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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Eddie Fenech Adami, M.P., Prim Ministru u moqri għall-Ewwel darba fis-Seduta tad-19 ta' Diċembru, 1988.

A BILL introduced by the Honourable Eddie Fenech Adami M.P., Prime Minister and read the First time at the Sitting of the 19th December, 1988.

ATT biex jipprovdi għat-twaqqif ta' korp magħqud li jkun magħruf bħala l-Awtorità dwar it-Trasport Pubbliku u għall-eżerċizzju minn jew f'isem dik l-Awtorità ta' funzjonijiet dwar trasport pubbliku; biex jipprovdi għall-ghamla u l-funzjonijiet tal-Bord ghax-Xogħol fit-Trasport Pubbliku; u biex jipprovdi dwar hwejjeġ ancillari ma' dawn jew konnessi magħhom.

AN ACT to provide for the establishment of a body corporate to be known as the Public Transport Authority and for the exercise by or on behalf of that Authority of functions relating to public transport; to provide for the constitution and functions of the Public Transport Labour Board; and to make provision with respect to matters ancillary thereto or connected therewith.

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

**ATT TA' L-1988 LI JWAQQAF AWTORITÀ DWAR
IT-TRASPORT PUBBLIKU**

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SKEDA

ABBOZZ TA' LIĠI msejjah

ATT biex jipprovdi ghat-twaqqif ta' korp magħqud li jkun magħruf bhala l-Awtorità dwar it-Trasport Pubbliku u għall-eżercizzju minn jew fisem dik l-Awtorità ta' funzjonijiet dwar trasport pubbliku; biex jipprovdi għall-ghamla u l-funzjonijiet tal-Bord ghax-Xogħol fit-Trasport Pubbliku; u biex jipprovdi dwar hwejjeġ ancillari ma' dawn jew konnessi magħhom.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

Preliminari

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1988 li jwaqqaf Awtorità dwar it-Trasport Pubbliku.

Titolu fil-qosor u bidu fis-sehh

(2) Id-dispożizzjonijiet li ġejjin ta' dan l-Att għandhom jidhlu fis-sehh f'dik id-data li l-Ministru jista' jstabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, sakemm ir-rabta tal-kliem ma tkunx teħtieġ xort'ohra:—

Tifsir.

“l-Att” għar-rigward ta' l-artikolu 29 ta' dan l-Att għandu t-tif-sira mogħtija lilha b'dak l-artikolu;

“Awtorità” tfisser l-Awtorità dwar it-Trasport Pubbliku mwaqqfa bl-artikolu 3 ta' dan l-Att;

“il-Bord” tfisser il-Bord ghax-Xogħol fit-Trasport Pubbliku mwaqqaf bl-artikolu 15 ta' dan l-Att;

“*Chairman*” tfisser iċ-*Chairman* ta’ l-Awtorità u tinkludi, fiċ-ċirkostanzi msemmijin fis-subartikolu (3) ta’ l-artikolu 3 ta’ dan l-Att, id-Deputat *Chairman* jew persuna oħra mahtura bħala *Chairman*:

Iżda għar-rigward ta’ l-artikoli 11 u 28 ta’ dan l-Att “*Chairman*” tfisser iċ-*Chairman* ta’ kumitat eżekuttiv u konsultattiv u iċ-*Chairman* tal-Kumitat rispettivament;

“il-ġurnata stabbilità”, għar-rigward ta’ l-artikolu 28 ta’ dan l-Att, għandha t-tifsira mogħtija lilha b’dak l-artikolu;

“impjegat tat-trasport pubbliku” tfisser persuna impjegata fil-ġarr ta’ passiġġieri b’vettura tat-trasport pubbliku bil-liċenza;

“il-Kumitat” tfisser il-Kumitat dwar it-Trasport Pubbliku għall-Adattar tal-Liġijiet imwaqqaf bl-artikolu 28 ta’ dan l-Att;

“kumitat eżekuttiv u konsultattiv” jew “kumitat” tfisser kumitat eżekuttiv u konsultattiv imwaqqaf skond l-artikolu 11 ta’ dan l-Att;

“liċenza” tfisser u tinkludi kull liċenza jew permess li skond dan l-Att jew xi liġi oħra jkunu meħtieġa mill-Awtorità jew li l-Awtorità tkun awtorizzata jew ikollha s-setgħa li tagħti skond dak l-Att jew xi liġi oħra u “persuna bil-liċenza” għandu jkollha l-istess tifsir skond hekk;

“Ministru” tfisser il-Ministru responsabbli għat-trasport pubbliku, u tinkludi kull persuna awtorizzata minn dak il-Ministru għal hekk;

“sena finanzjarja” tfisser kull perjodu ta’ tmax-il xahar li jin-temm fit-30 ta’ Settembru:

Iżda l-ewwel sena finanzjarja ta’ l-Awtorità għandha tkun tik-konsisti fil-perjodu li jgħaddi bejn il-bidu fis-sehħ ta’ dan l-Att u t-30 ta’ Settembru ta’ dik is-sena li l-Ministru jispeċifika b’avviż bil-miktub lill-Awtorità;

“settur tat-trasport pubbliku” għandha t-tifsira mogħtija lilha bis-subartikolu (1) ta’ l-artikolu 9 ta’ dan l-Att;

“trasport pubbliku” tfisser il-ġarr ta’ passiġġieri f’Malta bi hlas;

“uffiċjal pubbliku” għar-rigward ta’ l-artikolu 12 ta’ dan l-Att, għandha l-istess tifsira mogħtija lilha bl-artikolu 124 tal-Kostituzzjoni iżda ma tinkludix imħallef tal-Qrati Superjuri jew maġistrat tal-Qrati Inferjuri;

“vettura” tinkludi kull karru, karrozzin, karrettun, karozza, *motor car*, omnibus, minibus, bicycle, biċċa tal-baħar, jew mezz ieħor ta’ trasport bl-art jew bil-baħar għall-ġarr ta’ persuni.

“vettura tat-trasport pubbliku” tfisser kull vettura użata jew maħsuba li tintuża għat-trasport pubbliku;

Twaqqif, funzjonijiet u tmexxija tax-xogħol ta' l-Awtorità

3. (1) Ghandu jkun hemm korp, li jkun maghruf bhala l-Awtorità dwar it-Trasport Pubbliku, li jkun magħmul minn *Chairman* u erba' membri oħra.

Twaqqif u kompożizzjoni ta' l-Awtorità dwar it-Trasport Pubbliku.

(2) Il-membri ta' l-Awtorità jinhatru mill-Ministru għal żmien sena jew għal dak iż-żmien itwal li jista' jiġi speċifikat fid-dokument li bih huma jkunu ġew mahtura iżda l-membri hekk mahtura jistgħu jerġghu jiġu mahtura fi tmiem iż-żmien tal-hatra tagħhom.

(3) Il-Ministru jista' jsemmi membru ieħor ta' l-Awtorità bhala Deputat *Chairman*, u l-membri hekk imsemmi jkollu s-setgħat kollha u jaqdi dawk il-funzjonijiet kollha taċ-*Chairman* matul in-nuqqas tiegħu jew meta dan ma jkunx jista' jagħmilha ta' *Chairman*, jew meta jkun bil-vakanzi, jew matul xi żmien li l-kariga ta' *Chairman* tkun battala; u l-Ministru jista' wkoll, f'kull waħda mill-imsemmija ċirkostanzi, jahtar persuna oħra bhala *chairman* u f'dak il-każ id-dispożizzjonijiet ta' qabel għandhom japplikaw dwar dik il-persuna.

(4) Persuna ma tkunx kwalifikata li tinhatar membru ta' l-Awtorità jekk —

(a) tkun Ministru, Segretarju Parlamentari jew membru tal-Kamra, jew

(b) ikollha xi interess finanzjarju f'xi impriża jew attività dwar it-trasport pubbliku jew jekk ikollha f'impriża jew attività bħal dik xi interess ieħor li x'aktarx ma jhalliex taqdi sewwa l-funzjonijiet tagħha bhala membru ta' l-Awtorità.

(5) Bla hsara għad-dispożizzjonijiet ta' dan l-artikolu, il-kariga ta' membru ta' l-Awtorità għandha ssir vakanti:

(a) fit-tmiem taż-żmien tal-hatra tiegħu; jew

(b) jekk jinholqu xi ċirkostanzi li, kieku ma kienx membru ta' l-Awtorità, kienu jgħeghluh ikun skwalifikat għal hatra bhala hekk.

(6) Membru ta' l-Awtorità jista' jitneħħa mill-kariga mill-Ministru jekk, fil-fehma tal-Ministru, dak il-membri ma jkunx tajjeb biex ikompli fil-kariga jew ma jkunx baqa' kapaċi biex jaqdi b'mod xieraq id-dmirijiet tiegħu bhala membru.

(7) Jekk il-kariga ta' membru ta' l-Awtorità tkun vakanti jew jekk xi membru għal xi raġuni ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, il-Ministru jista' jahtar persuna li tkun kwalifikata biex tkun mahtura bhala membru biex tkun membru temporanju ta' l-Awtorità; u kull persuna hekk mahtura għandha, bla hsara għad-dispożizzjonijiet tas-subartikoli (5) u (6) ta' dan l-artikolu, tispicċa milli tkun membru bħal dak malli persuna tkun giet mahtura biex timla' l-vakanza jew, skond il-każ, malli l-membri li ma setax jaqdi l-funzjonijiet tal-kariga tiegħu jirreżumi dawk il-funzjonijiet.

(8) Kull membru ta' l-Awtorità li jkollu xi interess dirett jew indirett f'xi kuntratt magħmul jew li jkun propost mill-Awtorità, li ma jkunx interess li jiskwalifika lil dak il-membru milli jibqa' membru, għandu juri x-xorta ta' l-interess tiegħu fl-ewwel laqgħa ta' l-Awtorità wara li jkun sar jaf bil-fatti rilevanti; dak il-fatt għandu mbagħhad jiġi reġistrat fil-minuti ta' l-Awtorità, u l-membru li jkollu dak l-interess għandu jirtira minn kull laqgħa li fiha jiġi diskuss dak il-kuntratt. Dak l-interess għandu jiġi mgharraf lill-Ministru mingħajr dewmien. Meta l-interess tal-membru jkun hekk li jiskwalifikah milli jibqa' membru, dan għandu minnufih jirrapporta l-fatt lill-Ministru u jagħti r-riżenja tiegħu.

Funzjonijiet
ta' l-Awtorità.

