

Naghti l-kunsens tieghi.

(L.S.)

EDWARD FENECH ADAMI
President

1 ta' Frar, 2008

ATT Nru. V ta' l-2008

ATT biex jemenda l-Att dwar Awtorità dwar it-Trasport ta' Malta, Kap. 332.

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

1. It-titolu ta' dan l-Att hu Att ta' l-2008 biex jemenda l-Att dwar Awtorità dwar it-Trasport ta' Malta u dan l-Att ghandu jinqara u jinftehem haġa wahda ma' l-Att dwar Awtorità dwar it-Trasport ta' Malta, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali". Titolu fil-qosor.

2. Fl-artiklu 2 ta' l-Att prinċipali, minnufih wara t-tifsira "karozza *self-drive*" ghandu jidhol dan li ġej: Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

““Kundutturi ta' vetturi tat-trasport pubbliku” tfisser persuni li jiġbru n-nol, u jaghtu u jew jiċċekkjaw il-biljetti;”.

3. Fis-subartikolu (1) ta' l-artikolu 3 ta' l-Att prinċipali, minnufih wara l-kliem "membri ohra" ghandhom jidhlu l-kliem " , biex twettaq il-funzjonijiet moghtija lilha minn jew taht dan l-Att". Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

4. L-artikolu 4 ta' l-Att prinċipali ghandu jiġi emendat kif ġej: Emenda ta' l-artikolu 4 ta' l-Att prinċipali.

(a) minflok in-nota marginali għall-artikolu ghandhom jidhlu l-kliem "Funzjonijiet u poteri ta' l-Awtorità.”;

(b) is-subartikolu (1) ghandu jiġi emendat kif ġej:

(a) fil-paragrafu (b) tiegħu, minnufih wara l-kliem “li tokkupa,” ghandhom jidhlu l-kliem “tippjana, tiddisinja,”;

(b) fil-paragrafu (d) tiegħu, il-kliem “u *car park attendants*” ghandhom jithassru;

(ċ) il-paragrafi (f) sa (n) ghandhom jiġu enumerati (j) sa (r) rispettivament;

(d) minnufih wara l-paragrafu (e) ghandhom jizdiedu l-paragrafi ġodda li ġejjin:

“(f) li tippjana, tistalla, tibni u tiegħu hsieb *bus stops, fare stages*, vened tal-karrozzi tal-linja, *taxi stands, stands* tal-karrozzini u faċilitajiet ohra għal min juża s-servizzi tat-trasport u li tirregola l-istallazzjoni ta’ *bus shelters*;

(g) li tippjana, tiddisinja, tirregola u tawtorizza s-sinjali jew tabelli tat-traffiku fit-toroq, marki fit-toroq u miżuri għall-ikkalmar tat-traffiku, l-istallazzjoni ta’ apparat għall-kontroll tat-traffiku u apparat relatat li jahdem bid-dawl, il-kostruzzjoni ta’ stoffi fit-toroq, u l-istallazzjoni ta’ *cameras* tal-veloċità u faċilitajiet ohra tat-traffiku fit-toroq għal skopijiet ta’ immaniġġar u kontroll tat-traffiku;

(h) li tipprovi u tirregola parkeġġi għall-vetturi bil-mutur f’postijiet pubbliċi u f’toroq, u li tirregola u tohroġ licenzi lil *car park attendants*;

(i) li tistabilixxi piżijiet, dimensjonijiet u rekwiziti dwar l-apparat għall-vetturi bil-mutur;

(ċ) minnufih wara s-subartikolu (2) ghandhom jizdiedu s-subartikoli ġodda (3) u (4):

“(3) L-Awtorità ghandu jkollha l-poter li:

(a) tagħti, iġġedded, tirrifjuta, tissospendi jew tirrevoka licenza skond artikolu 34 ta’ dan l-Att u regolamenti li jsiru taht dan l-Att u li tistabilixxi l-kondizzjonijiet li tahtom dik il-licenza tista’ tinghata u d-drittijiet li ghandhom jithallsu għall-ghoti ta’ dik il-licenza;

