal multa oħra li tkun daqs il-valur tal-*e-kickscooter*.

(2A) Kull min jinstab ħati ta' reat taħt dan ir-regolament għandu (ħlief jekk il-qorti għal raġunijiet speċjali tikkunsidra li tordna mod

ieħor u mingħajr preġudizzju għas-setgħa tal-qorti li tordna żmien itwal ta' skwalifika) jiġi skwalifika mill-ikollu jew li jikseb liċenzja tas-sewqan għal żmien ta' tnax-il xahar mid-data li jkun gie misjub ħati:

Iżda jekk l-eżekuzzjoni tas-sentenza li biha wieħed jinstab ħati titwaqqaf wara li min ikun instab ħati jiddikjara li bi ħsiebu jappella minn dik is-sentenza, iż-żmien ta' skwalifika jibda għaddej -

(a) jekk din tiġi konfermata jew imnaqqa b'deċiżjoni tal-Qorti tal-Appell Kriminali, mid-data ta' din id-deċiżjoni;

(b) jekk ma jiġix preżentat rikors ta' appell fiż-żmien li trid il-liġi, mill-ewwel jum wara l-għurnata li jkun skada t-terminu;

(ċ) jekk l-appell jiġi ċedut permezz ta' nota, mill-jum meta tiġi preżentata din in-nota fil-qorti jew, jekk l-appell jiġi mod ieħor deżert wara l-preżentata tar-rikors tal-appell, minn dak il-jum minn meta l-Qorti tal-Appell Kriminali tiddeċiedi wara li jsir rikors mill-Kummissarju tal-Pulizija jew mill-Awtorità għat-Trasport f'Malta.

(2B) Id-dispożizzjonijiet tal-artikolu 21 tal-Kodiċi Kriminali u tal-Att dwar il-*Probation*, ma japplikawx fil-każ ta' xi reat kontra d-dispożizzjonijiet ta' dan ir-regolament. Kap. 9.
Kap. 446.

(2Ċ) Għad illi f'liġijiet oħra jista' jkun hemm żmien stabbilit li fih għandhom isiru proċeduri quddiem qorti, il-proċediment għal reat taħt dan is-subregolament jista' jsir:

(a) fi żmien sitt xhur mid-data li fiha jkun sar ir-reat allegat; jew

(b) fi żmien li ma jiskorrix la tliet xhur mid-data li fiha l-prosekuzzjoni tkun saret taf li sar ir-reat u lanqas sena mid-data li fiha jkun sar ir-reat, skont liema żmien minnhom ikun l-itwal.

(3) Persuna li tikser id-dispożizzjonijiet tar-regolament 5(1) tkun ħatja ta' reat u teħel, meta tinsab ħatja, multa ta' mhux iżjed minn elf u mitejn euro (€1,200) jew prigunerija għal żmien ta' mhux iżjed minn sena u, b'żjieda mal-piena, għandu jiġi skwalifika mill-ikollu jew li jikseb liċenza tas-sewqan, fil-każ tal-ewwel reat, għal żmien ta' mhux anqas minn tliet xhur u, fil-każ tat-tieni reat jew iktar, għal żmien ta' mhux anqas minn sena u d-dispożizzjonijiet tal-*proviso* għas-subregolament 2A ta' dan ir-regolament għandhom japplikaw *mutatis mutandis*.

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(4) Persuna li tagħmel użu minn pjanċa ta' registrazzjoni jew *sticker* fuq *e-kickscooter* li ma tkunx dik maħruġa mill-Awtorità tkun haġja ta' reat u teħel, meta tinsab haġja, multa ta' mhux anqas minn elf u mitejn euro (€1,200) jew priġunerija għal żmien ta' mhux iżjed minn sitt xhur, jew il-multa u l-priġunerija flimkien.

(5) Persuna li tikser id-dispożizzjonijiet tar-regolament 8(a) u (ċ) tkun haġja ta' reat u teħel, meta tinsab haġja, multa ta' mitejn euro (€200).

(6) Persuna li tikser id-dispożizzjonijiet tar-regolament 8(b) tkun haġja ta' reat u teħel, meta tinsab haġja, multa ta' ħames mitt euro (€500).

(7) Persuna li tikser id-dispożizzjonijiet ta' regolament 9 tkun haġja ta' reat u teħel, meta tinsab haġja -

L.S. 65.18.

(a) multa (ammenda) ta' erbgħa u tletin euro u erbgħa u disgħin ċenteżmu (€34.94) u l-impożizzjoni ta' tliet punti penali skond regolament 40 u s-Sitt Skeda tar-Regolamenti dwar Liċenzi għas-Sewqan ta' Vetturi bil-Mutur f'każ illi l-veloċità eċċessiva tkun sa ħames kilometri fis-siegħa iżjed mill-veloċità massima stabbilita fir-regolament 9; u

L.S. 65.18.