4. (1) L-Awtorità jkollha l-funzjonijiet li ġejjin —

(a) li tipprovdi, jew tiżgura jew tmexxi 'il quddiem, sistema ta' trasport pubbliku integrat sew, mingħajr periklu, ekonomiku u effiċjenti;

(b) li tiddetermina l-għanijiet *short term* u dawk *long term* ta' dak is-sistema;

(ċ) li tiżviluppa l-istrateġija u *policy* meħtieġa biex jintlaħqu dawk l-għanijiet;

(d) li tipprovdi, jew tiżgura jew iġġib 'il quddiem dawk is-servizzi u faċilitajiet li l-Awtorità jkun jidhrilha li huma spedjenti fit-twettiq tal-funzjonijiet tagħha;

(e) li tipprovdi, jew tiżgura jew iġġib 'il quddiem, taħriġ għall-persuni li jahdmu jew li għad ikunu jahdmu fis-servizzi tat-trasport pubbliku u li iġġib 'il quddiem l-interessi ta' dawk il-persuni;

(f) li tiġbor u żżomm statistika aġġornata ta' dik l-informazzjoni li tista' tqis xierqa għar-rigward tat-trasport pubbliku;

(g) li tagħti parir lill-Ministru dwar dak kollu li jkollu x'jaqsam mat-trasport pubbliku;

(h) li twettaq kull funzjoni oħra li tingħatalha jew li tohroġ minn dan l-Att jew minn xi liġi oħra;

(i) li tmexxi dawk l-attivitajiet kollha li fil-fehma ta' l-Awtorità jkunu meħtieġa, vantaġġu jew konvenjenti li jitmexxew għal jew dwar l-egħmil ta' xi wahda mill-funzjonijiet l-oħra ta' l-Awtorità.

(2) Fil-qadi tal-funzjonijiet tagħha skond dan l-Att, l-Awtorità għandha tiżgura li l-*policy* u l-attivitajiet tagħha jkunu jaqblu ma' l-għanijiet u l-iskopijiet ta' l-ippjanar ekonomiku nazzjonali li jkun fis-seħh minn żmien għal żmien.

5. Ix-xoghol u n-negozju ta' l-Awtorità jkunu r-responsabbiltà ta' u jkunu mmexxija mill-Awtorità stess; iżda, hliet kif intqal qabel u bla hsara għad-dispożizzjonijiet ta' dan l-Att u ta' kull direttivi ta' l-Awtorità, it-tmexxija eżekuttiva ta' l-Awtorità, l-amministrazzjoni u l-organizzazzjoni u l-kontroll amministrattiv ta' l-uffiċjali u l-impjegati tagħha, ikunu r-responsabbiltà ta' *Chairman* ta' l-Awtorità, li jkollu wkoll dawk is-setgħat l-oħra li minn żmien għal żmien jiġu mogħtija lil mill-Awtorità.

Tmexxija
tax-xoghol ta'
l-Awtorità.

6. (1) Il-Ministru jista', dwar hwejjeġ li fil-fehma tiegħu jolqtu l-interess pubbliku, minn żmien għal żmien jagħti lill-Awtorità direttivi ta' xorta ġenerali, li ma jkunux kontra d-dispożizzjonijiet ta' dan l-Att, dwar il-politika li fuqha għandha timxi l-Awtorità fil-qadi tal-funzjonijiet tagħha taht dan l-Att, u l-Awtorità għandha, kemm jista' jkun malajr, jagħti effett lil dawk id-direttivi kollha.

Relazzjonijiet
bejn il-Ministru
u l-Awtorità.

(2) L-Awtorità għandha jagħti lill-Ministru faċilitajiet biex jikseb tagħrif dwar il-proprjetà u l-attivitajiet tagħha, u tagħtih dawk il-prospetti, kontijiet u tagħrif dwarhom, u tagħtih faċilitajiet għall-verifika ta' tagħrif mogħti, b'dak il-mod u f'dawk iż-żminijiet li l-Ministru jkun bir-raġun jehtieġ.

7. (1) L-Awtorità tkun korp magħqud b'personalità ġuridika distinta u tkun tista', bla hsara għad-dispożizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, iżżomm u tneħhi kull xorta ta' proprjetà għall-għanijiet tal-funzjonijiet tagħha, tħarrek, tiġi mharrka, u tagħmel kull haġa u tidhol f'kull negozju li jkunu inċidentali jew iwasslu għall-eżerċizzju jew għall-qadi tal-funzjonijiet tagħha taht dan l-Att, magħdud li tislef jew tissellef flus.

Personalità
ġuridika u
rappreżentanza
ta' l-Awtorità.

(2) Ir-rappreżentanza ġuridika ta' l-Awtorità tkun vestita fiċ-*Chairman*:

Iżda l-Awtorità tista' tahtar wiehed jew aktar mill-membri l-oħra tagħha jew mill-uffiċjali jew mill-impjegati ta' l-Awtorità biex jidhru f'isem u għall-Awtorità f'kull proċedimenti ġudizzjarji u f'kull att, kuntratt, kitba jew dokument ieħor ikun li jkun.

(3) Kull dokument li jidher li jkun kitba magħmula jew mahruġa mill-Awtorità u li jkun iffirmat miċ-*Chairman* għall-Awtorità għandu jiġi milqugħ bhala prova u għandu, sakemm ma jiġix ippruvat il-kuntrarju, jitqies li hu kitba magħmula jew mahruġa mill-Awtorità.

8. (1) Il-laqgħat ta' l-Awtorità jissejhu miċ-*Chairman*, jew minn jeddu jew fuq it-talba ta' tnejn mill-membri l-oħra.

Dispożizzjonijiet
dwar
proċedimenti
ta' l-Awtorità.

(2) Tliet membri ta' l-Awtorità jiffirmaw *quorum* f'kull laqgħa. Id-deċiżjonijiet jittiehdu b'maġġoranza sempliċi tal-voti tal-membri preżenti u li jivvotaw. Iċ-*Chairman*, jew fin-nuqqas tiegħu d-Deputat *Chairman* jew persuna oħra mahtura biex tagħmilha ta' *chairman*, ikollu vot oriġinali u, fil-każ ta' voti ndaq, vot deċiżiv. Bla hsara għall-htigijiet l-oħra ta' dan l-Att, ebda deċiżjoni ma tkun valida jekk ma jkollhiex l-appoġġ ta' għall-anqas żewġ membri ta' l-Awtorità jew li tittiehed f'laqgħa tal-Bord li fiha iċ-*Chairman*, jew fin-nuqqas

tieghu d-Deputat *Chairman* jew persuna ohra mahtura biex taghmlha ta' *chairman*, ma jkunx prezenti.

(3) Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, l-Awtorità tista' tirregola l-proċedura taghha stess.

(4) Bla hsara ghad-dispożizzjonijiet ta' qabel ta' dan l-artikolu, ebda ghemil jew proċediment ta' l-Awtorità ma jkun invalidat minhabba biss il-fatt li jkun hemm vakanza fost il-membri.

(5) Kull haġa li ssir minn xi persuna li tagixxi *bona fide* bhala membru ta' l-Awtorità tkun valida daqslikieku kienet membru minkejja xi difett li jista' jiġi mikxuf wara fil-kariga jew fil-kwalifika taghha. Ebda kwistjoni ma tista' titqajjem dwar xi ghemil jew proċediment ta' l-Awtorità minhabba ksur, minn membru, tad-dispożizzjonijiet tas-subartikolu (8) ta' l-artikolu 3 ta' dan l-Att.

Hatriet ta' persunal.

9. (1) Bla hsara ghad-dispożizzjonijiet tal-Kostituzzjoni u ta' kull liġi ohra li tapplika ghalihom, u bla hsara ghad-dispożizzjonijiet l-ohra ta' dan l-Att, in-nomina ta' uffiċjali u impjegati ohra ta' l-Awtorità ssir mill-Awtorità. Il-pattijiet u l-kondizzjonijiet ta' l-impieg ghandhom jiġu stabbiliti mill-Awtorità wara li jkun qabel maghhom il-Ministru.

(2) L-Awtorità tista', bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi twaqqaf skema jew skemi sew b'arranġamenti kontributorji jew mhux kontributorji jew f'parti minn wiehed u f'parti mill-iehor, għall-hlas lill-uffiċjali u l-impjegati taghha, jew lid-dipendenti taghhom, meta jirtiraw, imutu jew ikorru, ta' pensjonijiet, gratifikazzjonijiet u benefiċċji ohra bħal dawn.

Kumitati eżekuttivi u konsultattivi u uffiċjali u impjegati ta' l-Awtorità

Hatra u funzjonijiet ta' uffiċjali u mpjegati ta' l-Awtorità.

10. L-Awtorità għandha taħtar u timpjega, b'dik ir-rimunerazzjoni u fuq dawk il-pattijiet u l-kondizzjonijiet li tista' tistabbilixxi skond l-artikolu 9 ta' dan l-Att, dawk l-uffiċjali u mpjegati l-ohra ta' l-Awtorità li minn żmien għal żmien ikunu meħtieġa għall-qadi xieraq u effiċjenti tal-funzjonijiet ta' l-Awtorità.

Hatra u funzjonijiet ta' kumitati eżekuttivi u konsultattivi.

11. (1) B'effett minn dik il-ġurnata jew minn dawk il-ġranet li l-Ministru jista' b'ordni jstabbilixxi, għandu jkun hemm dwar kull wiehed minn dawk is-setturi li jipprovdu servizzi ta' trasport pubbliku li l-Ministru f'xi ordni bħal dak jispeċifika (hawnhekk iżjed 'il quddiem imsejha "settur tat-trasport pubbliku") kumitat eżekuttiv u konsultattiv li għandu, bla hsara ghad-dispożizzjonijiet ta' dan l-Att u ghad-direttivi ta' l-Awtorità:

(a) jagħti parir lill-Awtorità dwar kull haġa li għandha x'taqsam jew li tkun konnessa mas-settur tat-trasport pubbliku li dwaru jkun twaqqaf magħdudin proposti għall-iżvilupp u riorganizzazzjoni ta' dak is-settur;

(b) jaghti parir lill-Awtorità dwar il-pattijiet u kondizzjonijiet ta' servizz ta' l-impjegati f'dak is-settur;

(c) ikun responsabbli biex jiġu esegwiti malajr il-*policy* u d-deċizzjonijiet l-oħra ta' l-Awtorità dwar dak is-settur.

Kull kumitat eżekuttiv u konsultattiv jkollu wkoll dawk il-funzjonijiet l-oħra li jistgħu jiġu mogħtija jew delegati lilu mill-Awtorità jew minn xi liġi.

(2) Bla hsara għad-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu, il-membri tal-Kumitat eżekuttiv u konsultattiv għandhom jinhatru mill-Awtorità u għandhom jibqgħu fil-kariga tagħhom għal dak iż-żmien u b'dawk il-pattijiet u kondizzjonijiet kif l-Awtorità tista' tqis xierqa.