(b) tahtar Uffiċjali ta' l-Infurzar bl-inkarigu li jimmaniġġaw, jissorveljaw u jinfurzaw il-liġijiet tat-traffiku u tat-trasport, li jkollhom is-setgħa li jwaqqfu vetturi, johorġu avviżi ta' projbizzjoni u jidhlu f'fond reġistrat ta' operatur ta' transport stradali awtorizzat u jiġbru kull dokument li jkun jinsab fil-post u li jwettqu funzjonijiet u doveri ohra skond regolamenti li jsiru taht dan l-Att ;

(ċ) tistabilixxi kodiċi ta' kondotta għas-servizzi rispettivi ta' ġarr stradali ta' passigġieri mogħtija b'kiri jew bi hłas;

(d) tistabilixxi, b'regolamenti, u timponi pieni amministrattivi.

(4) L-Awtorità jkollha l-poter li tiffinanzja servizzi ta' trasport, tinvesti f'sistemi ta' trasport u tidhol f'negozjati u arrangamenti ma' korpi ohra biex tiżviluppa, ittejjeb u tikkoordina l-ghoti ta' servizzi ta' trasport.”.

5. Fis-subartikolu (2) ta' l-artikolu 5 ta' l-Att prinċipali, minflok il-kliem “fl-Iskeda” għandhom jidhlu l-kliem “fl-Ewwel Skeda”.

Emenda għall-artikolu 5 ta' l-Att prinċipali.

6. L-artikoli 31 u 32 ta' l-Att prinċipali għandhom jiġu enumerati bhala l-artikoli 32 u 33 rispettivament.

Enumerazzjoni mill-ġdid l-artikoli 31 u 32 ta' l-Att prinċipali.

7. Minnufih wara l-artikolu 30 ta' l-Att prinċipali għandhom jiżdiedu l-artikolu 31 u t-titolu godda li ġejjin:

Żieda ta' artikolu 31 ġdid ma' l-Att prinċipali.

Hatra ta' Bord ta' Appelli.

“BORD TA' APPELLI DWAR IT-TRASPORT

31. (1) Għandu jitwaqqaf Bord ta' Appelli dwar it-Transport biex jisma' u jiddeċiedi -

(a) appelli magħmula minn xi persuna li thoss ruhha aggravata b'deċiżjoni ta' l-Awtorità li tiċhad milli tagħti jew iġġedded, jew li tissospendi jew li tirrevoka liċenza, jew li timponi kondizzjonijiet, limitazzjonijiet jew esklużjonijiet f'liċenza; u

(b) appelli magħmula minn xi persuna li thoss ruhha aggravata b'piena amministrattiva jew xort'ohra imposta fuq dik il-persuna.

(2) Il-Bord ta' Appelli jkun magħmul minn avukat li jkun ilu jipprattika għal mhux anqas minn seba' snin, li jippresjedi, u minn żewġ persuni esperti fit-trasport stradali.

(3) *Iċ-chairperson* u l-membri tal-Bord ta' Appelli jinhatru mill-Ministru.

(4) Persuna ma tikkwalifikax biex tinhatar, jew biex tibqa', membru tal-Bord ta' Appelli jekk dik il-persuna tkun:

(a) Membru tal-Kamra tar-Rappreżentanti; jew

(b) uffiċjal pubbliku.

(5) *Iċ-chairperson* u l-membri tal-Bord ta' Appelli ghandhom jibqghu fil-kariga għal perijodu ta' tliet snin, u jkunu jistgħu jerġgħu jinhatru f'dik il-kariga.

(6) *Iċ-chairperson* jew membru tal-Bord ta' Appelli jista' jagħti r-riżenja tiegħu b'ittra indirizzata lill-Ministru.