(b) multa (ammenda) ta' disgħa u sittin euro u tmienja u tmenin ċenteżmu (€69.88) u l-impożizzjoni ta' sitt punti penali skond regolament 40 u s-Sitt Skeda tar-Regolamenti dwar Liċenzi għas-Sewqan ta' Vetturi bil-Mutur f'każ illi l-veloċità eċċessiva tkun ta' aktar minn ħames kilometri fis-siegħa 'l fuq mill-veloċità massima stabbilita fir-regolament 7.

(8) Persuna li tikser id-dispożizzjonijiet tar-regolamenti 10, 11, 12, 13 jew 14 tkun haġja ta' reat u teħel, meta tinsab haġja, multa (ammenda) ta' mhux anqas minn ħamsin euro (€50) iżda ta' mhux iżjed minn mitt euro (€100).

(9) Persuna li tikser id-dispożizzjonijiet tar-regolamenti 15, 16, 17, 18 jew 19 tkun haġja ta' reat u teħel, meta tinsab haġja, multa (ammenda) ta' mitt euro (€100).

(10) Persuna li tikser id-dispożizzjonijiet ta' regolament 20 tkun haġja ta' reat u teħel, meta tinsab haġja, multa ta' ħames mitt euro (€200).

(11) Persuna li tikser id-dispożizzjonijiet tar-regolament 24(3) tkun haġja ta' reat u teħel, meta tinsab haġja, multa ta' mhux anqas minn elfejn euro (€2,000) iżda ta' mhux iżjed minn għaxart elef euro (€10,000).

(12) Persuna li tikser id-dispożizzjonijiet tar-regolament 25 tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux anqas minn hames mitt euro (€500) iżda ta' mhux iżjed minn elfejn euro (€2,000).

28. (1) Hlief għal dawk ir-reati li huma speċifikatament regolati fit-Taqsima VI, it-twettiq ta' reat bi ksur ta' regolamenti tat-traffiku waqt l-użu jew sewqan ta' *kickscooter* elettriku iġorr l-istess pjeni u konsegwenzi applikabbli għall-istess reati meta mwettqa bl-użu ta' vettura bil-mutur.

(2) Id-dispożizzjonijiet ta' regolament 40 u tas-Sitt Skeda tar-Regolamenti dwar Liċenzi għas-Sewqan ta' Vetturi bil-Mutur u l-artikoli 15A sa 15I tal-Ordinanza dwar ir-Regolament tat-Traffiku għandhom japplikaw bl-istess mod għall-użu ta' *kickscooters* elettrici bl-istess mod li japplikaw għall-użu ta' vetturi bil-mutur, *mutatis mutandis*.

L.S 65.18.

Kap. 65.

L.N. 352 of 2019

**TRAFFIC REGULATION ORDINANCE
(CAP. 65)**

**AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)**

Micromobility Regulations, 2019

IN EXERCISE of the powers conferred by article 54 of the Traffic Regulation Ordinance and by article 43 of the Authority for Transport in Malta Act, the Minister for Transport, Infrastructure and Capital Projects, after consultation with the Authority for Transport in Malta, made the following regulations:

Citation. **1.** The title of these regulations is the Micromobility Regulations, 2019.

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

Cap. 499. "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-kickscooter sharing service whereby the user may, through a mobile app, rent an e-kickscooter licensed under the operator's licence of an e-kickscooter 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;

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

Cap. 490.

"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

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

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

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(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, whether privately-owned or rented from an e-kickscooter sharing operator, 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.
Cap. 104. **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.

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

S.L. 65.18. (b) is in possession of a valid driving licence (Category A, AM or B) issued in conformity with the Motor Vehicles (Driving Licences) Regulations.

(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

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. Observance of traffic regulations.

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. Driving on footpaths etc.

(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.

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

(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.

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

10. It shall be an offence for more than one person to ride, or be carried on, an e-kickscooter. No carriage of persons.

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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 directional 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. Electric 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

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 on pavements etc.

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.

Parking in designated parking spaces.

(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.

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.

Illegal parking of e-kickscooters.

(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

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

Licence for operators.

(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

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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 licence.

(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.

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. 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;

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(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.

27. (1) Any person who contravenes the provisions of regulation 3(4) 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;

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(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.

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(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 regulations 15, 16, 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).

(10) 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).

(11) 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).

(12) 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

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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*.