(3) Id-dispożizzjonijiet tas-subartikoli (4), (5) u (8) ta' l-artikolu 3 ta' dan l-Att għandhom iġġoddu *mutatis mutandis* għall-membri tal-kumitati eżekuttivi u konsultattivi iżda kull riferenza għall-Ministru fis-subartikolu (8) ta' dak l-artikolu għandha, għall-iskop ta' dan l-artikolu, tiftiehem bhala riferenza għall-Awtorità.

(4) Kull kumitat eżekuttiv u konsultattiv għandu jkun kompost minn dawn il-membri:

(a) membru wiehed li jkun jirrappreżenta l-Awtorità, li jkun *Chairman*;

(b) membru wiehed maħtur wara li l-Awtorità tkun talbet l-opinjoni ta' rappreżentanti ta' sidien ta' vetturi tat-trasport pubbliku u ta' prinċipali fis-settur tat-trasport pubbliku konċernat;

(c) membru wiehed maħtur wara li l-Awtorità tkun talbet l-opinjoni ta' rappreżentanti ta' impjegati f'dak is-settur;

(d) membru wiehed li jirrappreżenta l-pubbliku in generali;

(e) membru wiehed maħtur mill-Awtorità li taġixxi skond il-parir tal-Ministru.

(5) Kull kumitat eżekuttiv u konsultattiv għandu jzomm minuti tal-laqgħat kollha tiegħu u għandu jibgħat kopji ta' dawk il-minuti lill-Awtorità. Id-dispożizzjonijiet ta' l-artikolu 8 ta' dan l-Att għandhom iġġoddu *mutatis mutandis* għall-kumitat u l-ghemil jew proċedimenti tiegħu.

12. (1) Il-Prim Ministru jista', fuq it-talba ta' l-Awtorità, minn Allokazzjoni ta' uffiċjali pubbliċi għal dmirijiet ma' l-Awtorità. Allokazzjoni ta' uffiċjali pubbliċi għal dmirijiet ma' l-Awtorità. zmien għal zmien jordna li xi uffiċjal pubbliku jibqa' allokat għal dmirijiet ma' l-Awtorità f'dik il-kariga u b'effett minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru.

(2) Il-perijodu li matulu direttiva kif intqal qabel għandha tapplika għal xi uffiċjal speċifikat fiha, kemm-il darba l-uffiċjal ma jmutx, jew ma jirtirax mis-servizz pubbliku, jew xort'oħra ma jkomplix

fil-kariga f'data qabel, jew kemm-il darba perijodu differenti ma jiġix speċifikat f'dik id-direttiva, għandu jintemm malli tiġri xi wahda mill-grajjiet li ġejjin, jiġifieri —

(a) l-aċċettazzjoni minn dak l-uffiċjal ta' offerta ta' trasferiment għas-servizz ta', u mpieg permanenti ma', l-Awtorità skond id-dispożizzjonijiet ta' l-artikolu 14 ta' dan l-Att; jew

(b) ir-revoka ta' dik id-direttiva mill-Prim Ministru, dwar dak l-uffiċjal.

(3) Meta direttiva kif intqal qabel tiġi revokata mill-Prim Ministru dwar xi uffiċjal, il-Prim Ministru jista', b'direttiva ohra, jalloka lil dak l-uffiċjal għal dmirijiet ma' l-Awtorità f'dik il-kariga u b'effett minn dik id-data li tista' tiġi speċifikata fid-direttiva tal-Prim Ministru, u d-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu għandhom mali jsir dan japplikaw dwar il-perijodu ta' tul ta' kull direttiva ohra bħal dik dwar dak l-uffiċjal.

Stat ta' uffiċjali pubbliċi allokati fuq dmirijiet ma' l-Awtorità.

13. (1) Meta xi uffiċjal jiġi allokati fuq dmirijiet ma' l-Awtorità skond xi wahda mid-dispożizzjonijiet ta' l-artikolu 12 ta' dan l-Att, dak l-uffiċjal għandu, matul dak iż-żmien li fih dik id-direttiva tkun issehh dwaru, ikun taht l-awtorità amministrattiva u l-kontroll ta' l-Awtorità, iżda dan għandu għall-finijiet u effetti kollha jibqa' u jitqies u jiġi trattat bħala uffiċjal pubbliku.

(2) Bla hsara għall-generalità ta' dak li ntqal, uffiċjal allokati fuq dmirijiet kif intqal qabel —

(a) m'għandux matul iż-żmien li dwaru jkun hekk allokati —

(i) ikun imċahhad milli japplika għal trasferiment f'dipartiment tal-Gvern skond il-pattijiet u l-kondizzjonijiet tas-servizz marbuta mal-hatra mal-Gvern li hu jkollu fid-data li fiha jiġi hekk allokati fuq dmirijiet; jew

(ii) ikun hekk impjegat illi r-rimunerazzjoni tiegħu u l-kondizzjonijiet tas-servizz ikunu inqas favorevoli minn dawk marbuta mal-hatra mal-Gvern li hu jkollu fl-imsemmija data, kieku dak l-uffiċjal ma kienx imqabba fuq dmirijiet ma' l-Awtorità; u

(b) ikollu l-jedd li s-servizz tiegħu ma' l-Awtorità jkun meqjus bħala servizz mal-Gvern għall-finijiet ta' xi pensjoni, gratifikazzjoni, jew benefiċċju taht l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema u għal kull jedd jew privileġġ iehor li kien ikollu dritt għalih, u jkun sugġett għal kull responsabbiltà li kien ikun responsabbli għaliha, kieku ma kienx il-fatt li hu ġie allokati għal dmirijiet ma' l-Awtorità.

Kap. 93.
Kap. 58.

(3) Meta ssir applikazzjoni kif provdut fis-subparagrafu (i) tal-paragrafu (a) tas-subartikolu (2) ta' dan l-artikolu din għandha tiġi kunsidrata daqslikieku l-applikant ma ġiex allokati għal servizz ma' l-Awtorità.

(4) L-Awtorità ghandha thallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa minhabba l-pensjonijiet u l-gratifikazzjonijiet dovuti lil uffiċjal allokat għal dmirijiet ma' l-Awtorità kif intqal qabel matul iż-żmien li fih ikun hekk allokat.

14. (1) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal allokat għal dmirijiet ma' l-Awtorità skond xi waħda mid-dispożizzjonijiet ta' l-artikolu 12 ta' dan l-Att impieg permanenti ma' l-Awtorità b'rimunerazzjoni u fuq dawk il-pattijiet u l-kondizzjonijiet mhux anqas favorevoli minn dawk li jkollu dak l-uffiċjal fid-data ta' dik l-offerta.

Offerta ta' mpieg permanenti ma' l-Awtorità ta' uffiċjali pubbliċi allokat għal dmirijiet ma' l-Awtorità.

(2) Il-pattijiet u l-kondizzjonijiet kompriżi f'xi offerta magħmula kif intqal qabel m'għandhomx jitqiesu li jkunu anqas favorevoli minhabba biss li ma jkunux fid-dettalji kollha bħal jew oġġha minn dawk li jkollu dak l-uffiċjal fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet, mehuda flimkien, fil-fehma tal-Prim Ministru joffru b'mod sostanzjali benefiċċji li jkun ndaq jew akbar.

(3) Kull uffiċjal li jaċċetta mpieg permanenti ma' l-Awtorità offert lilu skond id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu għandu, għall-finijiet kollha hliet dawk ta' l-Ordinanza dwar il-Pensjonijiet u ta' l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u bla hsara għad-dispożizzjonijiet ta' l-artikolu 26 ta' dan l-Att, jitqies li temm milli jkun fis-servizz tal-Gvern u li dahal fis-servizz ta' l-Awtorità fid-data ta' l-aċċettazzjoni tiegħu, u għall-finijiet ta' l-imsemmija Ordinanza u ta' l-imsemmi Att, safejn japplikaw għalih, servizz ma' l-Awtorità għandu jitqies li hu servizz mal-Gvern fit-tifsiriet li hemm fihom rispettivament.

(4) Kull uffiċjal bħal dak kif intqal qabel li, minnufih qabel ma jaċċetta mpieg permanenti ma' l-Awtorità kellu dritt jibbenefika taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema għandu jibqa' hekk ikompli jkollu d-dritt jibbenefika tahtu għall-finijiet kollha bħallikieku s-servizz tiegħu ma' l-Awtorità kien servizz mal-Gvern.

(5) L-Awtorità ghandha thallas lill-Gvern dawk il-kontribuzzjonijiet li minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar in-nefqa għall-pensjonijiet u gratifikazzjonijiet dovuti lil uffiċjal li jkun aċċetta mpieg permanenti ma' l-Awtorità kif intqal qabel matul il-perijodu li jibda fid-data ta' l-aċċettazzjoni ta' dak l-uffiċjal.

II-Bord għax-Xogħol fit-Trasport Pubbliku

15. (1) Għandu jkun hemm Bord li jkun magħruf bħala l-Bord għax-Xogħol fit-Trasport Pubbliku li jkun magħmul minn *Chairman* u żewġ membri oħrajn.

Għamla u funzjonijiet tal-Bord għax-Xogħol fit-Trasport Pubbliku.

(2) Iċ-*Chairman* ta' l-Awtorità għandu jkun iċ-*Chairman* tal-Bord. Wiehed mill-membri l-oħra tal-Bord jinhatar mill-Awtorità wara li tkun talbet l-opinjoni ta' rappreżentanti ta' prinċipali fis-servizz tat-

trasport pubbliku u l-membru l-iehor jinhatar mill-Awtorità wara li tkun talbet l-opinjoni ta' rappreżentanti ta' impjegati fis-servizz tat-trasport pubbliku; u l-imsemmija żewġ membri l-oħra tal-Bord ghandhom jintgħażlu hekk li jirrappreżentaw b'mod ugwali, fil-fehma ta' l-Awtorità, l-interessi tal-principali u ta' l-impjegati.

(3) Il-membri tal-Bord, barra *Chairman*, ghandhom jibqgħu fil-kariga tagħhom għal dak iż-żmien u b'dawk il-pattijiet u kondizzjonijiet kif l-Awtorità tista' tqis xieraq.

(4) Il-Bord ghandu jkollu dawk il-funzjonijiet li jistgħu jingħatawlu b'xi liġi u għandu jwettaq dawk il-funzjonijiet skond id-dispożizzjonijiet ta' xi liġi bħal dik.

(5) L-ispejjeż tal-Bord ghandhom jithallsu mill-fondi ta' l-Awtorità.

Dispożizzjonijiet Finanzjarji

Setgħa ta' self jew għbir ta' kapital.

16. Biex taqdi kull funzjoni tagħha skond dan l-Att, l-Awtorità tista', bl-approvazzjoni bil-miktub tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tisselef jew tiġbor flus b'dak il-mod, mingħand dik il-persuna, korp jew awtorità, u taht dawk il-pattijiet u kondizzjonijiet li l-Ministru, wara konsultazzjoni kif intqal qabel, jista' japprova bil-miktub.