(7) *Iċ-chairperson* jew membru tal-Bord ta' Appelli jista' jitneħħa mill-kariga mill-Ministru -

(a) jekk *iċ-chairperson* jew membru jsir inkapaċi, għal raġuni ta' saħħa, li jwettaq effettivament il-funzjonijiet tiegħu, jew

(b) minhabba mġiba hażina jew negligenza gravi, jew

(ċ) konflitt ta' interess, jew

(d) jekk it-tneħħija ta' *chairperson* jew tal-membri tkun tidher meħtieġa għall-andament effettiv tal-funzjonijiet tal-Bord ta' Appelli.

(8) Il-Bord ta' Appelli ghandu jkollu segretarjat amministrattiv indipendenti li jkun magħmul għall-anqas minn segretarju għall-Bord ta' Appelli u dawk l-impjegati l-oħra li jistgħu jkunu meħtieġa biex il-kwistjonijiet li jaqgħu taħt il-kompetenza tiegħu jinqatgħu malajr u b'mod effiċjenti, u għat-twettiq kif xieraq tal-funzjonijiet tiegħu, jista' jfittex il-parir ta' esperti tekniċi dwar kull materja li tkun is-suġġett ta' l-appell li jkun qed jinstema'.

(9) Is-segretarju u l-persunal amministrattiv li jkun jeħtieġ il-Bord ta' Appelli għandha tipprovdihom l-Awtorità.

(10) *Ic-chairperson* u l-membri tal-Bord ta' Appelli għandhom jithallsu dawk id-drittijiet għal spejjeż skond kif jistabbilixxi l-Ministru.

(11) Il-Bord ta' Appelli għandu jagħti avviz minn qabel ta' mhux anqas minn sittax-il jum ta' kull smiegh ta' appell minnu b'dak il-mod li l-Bord ta' Appelli jidhirlu xieraq.

(12) Il-Bord ta' Appelli għandu, waqt li jkun qed jisma' u jiddeciedi appell, jaġixxi skond dawk il-proċeduri li jista' jistabbilixxi minn żmien għal żmien.

(13) Il-Bord ta' Appelli għandu jkun indipendenti fit-twettiq tal-funzjonijiet tiegħu.

(14) Id-deċiżjonijiet tal-Bord ta' Appelli jkunu finali hliet dwar punti ta' liġi jew ekwità u, jew ksur tal-principji ta' ġustizzja naturali deċiżi mill-Bord ta' Appelli li minnhom ikun hemm appell quddiem il-Qorti ta' l-Appell (Kompetenza Inferjuri).

(15) Bla hsara għal dak hawn qabel imsemmi, appell lill-Bord ta' Appelli u x-xogħol tal-Bord ta' Appelli għandhom isiru skond ir-regoli li hemm fit-Tieni Skeda li tinsab ma' dan l-Att, u fin-nuqqas ta' regoli dwar xi materja, il-Bord ta' Appelli jista' jirregola l-proċeduri tiegħu stess.

(16) Id-deċiżjonijiet tal-Bord ta' Appelli jkunu jorbtu jekk jittiehdu skond il-fehma ta' tnejn mill-membri tiegħu, u l-membri li ma jkunx jaqbel, jekk ikun hemm, jista' jagħti l-fehma tiegħu separata; u d-deċiżjonijiet kollha tal-Bord ta' Appelli għandhom jinqraw fil-pubbliku u għandhom jiġu pubblikati malajr kemm jista' jkun wara s-seduta li fiha jkunu ngħataw.”.

8. Is-subartikolu (2) ta' l-artikolu 33, kif enumerat mill-ġdid, ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda għall-artikolu 33, kif enumerat mill-ġdid, ta' l-Att prinċipali.

(a) minflok il-paragrafu (a) għandu jidhol dan li ġej:

“(a) għar-registrazzjoni ta' vetturi bil-mutur u vetturi oħra, l-ġotti, tiġdid, trasferiment, sospensjoni u thassir ta' licenzi dwar vetturi bil-mutur, is-sewwieqa tagħhom, il-kundutturi ta' vetturi tat-trasport pubbliku, garaxxijiet tal-kiri ta' karrozzi, trasport ta' passiġġieri jew merkanzija b'kiri jew bi hlas, u għal dawk il-licenzi

l-oħra dwar vetturi bil-mutur u min jużahom kif jista' jinhtieg;";

(b) fil-paragrafi (g), (h), (i), (k) u (m) minflok il-kliem "ta' karrozzi jew vetturi bil-mutur oħra" għandhom jidhlu l-kliem "ta' vetturi bil-mutur";

(ċ) il-paragrafi (v) u (w) għandhom jiġu enumerati bhala (w) u (x) rispettivament; u

(d) minnufih wara l-paragrafu (u) għandu jidhul il-paragrafu ġdid li ġej:

"(v) għall-poteri u doveri ta' l-Uffiċjali ta' l-Infurzar maħtura mill-Awtorità;"

Żieda ta' artikolu 34 ġdid ma' l-Att prinċipali.

9. Minnufih wara l-artikolu 33, kif enumerat, ta' l-Att prinċipali, għandu jiżdied l-artikolu 34 ġdid li ġej:

"Ċahda ta' l-ghoti jew tiġdid, sospensjoni jew revoka ta' liċenza.

34. (1) L-Awtorità tista' tiċhad li tagħti jew iġġedded liċenza, jew, f'kull hin, li tissospendi liċenza għal perijodu speċifiku jew tirrevokaha.

(2) L-Awtorità tista' tiċhad li tagħti liċenza jekk tkun sodisfatta għal raġunijiet ġustifikati li -

(a) ikun jeżisti eċċess serju u potenzjalment kontinwu fuq il-provvista, jew

(b) l-applikant ikun ippreżenta informazzjoni fl-applikazzjoni għal liċenza jew b'konnessjoni ma' dik l-applikazzjoni li tkun falza jew li tiżgwida, jew

(ċ) l-applikant ikun kiser xi disposizzjoni ta' dan l-Att jew ta' xi Att iehor li jirregola t-trasport jew traffiku stradali jew regolamenti li jsiru taħthom.

(3) L-Awtorità tista' tiċhad li gġedded liċenza jekk tkun sodisfatta għal raġunijiet ġustifikati li d-detentur tal-liċenza –

(a) ikun għadda informazzjoni fl-applikazzjoni għat-tiġdid tal-liċenza jew b'konnessjoni ma' dik l-applikazzjoni li tkun falza jew li tiżgwida, jew

(b) ikun kiser xi disposizzjoni ta' dan l-Att jew ta' xi Att ieħor li jirregola t-trasport jew traffiku stradali jew regolamenti li jsiru taħthom,

(ċ) ma jkunx għadu persuna kapaċi jew adatta biex tipprovdi servizz li għalih tkun inġatata liċenza.

(4) Meta l-Awtorità tkun sodisfatta li detentur ta' liċenza ikun instab hati ta' kondotta hażina waqt l-ghoti tas-servizz jew li kiser xi disposizzjoni ta' dan l-Att jew ta' xi Att ieħor li jirregola t-trasport u traffiku stradali jew regolamenti li jsiru taħthom, hi tista' tissospendi l-liċenza għal perjodu speċifiku jew tista' tirrevokaha.

(5) Meta l-Awtorità tkun qed tippromponi li tiċhad li tagħti jew iġġedded liċenza, jew li tissospendi jew thassar liċenza, hi għandha tavża b'dan lill-applikant jew lid-detentur tal-liċenza, tagħti r-raġunijiet għal dik iċ-ċaħda, sospensjoni jew revoka u għandha tikkunsidra kull rappreżantazzjoni li ssir bil-miktub mill-applikant jew mid-detentur tal-liċenza fi żmien erbatax-il jum minn dik in-notifika.