Self b'avvanzi mill-Gvern.

17. Il-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jagħmel avvanzi lill-Awtorità ta' dawk is-somom li hu jaqbel li jkunu meħtieġa mill-Awtorità biex taqdi kull funzjoni tagħha skond dan l-Att, u jista' jagħmel dawk l-avvanzi fuq dawk il-pattijiet u kondizzjonijiet li, wara l-imsemmija konsultazzjoni, jidhirlu xierqa. Kull avvanzi bħal dawk jistgħu jsiru mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u mingħajr approprjazzjoni oħra hlief dan l-Att, b'*warrant* iffirmit minnu li jawtorizza lill-*Accountant General* biex jagħmel dawk l-avvanzi.

Estimi ta' l-Awtorità.

18. (1) L-Awtorità għandha tiehu hsieb thejji kull sena finanzjarja, u għandha mhux iktar tard minn sitt ġimgħat wara li tghaddi kull sena bħal dik tadotta, estimi tad-dhul u nfieq ta' l-Awtorità għas-sena finanzjarja li taħbat minnufih wara:

Iżda l-estimi għall-ewwel sena finanzjarja ta' l-Awtorità għandhom jithejjew u jiġu adottati sa dak iż-żmien li l-Ministru jista' b'avviż bil-miktub lill-Awtorità jispeċifika.

(2) Fit-thejjija ta' dawk l-estimi l-Awtorità għandha tikkunsidra kull fondi u flejjes oħra li jkollhom jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, sew bis-saħħa ta' dan l-Att jew b'att ta' approprjazzjoni jew b'xi liġi oħra; u l-Awtorità għandha wkoll thejji l-imsemmija estimi hekk li tiżgura li d-dhul totali ta' l-Awtorità jkun għall-anqas biżżejjed biex jithallsu s-somom kollha li għandhom jithallsu mill-kont tad-dhul tagħha, magħdud, iżda bla hsara għall-generalità ta' dik it-tifsira, deprezzament.

(3) L-estimi għandhom isiru f'dik il-forma u għandu jkun fihom dak it-tagħrif u dawk il-paraguni mas-snin ta' qabel kif jordna l-Ministru responsabbli għall-finanzi.

(4) Kopja ta' l-estimi għandha, malli jiġu adottati mill-Awtorità, tintbagħat minnufih mill-Awtorità lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, ma' l-ewwel opportunità, iżda mhux iktar tard minn sitt ġimgħat wara li jkun irċieva kopja ta' l-estimi mingħand l-Awtorità (jew jekk f'dak iż-żmien il-Kamra ma tkunx qed tiltaqa' fi żmien sitt ġimgħat mill-bidu tas-sessjoni li tiġi minnufih wara), jiehu hsieb li dawk l-estimi jitqiegħdu quddiem il-Kamra flimkien ma' mozzjoni li l-Kamra tapprova l-imsemmija estimi. Għandha tingħata mhux anqas minn seduta waħda biex il-Kamra tiddiskuti dik il-mozzjoni; u kemm dik il-mozzjoni kif ukoll l-approvazzjoni ta' l-estimi mill-Kamra jistgħu jkunu b'emendi għall-estimi jew mingħajr emendi.

19. (1) Ma jista' jsir ebda nfieq mill-Awtorità kemm-il darba ma jkunx approvat mill-Kamra kif provdut fl-artikolu 18 ta' dan l-Att.

L-infieq ikun skond l-estimi approvati.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu —

(a) sakemm iġaddu sitt xhur mill-bidu ta' sena finanzjarja, jew sakemm ikun hemm l-approvazzjoni ta' l-estimi għal dik is-sena mill-Kamra, skond liema tkun l-ewwel data, l-Awtorità tista' tagħmel infieq biex taqdi l-funzjonijiet tagħha skond dan l-Att ta' mhux iktar b'kollox minn nofs l-ammont approvat mill-Kamra għas-sena finanzjarja ta' qabel;

(b) infieq approvat dwar kap jew sotto-kap ta' l-estimi jista' bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, isir dwar kap jew sotto-kap iehor ta' l-estimi;

(c) dwar l-ewwel sena finanzjarja, l-Awtorità tista' tagħmel infieq sakemm jiġu approvati l-estimi għal dik is-sena mill-Kamra ta' mhux iżjed b'kollox mill-ammonti li l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jippermetti;

(d) jekk dwar xi sena finanzjarja jinsab li l-ammont approvat mill-Kamra ma jkunx biżżejjed jew tinqala' l-htieġa għal infieq li ma jkunx provdut għalih fl-estimi, l-Awtorità tista' tadotta estimi supplimentari għall-approvazzjoni tal-Kamra u, sakemm tingħatra dik l-approvazzjoni iżda bil-kondizzjoni li din tingħata, l-Awtorità tista', bl-approvazzjoni tal-Ministru responsabbli għall-finanzi mogħtija wara konsultazzjoni mal-Ministru, tagħmel l-infieq relattiv jew dik il-parti minnu li l-Ministru jista' hekk japprova; u f'kull każ bhal dak id-dispożizzjonijiet ta' dan l-Att applikabbli għall-estimi japplikaw għal estimi supplimentari.

20. L-estimi u l-estimi supplimentari kollha ta' l-Awtorità approvati mill-Kamra għandhom, malajr kemm jista' jkun, jiġu pubblikati fil-Gazzetta.

Pubblikazzjoni ta' estimi approvati.

Kontijiet
u verifika.

21. (1) L-Awtorità ghandha tiehu hsieb li żżomm kontijiet xierqa u *records* oħra dwar ix-xogħol tagħha, u ghandha tiehu hsieb li thejji prospett ta' kontijiet dwar kull sena finanzjarja.

(2) Il-kontijiet ta' l-Awtorità ghandhom jiġu verifikati minn uditur jew udituri nominati mill-Awtorità u approvati mill-Ministru:

Iżda l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jeħtieġ li l-kotba u l-kontijiet ta' l-Awtorità jiġu verifikati jew eżaminati mid-Direttur tal-Verifika li għal dan il-ghan ikollu s-setgħa li jagħmel kull verifika fizika u l-verifiki l-oħra li jidhirlu meħtieġa.

(3) Wara li tispicċa kull sena finanzjarja, u mhux aktar tard mid-data li fiha l-estimi ta' l-Awtorità jintbagħtu lill-Ministru skond l-artikolu 18 ta' dan l-Att, l-Awtorità ghandha tiehu hsieb li kopja tal-prospett tal-kontijiet verifikata kif imiss tintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-udituri fuq dak il-prospett jew il-kontijiet ta' l-Awtorità.

(4) Il-Ministru ghandu jiehu hsieb li kopja ta' kull prospett u rapport bħal dawk jitqiegħdu quddiem il-Kamra flimkien mal-mozzjoni mqiegħda quddiem il-Kamra skond l-artikolu 18 ta' dan l-Att.

Depozitu ta'
dhul u hlasijiet
mill-Awtorità.

22. (1) Il-flejjes kollha miġbura mill-Awtorità, ghandhom jitqiegħdu f'bank jew f'banek maħtura bħala bankiera ta' l-Awtorità b'rizoluzzjoni ta' l-Awtorità. Dawk il-flejjes ghandhom, safejn dan jista' jsir, jithallsu f'dak il-bank minn gurnata għall-oħra, hliet dik is-somma li l-Awtorità tista' tawtorizza li tinzamm biex jithallsu spejjeż żgħar u hlasijiet ta' flus li jsiru fil-pront.

(2) Il-hlasijiet kollha mill-fondi ta' l-Awtorità, barra minn spejjeż żgħar li ma jkunux aktar minn somma stabbilita mill-Awtorità, ghandhom isiru minn dak l-ufficjal jew minn dawk l-ufficjali ta' l-Awtorità li l-Awtorità tista' tahtar jew issemmi għal hekk.

(3) Ċekkijiet kontra u irtirar minn kull kont tal-bank ta' l-Awtorità ghandhom ikunu ffirmati minn dak l-ufficjal ta' l-Awtorità li jista' jiġi maħtur jew imsemmi għal hekk mill-Awtorità u ghandhom ikunu kontro firmati miċ-*Chairman* jew minn dak il-membru jew ufficjal ieħor ta' l-Awtorità kif jista' jiġi awtorizzat mill-Awtorità għal hekk.

(4) L-Awtorità ghandha wkoll tipprovdi dwar —

(a) il-mod li bih u l-ufficjal jew l-ufficjali li minnhom ghandhom jiġu awtorizzati jew approvati l-hlasijiet;

(b) l-isem ta' kull kont miżmum mal-bank jew banek li fihom il-flus ta' l-Awtorità ghandhom jithallsu, u t-trasferiment ta' fondi minn kont għal ieħor;

(ċ) il-metodu li għandu jintuża fil-hlasijiet mill-fondi ta' l-Awtorità,

u b'mod generali dwar kull haġa li għandha x'taqsam mat-tiżmim u l-kontroll xieraq ta' kontijiet u kotba, u l-kontroll tal-finanzi, ta' l-Awtorità.

23. Bla hsara għal kull direttivi mogħtija mill-Ministru skond is-subartikolu (1) ta' l-artikolu 6 ta' dan l-Att, l-Awtorità m'għandhiex, hliet bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali u wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tagħti jew tkun parti f'xi kuntratt għall-provvista ta' oġġetti jew materjal jew għall-eżekuzzjoni ta' xogħlijiet, jew għall-prestazzjoni ta' servizzi, għall-Awtorità jew għall-vantaġġ tagħha, li jkunu stmati mill-Awtorità li jkunu jiswew aktar minn tlett elef lira hliet wara li jkun gie pubblikat avviz tal-hsieb ta' l-Awtorità li tidhol fil-kuntratt u wara li jkunu hargu offerti.

Kuntratti
għall-provvista
ta' xogħlijiet.

24. L-Awtorità għandha, mhux aktar tard minn sitt ġimgħat wara li tispiċċa kull sena finanzjarja, tagħmel u tibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi, rapport li b'mod generali jitratta dwar l-attivitajiet ta' l-Awtorità matul dik is-sena finanzjarja u li jkun fih dak it-tagħrif dwar it-tmexxija u l-policy ta' l-Awtorità kif kull wiehed mill-Ministri msemmija jista' jehtieg minn żmien għal żmien. Il-Ministru għandu jara li kopja ta' kull rapport bħal dak titqiegħed fuq il-Mejda tal-Kamra malajr kemm jista' jkun.

Rapport annwali.

25. L-Awtorità tkun hielsa minn kull obbligu għall-hlas ta' taxxa fuq l-income, taxxa tal-boll u dazju tad-dwana skond xi liġi li tkun għaż-żmien fis-sehħ.

Eżenzjoni
mit-taxxa.

Mixxellanji

26. Il-membri tal-kumitati eżekuttivi u konsultattivi u l-uffiċjali u l-impjegati kollha ta' l-Awtorità għandhom jitqiesu li huma uffiċjali u impjegati pubbliċi skond it-tifsira tal-Kodiċi Kriminali.

Persuni meqjusa
uffiċjali pubbliċi.

Kap. 9.

27. (1) L-Awtorità tista', bil-kunsens tal-Ministru u bla hsara għad-dispożizzjonijiet ta' xi liġi li tirregola t-traffiku ta' vetturi fuq l-art jew fuq il-baħar, tagħmel regolamenti dwar vetturi tat-trasport pubbliku u servizzi tat-trasport pubbliku, sew fuq l-art jew fil-baħar, f'Malta.

Setgħa li tagħmel
regolamenti.

(2) Mingħajr hsara għall-generalità tas-setgħa hawn qabel imsemmija, regolamenti bħal dawn għandhom l-aktar jaħsbu:

(a) għall-ghoti, tiġdid, trasferimenti, twaqqif u taħsir ta' liċenzi dwar vetturi tat-trasport pubbliku, is-sewwieqa tagħhom, il-kundutturi ta' motor buses, garaxxijiet tal-kiri ta' karożzi, u għal dawk il-liċenzi l-oħra dwar impjegati tat-trasport pubbliku u dwar vetturi tat-trasport pubbliku u min jinqeda bihom kif jista' jinhtieg;

(b) biex jipprovdu għal kif għandha ssir talba għall-ghoti, tiġdid jew trasferiment ta' liċenzi jew ta' xi klassi minnhom, jew iżjed minn klassi waħda; għal dak li għandu jkun hemm fit-talba; għal kif daww il-liċenzi għandhom jingħataw, jiġgeddu jew ikun magħruf it-trasferiment tagħhom; il-għamla li biha dawn il-liċenzi għandhom jinħarġu, x'għandu jkun fihom, u kif it-tiġdid jew it-trasferiment għandhom jintwerew;

(ċ) biex jaqtagħu kemm għandhom idumu jiswew il-liċenzi jew xi klassi minnhom jew iżjed minn klassi waħda;

(d) biex jipprovdu sabiex ikun żgurat illi liċenzi jew xi klassi minnhom jew iżjed minn klassi waħda jagħlqu f'jum jew jiem imsemmijin;

(e) biex jordnaw illi xi klassi min-nies bil-liċenza jew iżjed minn klassi waħda għandhom ikollhom fuqhom *badges* li jissemmew u jintgħarfu sewwa, biex iġid kemm għandu jithallas għal daww il-*badges*, u biex jaħsbu għal hwejjeg oħra dwar hekk;

(f) biex jippreskrivu s-servizzi li għandhom jingħataw minn vettura tat-trasport pubbliku, il-hin, il-mod u l-kondizzjonijiet li fihom jew taħthom daww is-servizzi għandhom jingħataw u l-post minn fejn ordnijiet, ftehim jew arrangamenti oħra għal daww is-servizzi għandhom jingħataw jew isiru, u biex jehtieġu t-tqassim fost is-sidien ta' vetturi tat-trasport pubbliku, jew ta' dik il-parti minnhom kif jista' jiġi preskritt fir-regolamenti, ta' kull nollijiet, drittijiet u riċevuti oħra miġbura minnhom, bil-mod, bil-pattijiet u bil-kondizzjonijiet preskritti fir-regolamenti;

(g) dwar il-bini, tagħmir, stat u manutenzjoni ta' vetturi tat-trasport pubbliku u dwar l-eżami kull tant żmien tagħhom minn esperti mqabbdin mill-Gvern;

(h) dwar il-klassifikazzjoni ta' vetturi tat-trasport pubbliku skond l-użu tagħhom kif approvat mill-Awtorità;

(i) biex jiġi ordnat il-wiri ta' kull tagħrif fil-parti ta' ġewwa ta' vetturi tat-trasport pubbliku;

(j) biex jiġi stabbiliti r-registri li għandhom jinżammu minn persuni b'liċenzi ta' vetturi tat-trasport pubbliku, u t-tagħrif li għandu jingħata minn dawn il-persuni;

(k) dwar l-amministrazzjoni u s-supervizjoni ta' servizzi tat-trasport pubbliku u għaż-żamma u twettiq ta' dixxiplina fuq daww is-servizzi;

(l) biex jiġi preskritti daww il-kondizzjonijiet ta' xogħol fis-servizzi tat-trasport pubbliku għall-harsien ta' l-interessi ta' impjegati tat-trasport pubbliku;

(m) biex jaqtagħu liema drittijiet għandhom jingħabru dwar il-ghoti, tiġdid jew trasferiment ta' liċenzi jew ta' xi klassi minnhom

jew ta' iżjed minn klassi waħda, sew billi jgħidu minn l-ewwel kemm għandu jithallas jew billi jgħidu kif l-għadd tal-hlas għandu jinhadem; u biex jaħsbu għal drittijiet li għandhom jingabru dwar perjodi maqtughin;

Iżda Regolamenti minn dawk maħsubin f'dan il-paragrafu jistgħu jistabbilixxu l-inqas u l-ogħla dritt li għandu jingabar dwar liċenzi jew xi klassi minnhom jew iżjed minn klassi waħda, u meta jsir hekk l-għadd tad-dritt li għandu jingabar f'kull każ għalih għandu jkun iffissat mill-Awtorità fid-dehen tagħha;

(n) biex jipprovdu dwar ir-radd ta' drittijiet, jew ta' xi sehem minnhom, imħallsin bis-saħħa tad-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti li jsiru tahtu;

(o) biex jippreskrivi tariffa ta' nollijiet dwar vetturi u servizzi tat-trasport pubbliku;

(p) biex jistabbilixxu l-pieni li jista' jeħel kull min jikser xi regolamenti magħmulin taht dan l-Att; iżda ebda piena bħal dik ma għandha tkun iżjed mill-pieni li hemm fil-Kodiċi Kriminali (Kapitolu 9) għall-kontravvenzjonijiet.

28. (1) Għandu jkun hemm Kumitat li jkun magħruf bħala l-Kumitat dwar it-Trasport Pubbliku għall-Adattar tal-Liġijiet li jkun magħmul minn rappreżentant ta' l-Avukat Ġenerali li jkun *Chairman* u żewġ membri oħrajn li wieħed minnhom ikun rappreżentant ta' l-Awtorità u l-ieħor ikun rappreżentant tal-Kummissarju tal-Pulizija.

Adattar
ta' liġijiet.

(2) Il-Kumitat ikollu l-funzjoni li jagħti pariri lill-Prim Ministru dwar kull emendi li għandhom isiru f'kull liġi speċifikata fil-Iskeda li tinsab ma' dan l-Att, u f'kull regolamenti li jkunu saru taht dawk il-liġijiet kif jista' jkunu meħtieġ jew spedjenti —

(a) biex jiżgura li dawk il-funzjonijiet u setgħat kollha li għandhom x'jaqsmu ma' vetturi u servizzi tat-trasport pubbliku u li, fil-gurnata li fiha jibda jseħħ dan l-artikolu (hawnhekk iżjed 'il quddiem imsejjah f'dan l-artikolu "il-gurnata stabbilita"), ikunu vestiti fil-Ministru responsabbli għall-pulizija, fil-Kummissarju tal-Pulizija u fil-Bord għall-Kontroll tat-Traffiku għandhom jiġu vestiti fl-Awtorità, u

(b) biex igib dawk il-liġijiet u regolamenti konformi ma' dan l-Att jew xort'oħra sabiex jagħti effett jew biex ikun jista' jinghata effett lid-dispożizzjonijiet ta' dan l-Att:

Iżda ebda haġa f'dan is-subartikolu ma għandha tolgot dawk is-setgħat u funzjonijiet vestiti fil-Ministru responsabbli għall-pulizija, fil-Kummissarju tal-Pulizija jew fil-Bord għall-Kontroll tat-Traffiku safejn dawk is-setgħat u funzjonijiet jirrigwardaw il-kontroll tat-traffiku ta' vetturi fuq l-art jew fil-baħar.

(3) Il-Kumitat għandu, fi żmien xahrejn mill-gurnata stabbilita u wara dak iż-żmien kif ikun jidhirlu xieraq jew kif ikun jeħtieġ il-Prim Ministru, jagħmel rapport dwar ir-rakkomandazzjonijiet tiegħu lill-Prim Ministru.

(4) Bla hsara ghas-setghat tal-Parlament ta' Malta u bla hsara ghad-dispożizzjonijiet tas-subartikolu (8) ta' dan l-artikolu, il-Prim Ministru jista', b'ordni magħmul f'kull żmien matul iż-żmien ta' tmintax-il xahar mill-ġurnata stabbilita, jagħmel dawk l-emendi għal kull ligi speċifikata fl-Iskeda li tinsab ma' dan l-Att jew għal kull regolamenti magħmulin taht dawk il-ligijiet kif jista' jkun jidhirlu xieraq jew spedjenti għal xi waħda mir-raġunijiet imsemmijin fil-paragrafi (a) u (b) tas-subartikolu (2) ta' dan l-artikolu.

(5) Bla hsara għad-dispożizzjonijiet tas-subartikoli (6) u (7) ta' dan l-artikolu, minkejja kull haġa li jista' jkun hemm fid-dispożizzjonijiet tal-ligijiet speċifikati fl-Iskeda li tinsab ma' dan l-Att u għal żmien tmintax-il xahar mill-ġurnata stabbilita kull setgha biex isiru regolamenti mogħtija bid-dispożizzjonijiet ta' xi waħda minn dawk il-ligijiet lill-Ministru responsabbli għall-pulizija jew lill-Kummissarju tal-Pulizija għandha tiġi vestita fi u eżerċitata biss mill-Prim Ministru; u meta setgha bħal dik kienet vestita fil-Kummissarju tal-Pulizija biex tiġi eżerċitata minnu bil-parir tal-Bord għall-Kontroll tat-Traffiku, dik is-setgha għandha, matul iż-żmien msemmi, tiġi eżerċitata mill-Prim Ministru minghajr il-htieġa ta' xi parir bħal dak.

(6) Meta bis-saħħa ta' xi emendi magħmulin skond id-dispożizzjonijiet tas-subartikolu (4) ta' dan l-artikolu xi setgha biex isiru regolamenti taht xi ligi speċifikata fl-Iskeda li tinsab ma' dan l-Att tkun ġiet vestita f'persuna, korp jew awtorità oħra, dik is-setgha għandha tkun vestita f'dik il-persuna, korp jew awtorità oħra u tiġi eżerċitata minnhom mid-data tad-dhul fis-seħħ ta' dawk l-emendi jew minn dik id-data l-oħra kif jista' jiġi pprovdut b'dawk l-emendi u d-dispożizzjonijiet tas-subartikolu (5) ta' dan l-artikolu ma jibqgħux japplikaw aktar.