(6) Jekk l-Awtorità, wara li tkun ikkunsidrat dawk l-ilmenti jew x'uħud minnhom, tiddeċiedi li tiċhad li tagħti jew iġġedded liċenza jew li tissospendi jew tirrevoka l-liċenza, hi għandha tavża lill-applikant jew lid-detentur bid-deċiżjoni tagħha u tagħti r-raġunijiet għal dik id-deċiżjoni li tkun se twassal għal dik is-sospensjoni jew revoka u tinformah dwar il-proċedura biex ikun jista' jsir appell minn dik id-deċiżjoni.”.

10. Minflok il-kelma “Skeda” fit-titolu ta' l-Iskeda li tinsab ma' l-Att prinċipali, għandhom jidhlu l-kliem “L-Ewwel Skeda”.

Emenda ta' l-Iskeda li tinsab ma' l-Att prinċipali.

11. Minnufih wara l-Ewwel Skeda, kif enumerata mill-ġdid, li tinsab ma' l-Att prinċipali, għandha tiżdied din it-Tieni Skeda ġdida li ġejja:

Żieda ta' Skeda ġdida ma' l-Att prinċipali.

“IT-TIENI SKEDA

(ARTIKOLU 31(12))

Proċedimenti quddiem il-Bord ta' Appelli dwar it-Trasport u appelli minn deċiżjonijiet ta' dak il-Bord

1. Kull persuna li thoss ruhha aggravata minn deċiżjoni ta' l-Awtorità, kif provdut fl-artikolu 31(1), tista' tappella quddiem il-Bord ta' Appelli dwar it-Trasport, flimkien mal-hlas tad-dritt dwar appell ta' Lm50, fi żmien tletin ġurnata mid-data meta d-deċiżjoni li dwarha jsir l-appell tiġi komunikata lil dik il-persuna.

2. L-applikazzjoni ghandu jkollha r-raġunijiet għal dak l-appell u t-talba ta' l-appellant, u kopja tagħha ghandha tiġi komunikata lill-Awtorità qabel ma jinstema' l-appell.

3. L-appellant jista' jidher quddiem il-Bord ta' Appelli personalment jew permezz ta' aġent fil-ġurnata u l-hin appuntati għas-smigh biex jagħmel is-sottomissjonijiet tiegħu u jipproduċi dawk il-provi li l-Bord ta' Appelli jippermetti:

Iżda l-Bord ta' Appelli jista' jipposponi s-smigh ta' l-appell jekk ikun sodisfatt li l-appellant ma setax jidher quddiemu minhabba f'mard jew għax ikun assenti minn Malta jew minhabba f'xi haġ'ohra simili u raġonevoli.

4. L-appellant jew l-aġent tiegħu jkollu d-dritt li jidher quddiem il-Bord ta' Appelli assistit kif xieraq.

5. Il-Bord ta' Appelli ghandu jagħti lill-Awtorità l-opportunità li tagħmel is-sottomissjonijiet tagħha biex tiġġustifika d-deċiżjonijiet tagħha, u li ġġib dawk il-provi li l-Bord ta' Appelli jista' jqis li jkunu mehtieġa.

6. Il-Bord ta' Appelli jkollu s-setgħa li jharrek xhieda u li jagħti l-ġurament lil kull min jidher quddiemu.

7. Il-Bord ta' Appelli jkollu s-setgħa li jikkonferma, ihassar jew ibiddel deċiżjoni li kontra tagħha jkun sar l-appell u li jagħti dawk id-direttivi li jidhirlu xierqa.

8. Il-membri kollha tal-Bord ghandhom ikunu preżenti għas-smiegh ta' appell.

9. Id-deċiżjonijiet tal-Bord ta' Appelli jkunu finali u ma jkun hemm ebda appell minnhom hlief fuq punti ta' liġi biss.

10. Jekk l-appellant jew l-Awtorità, skond ma jkun il-każ, ma jaqblux ma' xi punt ta' liġi deċiż mill-Bord ta' Appelli, huma jistgħu jappellaw quddiem il-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri) b'rikors ipprezentat fi żmien tletin gurnata minn meta tkun inghatat id-deċiżjoni tal-Bord ta' Appelli.