(7) Malli jgħaddi ż-żmien ta' tnax-il xahar imsemmi fis-subartikolu (5) ta' dan l-artikolu kull setgha li jsiru regolamenti taht xi waħda mill-ligijiet speċifikati fl-Iskeda li tinsab ma' dan l-Att għandha tkun vestita u tiġi eżerċitata skond id-dispożizzjonijiet ta' dawk il-ligijiet kif ikunu setgħu ġew emendati skond id-dispożizzjonijiet tas-subartikolu (5) ta' dan l-artikolu.

(8) Kull ordni li jsir skond id-dispożizzjonijiet tas-subartikolu (4) ta' dan l-artikolu għandu, kemm jista' jkun malajr wara li jsir iżda f'kull każ mhux aktar tard minn tmintax-il xahar mill-ġurnata stabbilita, jitqiegħed fuq il-Mejda tal-Kamra u jibda jseħħ malli jgħaddi ż-żmien ta' tmienja w għoxrin jum wara li hekk jitqiegħed iżda jekk il-Kamra f'dak iż-żmien tirrisolvi li l-ordni jiġi annullat jew emendat dak l-ordni ma jiġix fis-seħħ jew jiġi fis-seħħ kif emendat, skond il-każ.

(9) Fil-kalkolu għall-finijiet tas-subartikolu (8) ta' dan l-artikolu ta' kull żmien ta' tmienja w għoxrin jum hemm imsemmi, ma għandu jitqies ebda żmien li matulu l-Kamra ma tkunx qed tiltaqa' jew li matulu tkun agġornata għal iktar minn sebat ijiem.

(10) Matul iż-żmien ta' tmintax-il xahar mill-ġurnata stabbilita l-Iskeda li tinsab ma' dan l-Att tista' tiġi emendata b'riżoluzzjoni tal-Kamra.

29. Bla hsara ghad-dispożizzjonijiet ta' l-artikolu 28 ta' dan l-Att, l-Att ta' l-1970 li Jirregola l-Impiegi fit-Trasport Pubbliku (hawnhekk iżjed 'il quddiem imsejjaħ f'dan l-artikolu bhala "l-Att") ghandhu jigi emendat kif ġej:—

Emenda
ta' l-Att IV
ta' l-1970.

(a) Fl-artikolu 2 ta' l-Att —

(i) minnufih qabel it-tifsira ta' "il-Bord" ghandha tidhol din it-tifsira:

““l-Awtorità” tfisser l-Awtorità dwar it-Trasport Pubbliku imwaqqfa bl-artikolu 3 ta' l-Att ta' l-1988 li jwaqqaf Awtorità dwar it-Trasport Pubbliku;”;

(ii) minflok it-tifsira ta' "il-Bord" ghandha tidhol din it-tifsira:

““il-Bord” tfisser il-Bord għax-Xogħol fit-Trasport Pubbliku imsemmi fl-artikolu 3 ta' dan l-Att;”;

(iii) minnufih qabel it-tifsira ta' "l-Uffiċjal" ghandha tidhol din it-tifsira li ġejja:

““il-Ministru” tfisser il-Ministru responsabbli għat-trasport pubbliku, u tinkludi kull persuna awtorizzata minn dak il-Ministru għal hekk iżda fl-artikolu 4 ta' dan l-Att ghandha t-tifsira mogħtija lilha bis-subartikolu (2) ta' dan l-artikolu;”.

(b) L-artikolu 3 ta' l-Att ghandhu jigi emendat kif ġej:

(i) is-subartikoli (1) sa (4) tiegħu għandhom jithassru;

(ii) is-subartikolu (5) tiegħu għandu jigi emendat mill-ġdid (1) u f'dak is-subartikolu minflok il-kliem "Ix-xogħol tal-Bord ikun -" għandhom jidhlu l-kliem "Il-Bord għax-Xogħol fit-Trasport Pubbliku imwaqqaf bl-artikolu 15 ta' l-Att ta' l-1988 li jwaqqaf Awtorità dwar it-Trasport Pubbliku għandu jkollu dawn il-funzjonijiet;”;

(iii) is-subartikoli (6) sa (13) tiegħu għandhom jigu enumerati mill-ġdid (2) sa (9) rispettivament; u

(iv) is-subartikolu (14) tiegħu għandu jithassar u minflok jidhol dan is-subartikolu ġdid li ġej:

“(10) Meta xi membru tal-Bord jigi rikuzat jew jastjeni skond id-dispożizzjonijiet tas-subartikolu (6) ta' dan l-artikolu għandhom japplikaw id-dispożizzjonijiet li ġejjin:

(a) jekk il-membri rikuzat jew li jastjeni jkun iċ-*Chairman*, il-Ministru għandhu jahtar minflok dak il-membri, persuna oħra kwalifikata li tkun *Chairman* ta' l-Awtorità sabiex ikun *Chairman* tal-Bord għall-każ jew każijiet partikolari li għar-

rigward tagħhom il-membri jkun gie rikuzat jew ikun astjerna;

(b) jekk il-membri rikuzat jew li jastjeni ma jkunx iċ-*Chairman* tal-Bord -

(i) il-partijiet fil-każ jistgħu jaqblu dwar persuna biex tidhol flok dak il-membri fuq il-Bord u f'dan il-każ il-persuna li dwarha jkun sar qbil għandha tidhol bħala membri fuq il-Bord minflok dak il-membri rikuzat jew li astjerna għall-każ jew każijiet partikolari li għar-rigward tagħhom il-membri jkun gie rikuzat jew ikun astjerna; jew

(ii) fin-nuqqas ta' qbil kif provdut fis-subparagrafu (i) ta' dan il-paragrafu, għandu jiġi mahtur flok dak il-membri li jkun gie rikuzat jew ikun astjerna u għall-każ jew każijiet partikolari li għar-rigward tagħhom il-membri jkun gie rikuzat jew ikun astjerna membri tal-Bord mahtur mill-Awtorità skond id-dispożizzjonijiet tas-subartikolu (2) ta' l-artikolu 15 ta' l-Att ta' l-1988 li jwaqqaf Awtorità dwar it-Trasport Pubbliku.”.

SKEDA

(Artikolu 28)

Att ta' l-1970 li Jirregola l-Impiegi fit-Trasport Pubbliku	Att Nru. IV ta' l-1970
Att ta' l-1949 dwar il-Liċenzi tal-Pulizija (Att XXXIV ta' l-1949)	Kap. 128
Kodiċi tal-Liġijiet tal-Pulizija	Kap. 10
Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur għar-Riskji ta' Terzi Persuni	Kap. 104
Ordinanza dwar ir-Regolament tat-Traffiku	Kap. 65

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li titwaqqaf Awtorità dwar it-Trasport Pubbliku li l-funzjonijiet prinċipali tagħha jkunu li tiżgura, tmexxi 'l quddiem u tiżviluppa sistema integrat ta' trasport pubbliku mingħajr periklu, ekonomiku u effiċjenti, li tidentifika l-għanijiet *short-term* u *long-term* ta' sistema bħal dan, u li tiżviluppa l-istrategija u *policies* neċessarji sabiex jintlaħqu dawk l-għanijiet.

PUBLIC TRANSPORT AUTHORITY (CONSTITUTION) ACT, 1988*Arrangement of Sections*

Section

Preliminary

1. Citation and commencement.
2. Interpretation.

**Establishment, Functions and Conduct of Affairs
of the Public Transport Authority**

3. Establishment and composition of the Public Transport Authority.
4. Functions of the Authority.
5. Conduct of the Affairs of the Authority.
6. Relations between the Minister and the Authority.
7. Legal Personality and representation of the Authority.
8. Provisions with respect to proceedings of the Authority.
9. Staff appointments.

**Executive and Advisory Committees
and Officers and Servants of the Authority**

10. Appointment and functions of officers and servants of the Authority.
11. Appointment and functions of executive and advisory committees.
12. Detailing of public officers for duty with the Authority.
13. Status of public officers detailed for duty with the Authority.
14. Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

The Public Transport Labour Board

15. Constitution and functions of the Public Transport Labour Board.

Financial Provisions

16. Power to borrow or raise capital.
17. Borrowing by advances from Government.
18. Estimates of the Authority.
19. Expenditure to be according to approved estimates.
20. Publication of approved estimates.
21. Accounts and audit.
22. Deposit of revenues and payments by the Authority.
23. Contracts of supply of works.
24. Annual Report.
25. Exemption from taxation.

Miscellaneous

- 26. Persons deemed public officers.
- 27. Power to make regulations.
- 28. Adaptation of Laws.
- 29. Amendment of Act IV of 1970.

SCHEDULE

**A BILL
entitled**

AN ACT to provide for the establishment of a body corporate to be known as the Public Transport Authority and for the exercise by or on behalf of that Authority of functions relating to public transport; to provide for the constitution and functions of the Public Transport Labour Board; and to make provision with respect to matters ancillary thereto or connected therewith.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Preliminary

1. (1) This Act may be cited as the Public Transport Authority (Constitution) Act, 1988. Citation
and
commencement.

(2) The following provisions of this Act shall come into force on such date as the Minister may by notice in the Gazette appoint, and different dates may be so appointed for different provisions or for different purposes of this Act.

2. In this Act, unless the context otherwise requires: Interpretation.

“the Act” in relation to section 29 of this Act has the meaning assigned to it by that section;

“appointed day”, in relation to section 28 of this Act, has the meaning assigned to it by that section;

“Authority” means the Public Transport Authority established by section 3 of this Act;

“the Board” means the Public Transport Labour Board established by section 15 of this Act;

“Chairman” means Chairman of the Authority and includes, in the circumstances mentioned in subsection (3) of section 3 of this Act, the Deputy Chairman or other person appointed to act as Chairman:

Provided that in relation to sections 11 and 28 of this Act “Chairman” means the Chairman of an executive and advisory committee and the Chairman of the Committee respectively;

“The Committee” means the Adaptation of Laws (Public Transport) Committee established by section 28 of this Act;

“executive and advisory committee” or “committee” means an executive and advisory committee established in accordance with section 11 of this Act;

“financial year” means any period of twelve months ending on the 30th September:

Provided that the first financial year of the Authority shall consist of the period intervening between the commencement of this Act and the 30th day of September of such year as the Minister shall by notice in writing to the Authority specify;

“licence” means and includes any licence or permit which under this Act or any other law is required from the Authority or which the Authority is authorised or empowered to grant under such act or other law and “licensee” shall be construed accordingly;

“Minister” means the Minister responsible for public transport, and includes any person authorised by such Minister in that behalf;

“public officer”, in relation to section 12 of this Act, has the same meaning assigned to it by section 124 of the Constitution but does not include a judge of the Superior Courts or a magistrate of the Inferior Courts;

“public transport” means the conveyance of passengers in Malta against compensation;

“public transport employee” means a person employed in the conveyance of passengers by a licensed public transport vehicle;

“public transport sector” has the meaning assigned to it by subsection (1) of section 9 of this act;

“public transport vehicle” means any vehicle used or intended to be used for public transport;

“vehicle” includes any carriage, karrozzin, cart, car, motor-car, omnibus, minibus, bicycle, sea-craft, or other means of transport by land or sea for the conveyance of persons.