11. Is-seduti kollha tal-Bord ta' Appelli għandhom isiru bil-miftuh u d-deċiżjonijiet kollha tal-Bord ta' Appelli għandhom jingħataw bil-miftuh.

12. Barra minn dawn id-disposizzjonijiet u d-disposizzjonijiet ta' dan l-Att, il-Bord ta' Appelli għandu jirregola l-proċeduri tiegħu nnifsu.”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 613 tad-29 ta' Jannar, 2008.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skriivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

1st February, 2008

ACT No. V of 2008

An Act to amend the Malta Transport Authority Act, Cap. 332.

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: -

Short title.

1. The short title of this Act is the Malta Transport Authority (Amendment) Act, 2008 and this Act shall be read and construed as one with the Malta Transport Authority Act, hereinafter referred to as “the principal Act”.

Amendment of article 2 of the principal Act.

2. In article 2 of the principal Act, immediately after the definition “Chief Executives” there shall be inserted the following:

““conductors of public transport vehicles” means persons who collect fares and issue and or check tickets;”.

Amendment of article 3 of the principal Act.

3. subarticle (1) of article 3 of the principal Act, immediately after the words “other members” there shall be added the words “, to perform the functions assigned to it by or under this Act”.

Amendment of article 4 of the principal Act.

4. Article 4 of the principal Act shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the words “Functions and powers of the Authority.”;

(b) sub-article (1) shall be amended as follows:

(a) in paragraph (b) thereof, immediately after the words “to occupy,” there shall be added the words “plan, design,”;

(b) in paragraph (d) thereof, the words “and car park attendants” shall be deleted;

(c) paragraphs (f) to (n) shall be renumbered (j) to (r) respectively;

(d) immediately after paragraph (e) there shall be added the following new paragraphs:

“(f) to plan, install, construct and maintain bus stops, fare stages, bus termini, taxi stands, *karrozzini* stands and other commuter facilities, and to regulate the installation of bus shelters;

(g) to plan, design, regulate and authorize road traffic signs or signals, road markings and traffic calming measures, the installation of traffic control equipment and related lighting equipment, the construction of road ramps, and the installation of speed cameras and other road traffic facilities for the purposes of traffic management and control;

(h) to provide and regulate parking places for motor vehicles in public areas and streets, and to regulate and issue licences to car park attendants;

(i) to establish weights, dimensions and equipment requirements for motor vehicles;

(c) immediately after sub-article (2) there shall be added the following new sub-articles (3) and (4):

“(3) The Authority shall have the power to:

(a) grant, renew, refuse, suspend or revoke a licence in accordance with article 34 of this Act and any regulations made under this Act, and to establish the conditions under which such licence may be granted and the fees which may be payable for the grant of such licence;

(b) appoint Enforcement Officers charged with the management, supervision and enforcement of traffic and transport laws, who shall have the power to stop vehicles, issue prohibition notices and enter any registered premises of an authorised road transport operator and detain any document thereof, and to carry out such other functions and duties in accordance with regulations made under this Act;

(c) establish codes of conduct for the respective passenger road services provided for hire or reward;

(d) to establish, by regulations, and impose administrative penalties.

(4) The Authority shall also have the power to fund transport services, invest in transport systems and enter into negotiations and arrangements with other bodies to develop, improve and coordinate the provision of transport services.”.

Amendment of article 5 of the principal Act.

5. In subarticle (2) of article 5 of the principal Act, for the words “in the Schedule” there shall be substituted the words “in the First Schedule”.

Renumbering articles 31 and 32 of the principal Act.

6. Articles 31 and 32 of the principal Act shall be renumbered as articles 32 and 33 respectively.

Adds new article 31 to the principal Act.

7. Immediately after article 30 of the principal Act there shall be added the following new article 31 and heading:

“TRANSPORT APPEALS BOARD

Appointment of Appeals Board.

31. (1) There shall be established a Transport Appeals Board to hear and determine -

(a) appeals made by any person aggrieved by any decision of the Authority not to grant or renew, or to suspend or to revoke a licence, or to impose conditions, limitations or exclusions therein or therefor; and

(b) appeals made by any person aggrieved by an administrative or any other penalty imposed on that person.

(2) The Appeals Board shall consist of a lawyer who has been practising for not less than seven years, who shall preside, and two members versed in land transport.

(3) The chairperson and members of the Appeals Board shall be appointed by the Minister.

(4) A person shall not be qualified to be appointed as, or to remain, a member of the Appeals Board if that person is a:

- (a) member of the House of Representative; or
- (b) public officer.

(5) The chairperson and the members of the Appeals Board shall hold office for a period of three years and shall be eligible for re-appointment.

(6) The chairperson or a member of the Appeals Board may resign by letter addressed to the Minister.

(7) The chairperson or a member of the Appeals Board may be removed from office by the Minister -

- (a) if the chairperson or member becomes incapable, through ill-health, of effectively performing his or her functions,
- (b) for stated misbehaviour or gross negligence, or
- (c) for conflict of interest, or
- (d) if the chairperson's or member's removal appears to be necessary for the effective performance of the Appeals Board's functions.

(8) The Appeals Board shall have an independent administrative secretariat consisting of at least a secretary to the Appeals Board and any such other employees as may be necessary for the prompt and efficient determination of the matters within its jurisdiction and, for the proper execution of its functions, may also seek the advice of technical experts on any matter which is the subject of an appeal being heard.

(9) The Secretary and other administrative support required by the Appeals Board shall be provided by the Authority.

(10) The chairperson and members of the Appeals Board shall be paid such allowances for expenses as the Minister may determine.

(11) The Appeals Board shall give an advance notice of not less than sixteen calendar days of its hearings in such manner as it may deem appropriate.

(12) In hearing and determining an appeal, the Appeals Board shall act in accordance with such procedures as may be determined from time to time by it.

(13) The Appeals Board shall be independent in the performance of its functions.

(14) The decisions of the Appeals Board shall be final except with respect to points of law and equity and, or breaches of principles of natural justice, decided by the Appeals Board from which an appeal shall lie to the Court of Appeal (Inferior Jurisdiction).

(15) Subject to the above, appeals to the Appeals Board and the conduct of the business of the Appeals Board shall be made in accordance with the rules contained in the Second Schedule to this Act; and in the absence of such rules on any matter, the Appeals Board may regulate its own procedure.

(16) The decisions of the Appeals Board shall be binding if they are supported by the opinion of two of its members, and the dissenting member, if any, may express his or her opinion separately; and all decisions of the Appeals Board shall be delivered in public and shall be published as soon as practicable after the sitting at which they are given ”.

Amendment of article 33, as renumbered, of the principal Act.

8. Subarticle (2) of article 33, as renumbered, of the principal Act shall be amended as follows:

(a) in paragraph (a) for the words “motor-cars”, wherever they appear, there shall be substituted the words “motor vehicles”, for the words “the conductors of motor buses” there shall be substituted the words “conductors of public transport vehicles”, and immediately after the words “car hire garages,” there shall be added the words “transport of passengers or goods for hire or reward,”;

(b) in paragraphs (g), (h), (i), (k) and (m) for the words “motor-cars”, wherever they appear, there shall be substituted the words “motor vehicles”;

(c) paragraphs (v) and (w) shall be renumbered (w) and (x) respectively; and

(d) immediately after paragraph (u) there shall be added the following new paragraph:

“(v) for the powers and duties of Enforcement Officers appointed by the Authority;”.

9. Immediately after article 33, as renumbered, of the principal Act, there shall be added the following new article 34:

Addition of new article 34 to the principal Act.

“Refusal to grant or to renew, suspend or revoke a licence.