Establishment, functions and conduct of affairs of the Authority

3. (1) There shall be a body, to be known as the Public Transport Authority, which shall consist of a Chairman and four other members.

(2) The members of the Authority shall be appointed by the Minister for a term of one year or for such longer period as may be

specified in the instrument of appointment but the members so appointed may be re-appointed on the expiration of their term of office.

(3) The Minister may designate one of the other members of the Authority as Deputy Chairman and the member so designated shall have all the powers and perform all the functions of the Chairman during his absence or inability to act as Chairman or while he is on vacation or during any vacancy in the office of chairman; and the Minister may also, in any of the circumstances aforesaid, appoint another person to act as chairman and in such case the foregoing provisions shall apply in respect of such person.

(4) A person shall not be qualified to hold office as a member of the Authority if he —

(a) is a Minister, Parliamentary Secretary or a member of the House of Representatives, or

(b) has any financial interest in any public transport enterprise or activity or if he has in any such enterprise or activity any other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Authority.

(5) Subject to the provisions of this section, the office of a member of the Authority shall become vacant:

(a) at the expiration of his term of office; or

(b) if any circumstances arise that, if he were not a member of the Authority, would cause him to be disqualified for appointment as such.

(6) A Member of the Authority may be removed from office by the Minister if, in the opinion of the Minister, such member is unfit to continue in office or has become incapable of properly performing his duties as a member.

(7) If the office of a member of the Authority is vacant or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed to be a member to be a temporary member of the Authority; and any person so appointed shall, subject to the provisions of subsections (5) and (6) of this section, cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(8) Any member of the Authority who has any direct or indirect interest in any contract made or proposed to be made by the Authority, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Authority after the relevant facts have come to his knowledge; such disclosure shall then be recorded in the minutes of the Authority, and the member having an interest as aforesaid shall

withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

Functions of
the Authority.

4. (1) The Authority shall have the following functions:

(a) to provide, or secure or promote the provision of, a properly integrated, safe, economical and efficient public transport system;

(b) to determine the short-term and long-term objectives of such a system;

(c) to develop the necessary strategy and policies to achieve those objectives;

(d) to provide, or secure or promote the provision of, such services and facilities as appear to the Authority to be expedient in the performance of its functions;

(e) to provide, or secure or promote the provision of, training for persons engaged or to be engaged in public transport services and to promote the welfare of such persons;

(f) to compile and keep up to date records of such data as it may deem appropriate in connection with public transport;

(g) to advise the Minister on all matters which concern public transport;

(h) to perform any other function vested in it by or pursuant to this Act or any other law;

(i) to carry on all such activities as may appear to the Authority to be requisite, advantageous or convenient to be carried on for or in connection with the performance of any of the other functions of the Authority.

(2) In carrying out its functions under this Act, the Authority shall ensure that its policies and activities conform with the aims and objectives of national economic planning from time to time in force.

Conduct of the
affairs of the
Authority.

5. The affairs and business of the Authority shall be the responsibility of and shall be conducted by the Authority itself; but, save as aforesaid and subject to the provisions of this Act and to any directions of the Authority, the executive conduct of the Authority, its administration and organization and the administrative control of its officers and servants, shall be the responsibility of the Chairman of the Authority, who shall also have such other powers as may from time to time be delegated to him by the Authority.

6. (1) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Authority directions of a general character, not inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Authority by or under this Act, and the Authority shall, as soon as practicable, give effect to all such directions.

Relations between
the Minister and
the Authority.

(2) The Authority shall afford to the Minister facilities for obtaining information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

7. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

Legal Personality
and representation
of the Authority.

(2) The legal representation of the Authority shall vest in the Chairman:

Provided that the Authority may appoint any one or more of its other members or of the officers or servants of the Authority to appear in the name and on behalf of the Authority in any judicial proceedings and in any act, contract, instrument or other document whatsoever.

(3) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairman on behalf of the Authority shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

8. (1) The meetings of the Authority shall be called by the Chairman, either on his own initiative or at the request of any two of the other members.

Provisions
with respect to
proceedings
of the Authority.

(2) Three members of the Authority shall form a quorum at any meeting. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairman, or in his absence the Deputy Chairman or other person appointed to act as chairman, shall have an initial vote and, in the event of an equality of votes, a casting vote. Without prejudice to the other requirements of this Act, no decision shall be valid which is not supported by at least two

members of the Authority or which is taken at a meeting of the Authority at which the Chairman, or in his absence the Deputy Chairman or other person appointed to act as chairman, is not present.

(3) Subject to the provisions of this Act, the Authority may regulate its own procedure.

(4) Subject to the foregoing provisions of this section, no act or proceeding of the Authority shall be invalidated merely by reason of the existence of any vacancy among the members.

(5) All acts done by any person acting in good faith as a member of the Authority shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification be afterwards discovered. No act or proceeding of the Authority shall be questioned on the ground of the contravention, by a member, of the provisions of subsection (8) of section 3 of this Act.

Staff appointments.

9. (1) Subject to the provisions of the Constitution and of any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the appointment of officials and other employees of the Authority shall be made by the Authority. The terms and conditions of employment shall be established by the Authority with the concurrence of the Minister.

(2) The Authority may, with the approval of the Minister given after consultation with the Minister responsible for finance, establish a scheme or schemes, whether by contributory or non-contributory arrangements or partly by one and partly by the other, for the payment to its officers and servants, or to their dependants, on their retirement, death or injury, of pensions, gratuities and other like benefits.

Executive and advisory committees and officers and servants of the Authority

Appointment and functions of officers and servants of the Authority.

10. The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with section 9 of this Act, determine, such officers and servants of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Appointment and functions of executive and advisory committees.

11. (1) With effect from such day or days as the Minister may by order determine, there shall be in respect of each of such sectors providing public transport services as the Minister may in any such order specify (hereinafter referred to as "public transport sector") an executive and advisory committee which shall, subject to the provisions of this Act and to the directions of the Authority:

(a) advise the Authority on any matter relating to or in connection with the public transport sector in respect of which it was established including proposals for the development and re-organisation of that sector;

(b) advise the Authority on the terms and conditions of service of employees in that sector;

(c) be responsible for the prompt and due execution of the policy and other decisions of the Authority relating to that sector.

Each executive and advisory committee shall also have such other functions as may be assigned or delegated to it by the Authority or by any law.

(2) Subject to the provisions of subsection (3) of this section, the members of the executive and advisory committee shall be appointed by the Authority and shall hold office for such period and on such terms and conditions as the Authority may deem appropriate.

(3) The provisions of subsections (4), (5) and (8) of section 3 of this Act shall *mutatis mutandis* apply to the members of the executive and advisory committees provided that any reference to the Minister in subsection (8) of that section shall, for the purpose of this subsection, be construed as a reference to the Authority.

(4) Each executive and advisory committee shall consist of the following members:

(a) one member representing the Authority, who shall be Chairman;

(b) one member appointed after the Authority has sought the views of representatives of owners of public transport vehicles and of employers in the public transport sector concerned;

(c) one member appointed after the Authority has sought the views of representatives of employees in that sector;

(d) one member representing the general public;

(e) one member appointed by the Authority acting in accordance with the advice of the Minister.

(5) Each executive and advisory committee shall keep minutes of all its meetings and shall forward copies of such minutes to the Authority. The provisions of section 8 of this Act shall *mutatis mutandis* apply to the committee and its acts or proceedings.

12. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

Detailing of
public officers
for duty with the
Authority.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer dies, or retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different period is specified in such direction, end on the happening of any of the following events, that is to say —

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with, the Authority made in accordance with the provisions of section 14 of this Act; or

(b) the revocation of such direction by the Prime Minister, in relation to such officer.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction, and the provisions of subsection (2) of this section shall thereupon apply to the period of duration of any such further direction in relation to such officer.

Status of public officers detailed for duty with the Authority.

13. (1) Where any officer is detailed for duty with the Authority under any of the provisions of section 12 of this Act, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall for other intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid —

(a) shall not during the time in respect of which he is so detailed —

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Authority.

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(3) Where an application is made as provided in subparagraph (i) of paragraph (a) of subsection (2) of this section the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

14. (1) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under any of the provisions of section 12 of this Act permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered to him under the provisions of subsection (1) of this section shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of section 26 of this Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meetings thereof respectively.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority, was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

The Public Transport Labour Board

15. (1) There shall be a Board to be known as the Public Transport Labour Board which shall consist of a Chairman and two other members.

Constitution and functions of the Public Transport Labour Board.

(2) The Chairman of the Authority shall be the Chairman of the Board. One of the other members of the Board shall be appointed by the Authority after it has sought the views of representatives of

employers in the public transport service and the other member shall be appointed by the Authority after it has sought the views of representatives of employees in the public transport service; and the said two other members of the Board shall be so chosen as to represent equally, in the opinion of the Authority, the interests of employers and employees.

(3) The members of the Board, other than the Chairman, shall hold office for such period and on such terms and conditions as the Authority may deem appropriate.

(4) The Board shall have those functions which may be assigned to it by any law and shall exercise those functions in accordance with the provisions of any such law.

(5) The expenses of the Board shall be defrayed out of the funds of the Authority.

Financial provisions

Power to borrow or raise capital.

16. For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for Finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

Borrowing by advances from Government.

17. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Estimates of the Authority.

18. (1) The Authority shall cause to be prepared in every financial year, and shall not later than six weeks after the end of each such year adopt estimates of the income and expenditure of the Authority for the next following financial year:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or of an appropriation act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account, including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparisons with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister and to the Minister responsible for Finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority (or if at any time during that period the House is not in session within six weeks from the beginning of the next following session), cause such estimates to be laid before the House together with a motion that the House approves the said estimates. Not less than one sitting shall be allotted for the debate in the House on such a motion; and both the motion and the approval of the estimates by the House may be with or without amendments to the estimates.

19. (1) No expenditure shall be made or incurred by the Authority unless it has been approved by the House as provided in Section 18 of this Act. Expenditure to be according to approved estimates.

(2) Notwithstanding the provisions of subsection (1) of this section —

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved by the House for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Authority may make or incur expenditure until the approval of the estimates for that year by the House not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved by the House is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the House and, pending such approval but subject to its being given, may, with the approval of the Minister responsible for finance given after consultation with the Minister, incur the relative expenditure or such part thereof as the said Minister may so approve; and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

Publication of approved estimates.

20. All estimates and supplementary estimates of the Authority approved by the House shall, as soon as practicable, be published in the Gazette.

Accounts and audit.

21. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Director of Audit who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) After the end of each financial year, and not later than the date on which the estimates of the Authority are forwarded to the Minister under section 18 of this Act, the Authority shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House together with the motion laid before the House under section 18 of this Act.

Deposit of revenues and payments by the Authority.

22. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such bank from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairman or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to —

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the Authority,

and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finances, of the Authority.

23. Without prejudice to any directions communicated by the Minister under subsection (1) of section 6 of this Act, the Authority shall not, except with the approval of the Minister granted for special reasons and after consultation with the Minister responsible for finance, award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to exceed three thousand Maltese liri in value except after notice of the intention of the Authority to enter into the contract has been published and competitive tenders have been issued.

Contracts of supply of works.

24. The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year and containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House as soon as practicable.

Annual Report

25. The Authority shall be exempt from any liability for the payment of income tax, stamp duty and customs duty under any law for the time being in force.

Exemption from taxation.

Miscellaneous

26. The members of the Authority, the members of the executive and advisory committees and all officers and servants of the Authority shall be deemed to be public officers or servants within the meaning of the Criminal Code.

Persons deemed public officers.

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27. (1) The Authority may, with the consent of the Minister and subject to the provisions of any law regulating the traffic of vehicles on land or sea, make regulations in respect of public transport vehicles and public transport services, whether by land or sea, in Malta.

Power to make regulations.

(2) Without prejudice to the generality of the aforesaid power such regulations may in particular provide:

(a) for the grant, renewal, transfer, suspension and cancellation of licences in respect of public transport vehicles, the drivers thereof, the conductors of motor buses, car-hire garages, and for such other licences in connection with public transport employees and public transport vehicles and the users thereof as may be necessary;

(b) for providing for the manner in which application for the grant, renewal or transfer of licences or of any one or more classes

thereof is to be made; for the contents of such application; for the manner in which such licences are to be granted, renewed or transferred; the form in which such licences are to be issued, the contents thereof and the manner in which renewals or transfers thereof are to be indicated;

(c) for fixing the duration of the validity of licences or of any one or more classes thereof;

(d) for making provision to ensure that licences or any one or more classes thereof will lapse on a specified day or on specified days;

(e) for prescribing that any one or more classes of licensees shall wear such distinctive badges as may be specified, for determining the fees payable in respect of such badges and for making other provisions in respect thereof;

(f) for prescribing the services which must be given by a public transport vehicle, the time, manner and conditions in which or under which such services are to be given and the place from which orders, agreements or other arrangements for such services are to be given or made, and for requiring the distribution among the owners of public transport vehicles, or of such part thereof as may be prescribed in the regulations, of all fares, fees and other receipts collected by them, in the manner, terms and conditions prescribed in the regulations;

(g) concerning the construction, equipment, condition and maintenance of public transport vehicles and their periodical examination by official experts;

(h) concerning the classification of public transport vehicles according to their use as approved by the Authority;

(i) for ordering inside public transport vehicles the display of any information;

(j) for prescribing the registers to be kept by licensees of public transport vehicles, and the information to be supplied by such licensees;

(k) concerning the management and supervision of public transport services and for the maintenance and enforcement of discipline on those services;

(l) for prescribing such conditions of work in public transport services for the protection of the welfare of public transport employees;

(m) for establishing the fees leviable in respect of the grant, renewal or transfer of licences or of any one or more classes thereof, either by direct determination or by reference to the manner in which such fees are to be reckoned; and to make provision for fees leviable in respect of broken periods;

Provided that Regulations under this paragraph may establish the minimum and the maximum of any fee leviable in respect of

licences or of any one or more classes thereof, and in such case the fee leviable in each particular case shall be fixed by and in the discretion of the Authority;

(n) for making provision in respect of the refund of fees or part thereof paid under the provisions of this Act or of any regulations made thereunder;

(o) for prescribing a tariff of fares in respect of public transport vehicles and services;

(p) for establishing the penalties to which any offender against any Regulations made under this Act shall be liable; provided that no such penalty shall be greater than as laid down in the Criminal Code (Chapter 9) in respect of contraventions.

28. (1) There shall be a Committee to be known as the Adaptation of Laws (Public Transport) Committee consisting of a representative of the Attorney General as Chairman and two other members one of whom shall be a representative of the Authority and the other shall be a representative of the Commissioner of Police. Adaptation of Laws.

(2) The Committee shall have the function of advising the Prime Minister on any amendments to any of the laws specified in the Schedule to this Act, and to any regulations made under those laws, as may be necessary or expedient —

(a) to ensure that all those functions and powers which relate to public transport vehicles and services and which, on the day of the coming into force of this section (hereinafter referred to in this section as "the appointed day"), are vested in the Minister responsible for the Police, the Commissioner of Police and the Traffic Control Board shall vest in the Authority, and

(b) for bringing those laws and regulations into conformity with this Act or otherwise for giving effect or enabling effect to be given to the provisions of this Act;

provided that nothing contained in this subsection shall affect such powers and functions vested in the Minister responsible for the Police, the Commissioner of Police or the Traffic Control Board to the extent that the said powers and functions relate to the control of traffic of vehicles on land or on sea.

(3) The Committee shall, within six months from the appointed day and thereafter as it may deem necessary or as the Prime Minister may require, make a report of its recommendations to the Prime Minister.

(4) Without prejudice to the powers of the Parliament of Malta and subject to the provisions of subsection (8) of this section, the Prime Minister may, by order made at any time within the period of eighteen months from the appointed day, make such amendments to any of the laws specified in the Schedule to this Act or to any regulations

made under those laws as may appear to him to be necessary or expedient for any of the purposes mentioned in paragraphs (a) and (b) of subsection (2) of this section.

(5) Subject to the provisions of subsections (6) and (7) of this section, notwithstanding anything contained in the provisions of the laws specified in the Schedule to this Act and for a period of eighteen months from the appointed day any power to make regulations conferred by the provisions of any of those laws upon the Minister responsible for the police or upon the Commissioner of Police shall vest in and shall only be exercised by the Prime Minister; and where such power was vested in the Commissioner of the Police to be exercised by him with the advice of the Traffic Control Board, such power shall, during the said period, be exercised by the Prime Minister without the need of any such advice.

(6) Where in virtue of any amendments made in accordance with the provisions of subsection (4) of this section any power to make regulations under any of the laws specified in the Schedule to this Act is vested in any person, body or other authority such power shall vest in and shall be exercised by that person, body or other authority from the date of the coming into force of those amendments or from such other date as may be provided for by those amendments and the provisions of subsection (5) of this section shall no longer apply.

(7) Upon the lapse of the period of eighteen months mentioned in subsection (5) of this section any power to make regulations under any of the laws specified in the Schedule to this Act shall vest and shall be exercised in accordance with the provisions of those laws subject to any amendments that may have been made in accordance with the provisions of subsection (4) of this section.

(8) Any order made in accordance with the provisions of subsection (4) of this section shall, as soon as may be after it is made but in any case not later than eighteen months from the appointed day, be laid on the Table of the House and shall have effect upon the lapse of the period of twenty-eight days after it is so laid unless the House within that period resolves that the order be annulled or amended whereupon that order shall have no effect or shall have effect as amended, as the same may require.

(9) In reckoning for the purposes of subsection (8) of this section any period of twenty-eight days therein referred to, no account shall be taken of any time during which the House of Representatives is not in session or during which it is adjourned for more than seven days.

(10) Within the period of eighteen months from the appointed day the Schedule to this Act may be amended by a resolution of the House.

Amendment
of Act IV of 1970.

29. Without prejudice to the provisions of section 28 of this Act, the Public Transport (Regulation of Employment) Act, 1970 (hereinafter referred to in this section as "the Act") shall be amended as follows:—

(a) In section 2 of the Act—

(i) immediately before the definition of “the Board” there shall be inserted the following definition:

““the Authority” means the Public Transport Authority established by section 3 of the Public Transport Authority (Constitution) Act, 1988.”

(ii) the definition of “the Board” shall be substituted by the following definition:

““the Board” means the Public Transport Labour Board referred to in section 3 of this Act;”

(iii) immediately before the definition of “the Officer” there shall be inserted the following definition:

““the Minister” means the Minister responsible for public transport, and includes any person authorised by such Minister in that behalf but in section 4 of this Act it has the meaning assigned to it by sub-section (2) of this section;”

(b) section 3 of the Act shall be amended as follows:

(i) subsections (1) to (4) thereof shall be deleted;

(ii) subsection (5) thereof shall be renumbered (1) and in that subsection for the words “The functions of the Board shall be —” there shall be substituted the words “The Public Transport Labour Board established by section 15 of the Public Transport Authority (Constitution) Act, 1988 shall have the following functions:”;

(iii) subsections (6) to (13) thereof shall be renumbered (2) to (9) respectively; and

(iv) subsection (14) thereof shall be deleted and substituted by the following new subsection:

“(10) where any member of the Board is challenged or abstains in accordance with the provisions of subsection (6) of this section the following provisions shall apply:

(a) if the member challenged or who abstains is the Chairman, the Minister shall substitute for that member another person qualified to be Chairman of the Authority to be Chairman of the Board for the particular case or cases in respect of which the member has been challenged or has abstained;

(b) if the member challenged or who abstains is not the Chairman of the Board —

(i) the parties in the case may agree on a person to substitute that member on the Board in which case the person so agreed upon shall substitute on the Board the member challenged or who has abstained for the particular case or cases in respect of which that member has been challenged or has abstained; or

(ii) failing agreement as provided in subparagraph (i) of this paragraph, there shall be substituted for the member challenged or who abstained and for the particular case or cases in respect of which that member has been challenged or has abstained a member of the Board appointed by the Authority in accordance with the provisions of subsection (2) of section 15 of the Public Transport Authority (Constitution) Act, 1988.”.

SCHEDULE
(Section 28)

Code of Police Laws	(Cap. 10)
Motor Vehicles Insurance (Third Party Risks) Ordinance	(Cap. 104)
Police Licences Act, 1949	(Act XXXIV of 1949)
Public Transport (Regulation of Employment) Act, 1970	(Act IV of 1970)
Traffic Regulation Ordinance	(Cap. 65)

Objects and Reasons

The Object of this Bill is to establish a Public Transport Authority whose main functions will be to secure, promote and develop an integrated, safe, economical and efficient public transport system, to identify the short-term and long-term objectives of such a system, and to develop the necessary strategy and policies to reach those objectives.