34. (1) The Authority may refuse to grant or renew a licence or, at any time, suspend a licence for a specified period or revoke it.

(2) The Authority may refuse to grant a licence if it is satisfied, on reasonable grounds, that -

(a) there exists a serious and potentially enduring excess over supply, or

(b) the applicant has supplied information in or in connection with the application for the licence that was false or misleading, or

(c) the applicant has contravened any provision of this Act or any other Act regulating land transport and traffic or regulations thereunder.

(3) The Authority may refuse to renew a licence if it is satisfied, on reasonable grounds, that the licensee -

(a) supplied information in or in connection with the application for the renewal of the licence that was false or misleading, or

(b) has contravened any provision of this Act or any other Act regulating land transport and traffic or regulations thereunder,

(c) is no longer a fit and proper person to provide a service for which such person is licensed.

(4) Where the Authority is satisfied that a licensee has been guilty of misconduct in the course of providing a service or has contravened any provision of this Act or any other Act regulating land transport and traffic or regulations thereunder, it may suspend the licence for a specified period or revoke the licence.

(5) Where the Authority proposes to refuse to grant or renew a licence, or to suspend or revoke a licence, it shall notify the applicant or licensee of its proposal, giving the reasons for such refusal, suspension or revocation, and shall consider any representations that are made to it in writing by the applicant or licensee within 14 days after the said notification.

(6) If the Authority, having considered any such representations, decides to refuse to grant or renew a licence or to suspend or revoke it, it shall notify the applicant or licensee of the decision and the ground leading to such suspension or revocation and of the procedure for appealing against it.”.

Amendment of the Schedule to the principal Act.

10. For the word “Schedule” in the title of the Schedule to the principal Act, there shall be substituted the words “First Schedule”.

Addition of new Schedule to the principal Act.

11. Immediately after the First Schedule, as renamed, to the principal Act, there shall be added the following new Second Schedule:

“SECOND SCHEDULE

(ARTICLE 31(12))

Proceedings before the Transport Appeals Board and appeals therefrom

1. Any person who feels aggrieved by a decision of the Authority, as provided in article 31(1), may appeal to the Transport Appeals Board, on payment of an appeal’s fee of Lm50, within thirty days from the date the decision on which the appeal is entered is communicated to the person concerned.

2. The application shall state the grounds for the appeal and the request of the appellant, and a copy of it shall be communicated to the Authority before the appeal is heard.

3. The appellant shall appear before the Appeals Board either in person or through an agent on the day and at the time fixed for the hearing, make his submissions and produce such evidence as the Appeals Board may permit:

Provided that the Appeals Board may postpone the hearing of the appeal if it is satisfied that the appellant was prevented from appearing before it owing to illness or absence from Malta or other similar reasonable cause.

4. The appellant or his or her agent shall have the right to appear before the Appeals Board duly assisted.

5. The Appeals Board shall give the Authority an opportunity to make its submissions in justification of its decisions, and bring such evidence as the Appeals Board may consider necessary.

6. The Appeals Board shall have the power to summon witnesses and to administer the oath to any person appearing before it.

7. The Appeals Board shall have power to confirm, revoke or alter the decision appealed against and give such directions as it may deem appropriate.

8. All members of the Appeals Board shall be present for a hearing of an appeal.

9. The decisions of the Appeals Board shall be final and no appeal shall lie therefrom except on a point of law.

10. If the appellant or the Authority, as the case may be, are dissatisfied with any point of law decided by the Appeals Board, they may appeal to the Court of Appeal (Inferior Jurisdiction) by an application filed within thirty days from the day of the decisions is delivered by the Appeals Board.

11. All hearings of the Appeals Board shall be held in public and all decisions of the Appeals Board shall be given in public.

12. Subject to the foregoing provisions and to the provisions of this Act, the Appeals Board shall regulate its own procedure.

Passed by the House of Representatives at Sitting No. 613 of 29th January, 2008.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives