

CHAPTER 499**AUTHORITY FOR TRANSPORT IN MALTA ACT**

To provide for the establishment of a body corporate to be known as the Authority for Transport in Malta which will assume the functions previously exercised by the Malta Maritime Authority, the Malta Transport Authority and the Director and Directorate of Civil Aviation and for the exercise by or on behalf of that Authority of functions relating to roads, to transport by air, rail, road, or sea, within ports and inland waters, and relating to merchant shipping; to provide for the transfer of certain assets to the Authority established by this Act; and to make provision with respect to matters ancillary thereto or connected therewith.

1st January, 2010*

ACT XV of 2009, as amended by Legal Notice 336 of 2010 and Acts XI of 2010, V of 2011, VII and XXXV of 2015, and XVIII of 2016.

ARRANGEMENT OF ACT

	Articles
Part I Preliminary and General	1 - 2
Part II Guiding Principles	3 - 4
Part III Establishment, Functions and Conduct of Affairs of the Authority	5 - 16
Part IV Officers and Employees of the Authority	17 - 23
Part V Financial Provisions	24 - 35
Part VI Transfer of Certain Assets to the Authority	36 - 38
Part VII Supervisory Boards	39
Part VIII Administrative Review Tribunal	40
Part IX Miscellaneous	41 - 53

SCHEDULES

First Schedule	Directorates
Second Schedule	Enactments

*See article 1(2) of the Act as originally enacted, and Legal Notice 349 of 2009.

PART I

PRELIMINARY AND GENERAL

Short title.

1. The short title of this Act is the Authority for Transport in Malta Act.

Interpretation.
Amended by:
XI. 2010.21;
V. 2011.52;
XXXV. 2015.2.

2. In this Act, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them:

"airport" or "aerodrome" means any area of land or water designed, equipped, set apart or commonly used to provide facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart to provide facilities for the landing and departure of aircraft capable of descending or climbing vertically, and it includes an air passenger terminal, an air cargo terminal and, or an air cargo warehouse as well as all land and facilities pertinent to an airport;

"air transport service" means the carriage of passengers or of mail or of cargo by air for reward;

"aircraft" means any mechanically driven self-propelled device used for transport by air of passengers or cargo and includes aeroplanes, seaplanes, helicopters, light aircraft and microlights;

"authorisation" includes any licence or permit however so described issued by or under this Act to operate, provide or carry out any activity or operation or service however described relating to transport;

"the Authority" means the Authority for Transport in Malta established by article 5;

"boat" means a small watercraft, propelled by oars, sails, engines, or other methods;

"Chairperson" means the Chairperson of the Authority and includes, in the circumstances mentioned in article 5(4), the Deputy Chairperson;

"charges" means the charges that may be levied under this Act or any regulations made thereunder;

"Chief Executive Officer" means the Chief Executive Officer of the Authority appointed under article 15;

"contractor" means a person acting in pursuance of an agreement entered into with the Authority or with a Directorate;

"conveyance of persons" means the carriage of passengers by road or by sea or by air for hire or reward;

"decision" includes any determination, measure, order, requirement or specification however so described made by the Authority;

"Directorates" means such directorates as are or may be established under article 14(1);

"European Union" has the same meaning as is given to it in the [European Union Act](#);

Cap. 460.

"fees" means the fees that may be levied under this Act or any regulations made thereunder;

"financial year" means any period of twelve months ending on the 31st December;

"Gazette" means the Malta Government Gazette;

"Government" means the Government of Malta;

"goods" includes baggage, animals (whether alive or dead) and other movable property of any kind whatsoever;

"internal waters" includes any harbour, port, bay, cove, creek or seashore;

"licence" means and includes any licence or permit which under this Act or any other law is required from the Authority or a Directorate or which the Authority or a Directorate is authorised or empowered to grant under such Act or other law;

"Local Councils" means the local councils established under the provisions of the [Local Councils Act](#);

Cap. 363.

"loss or damage", in relation to persons, includes loss of life and personal injury;

"M2 vehicle" means a motor vehicle comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes;

"M3 motor vehicle" means a motor vehicle comprising more than eight seats in addition to the driver's seat, and having a mass exceeding 5 tonnes;

"master", when used in relation to any ship, means the person having command or charge of the ship for the time being, but does not include a pilot;

"motor route bus" means an M2 or M3 vehicle which, by virtue of its type of construction and equipment, is suitable for carrying passengers, and is intended for that purpose and which is licensed to operate a public passenger transport service in terms of any regulation made under this Act;

"motor vehicle" means any self-propelled road vehicle which is normally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of persons or goods but does not include agricultural tractors;

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

"officer" and "employee" in relation to the Authority includes a public officer detailed for duty with the Authority;

"operator", in relation to an aircraft, means the person for the time being having the management of that aircraft, and cognate expressions shall be construed accordingly;

"owner" in relation to a ship includes the charterer or operator of the ship, and in relation to an aircraft includes the charterer or operator of the aircraft;

"person" includes an association or body of persons, whether registered as a legal person or not;

"pilot" means a person licensed by the Authority for the purpose of conducting ships within Maltese waters;

"port" means the place declared to be a port by or under any law, and may include a yachting centre provided it is so declared under this Act or any other law;

"prescribed" means prescribed under this Act;

"public officer", in relation to article 20, has the same meaning assigned to it by article 124 of the [Constitution](#) but does not include a judge of the Superior Courts or a magistrate of the Inferior Courts;

"public passenger transport services" means regular passenger transport services of general economic interest provided to the public on a non-discriminatory and continuous basis;

"public transport" means the conveyance by a vehicle of passengers against compensation;

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

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

"rates" means the rates that may be levied under this Act or under any regulations made thereunder;

"reward" includes any form of consideration received or to be received wholly or partly in respect of or in connection with the rendering of a service, irrespective of the person by whom or to whom the consideration has been or is to be given;

"road" includes any street or road however categorised and includes, in relation to any such road -

- (a) any road which has already been built or which is in the planning or the construction stage;
- (b) the carriageway thereof as well as any border or other public open space adjacent and ancillary thereto, including side margins, central strips, roundabouts, traffic islands, footways and pavements;
- (c) the foundations, sub-surfaces and surface dressing thereof;
- (d) sub-ways, overpasses, junctions and intersections, whether multi-level or otherwise;
- (e) road drainage works and access thereto, trenches and trenching works for utilities including access thereto, ducting, conducting and the like for the distribution of utilities or the provision of services, including works connected therewith or ancillary thereto and manholes or other means of access to such utilities or works;
- (f) poles, light fittings, billboards, hoardings, benches, kiosks and any other thing that may be affixed to the

surface thereof excluding buildings;

- (g) road traffic signs or signals, road markings and traffic calming measures, traffic control equipment and related lighting equipment, speed cameras and other road traffic facilities used for traffic management and control;

"road transport" means the transport of persons or goods by land;

"ship" means a vessel or craft of every description used in navigation, whether self-propelled or not, and includes barges, oil rigs, pontoons, and any other craft and similar vessels;

"supervisory board" means a supervisory board established in accordance with article 39;

"tariff" means the fares or freight rates (including any charges for the carriage of mails) to be charged and any conditions upon which those fares or freight rates depend;

"territorial waters" means the waters described in article 3(1) of the [Territorial Waters and Contiguous Zone Act](#) and includes any waters enclosed between the base lines therein mentioned and the coast;

Cap. 226.

"transport" means the transport of persons or goods whether by air, land or sea;

"transport of goods" means the transport of goods by air, land or by sea for hire or reward;

"utilities" means any service ordinarily used by households or commercial enterprises and which use the road to deliver the service from the service provider to the house or commercial enterprise and includes services such as water, drainage, electricity, cable television, telephony, internet and the like;

"vehicle" includes any motor vehicle, carriage, *karrozzin*, cart, bicycle, motor-cycle, trailer, semi-trailer, articulated vehicle, road train, railway rolling stock, articulate bus or other means of transport by road or by rail for the conveyance of persons or transport of goods;

"warehouse" means any shed, building, place, wagon, ship or vehicle when used by the Authority, or a contractor for the purpose of warehousing or depositing goods for the purposes of this Act;

"yacht" means a sea going ship used solely for pleasure and accepted as such by the Authority.

PART II

GUIDING PRINCIPLES

3. The Government shall through the establishment of the Authority for Transport in Malta seek to promote and develop the transport sector in Malta by means of proper regulation and by the promotion and development of related services, businesses and other interests both locally and internationally.

Promotion and development of the Authority's interests.

4. (1) The Government shall determine Malta's policies and objectives in the transport sector and shall appropriate such funds

Main policies and objectives.

and provide such resources, as it considers necessary to achieve such aims.

(2) The Government shall endeavour, through the Authority, to achieve the following main objectives and policies:

- (a) develop integrated transport policies aimed at achieving modal shifts that favour public transport and non-polluting strategies;
- (b) ensure the development of an efficient and socially sustainable public transport system in Malta;
- (c) promote the maritime and civil aviation facilities of Malta and the registration of ships and aircraft under the Maltese flag;
- (d) promote policies that favour the development of Malta as a maritime hub in the Mediterranean and as an entre-port to the European Union;
- (e) encourage measures for the development of civil aviation and ancillary services, and in particular of air transport services of both passengers and cargo;
- (f) ensure that the administration, services and operations of ports and yachting centres in Malta are more efficient and cost-effective;
- (g) provide a sound financial basis for the Authority to be able to achieve target returns and investments; and
- (h) standardise practices in the transport sector in Malta in line with international norms and with those of the European Union in particular.

PART III

ESTABLISHMENT, FUNCTIONS AND CONDUCT OF AFFAIRS OF THE AUTHORITY

Establishment and composition of the Authority for Transport in Malta.
*Amended by:
VII. 2015.21.*

5. (1) There shall be established a body, to be known as the Authority for Transport in Malta, to perform the functions assigned to it by or under this Act.

(2) The Authority shall consist of a Chairperson and not less than six and not more than eleven other members. One of the members shall be a person with disability.

(3) 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.

(4) The Minister may designate one of the other members of the Authority as Deputy Chairperson and the member so designated shall have all the powers and perform all the functions of the Chairperson during his absence or inability to act as Chairperson or while he is on vacation or during any vacancy in the office of Chairperson.

(5) A person shall not be qualified to hold office as a member

of the Authority if that person -

- (a) is a Minister, Parliamentary Secretary or a member of the House of Representatives or of the European Parliament, or
- (b) is a judge or magistrate of the courts of justice; or
- (c) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority:

Provided that the Minister may determine that the person's interest is not likely to affect the discharge of his functions and upon such determination that person shall be qualified to hold the office of member of the Authority provided that the declared interest and the Minister's determination are published in the Gazette; or

- (d) is interdicted or incapacitated; or
- (e) is convicted of an offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud or of bribery or of money laundering; or
- (f) is subject to disqualification under article 320 of the [Companies Act](#).

Cap. 386.

(6) Subject to the provisions of this article, the office of a member of the Authority shall become vacant -

- (a) on the expiration of the member's 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 member.

(7) A member of the Authority may be removed from office by the Minister if, in the opinion of the Minister, such member is no longer suitable to continue in office.

(8) 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 sub-articles (6) and (7), 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.

(9) Any member of the Authority who has any direct or indirect interest in any contract made or proposed to be made by the Authority or in any matter to be discussed or determined 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.

(10) A member of the Authority shall be paid out of funds at the disposal of the Authority such remuneration and, or such amount in respect of expenses as the Minister may determine.

Functions and powers of the Authority.
Amended by:
XI. 2010.22.

6. (1) The Authority shall have the following functions and powers:

- (a) to advise the Minister on the development of transport policies applicable both at a national as well as at a local level and that are proposed or have been adopted by the Minister and to advise the Minister on all other matters concerning its functions or regulated by this Act;
- (b) to ensure that transport policies adopted by the Minister are implemented and that local transport schemes are in line with national transport policies and that no local transport scheme is introduced without the approval of the Authority;
- (c) to promote the transport facilities of Malta and in particular the use of its ports and civil aviation facilities and the registration under the Malta flag of aircraft, ships, boats, yachts and vessels;
- (d) to provide or secure or promote the provision of a properly integrated, safe, economical and efficient transport system within Malta and its internal and territorial waters, and to regulate and control the provision of services related to such system, including the establishment of schedules and time-tables to be adopted for such services;
- (e) to develop the necessary strategy to achieve the policies, strategies and objectives set by Government or by the Authority and to determine the short term and long term objectives for the performance of the functions of the Authority;
- (f) to licence and regulate any aircraft, boat, ship, yacht, or vehicle and to regulate the use thereof;
- (g) 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, including the power to provide for the accessibility of such services and facilities by any person irrespective of by whom these are provided;
- (h) to provide or secure or promote the provision of training for persons engaged or to be engaged in the transport services and to promote the welfare of such persons;
- (i) to provide for the safe use of any aircraft, ship, yacht, or vehicle and to ensure that the safety of the public in

general is protected through the making of such rules, regulations and standards as may seem necessary to the Authority in order to achieve this objective;

- (j) to compile and keep up-to-date records of such data as it may deem appropriate in connection with its functions;
 - (k) to carry out or give effect to any international convention or other international agreements relating to which the Government is or intends to become a party;
 - (l) to implement any European Community obligation relating to any matter falling within its functions;
 - (m) to carry on all such activities not falling within the functions or competence of another person, body or authority according to law 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; and
 - (n) to perform any other function or duty, and to exercise any power vested, in it by or pursuant to this Act or any other law.
- (2) The Authority shall have the power to:
- (a) grant, renew, refuse, suspend or revoke licences, and to establish the conditions under which such licence may be granted, renewed, refused, suspended or revoked and the fees which may be payable in each case;
 - (b) prescribe the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by this Act or any regulations, directive or order made thereunder and in respect of any other matters in respect of which it appears to the Authority to be expedient for the purpose of the Act, regulations, directive or order to charge fees;
 - (c) regulate the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by this Act or any regulations, directive or order made thereunder, and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;
 - (d) regulate the charges, fees or tariffs that may be charged or made for the use of ports and aerodromes, and for the use of any transport facility including different means of public transport, and for services provided at such facilities;
 - (e) appoint its officers or employees to supervise the

implementation of and, where necessary, to enforce this Act or any regulations made thereunder or deemed to be made thereunder or other laws relating to aviation, maritime or land transport or any regulations made thereunder;

- (f) establish codes of conduct for transport operators and the operators of other services provided for hire or reward which codes of conduct shall have the force of law after publication in the Gazette;
- (g) establish and impose, by regulations, tariffs, fees and administrative penalties;
- (h) prohibit, control and otherwise regulate -
 - (i) the use by any person of any transport facility, including ports and aerodromes;
 - (ii) the presence of any person, aircraft, ship, boat, yacht, vehicle, cargo or goods within any transport facility, including any port or aerodrome;
- (i) load or unload any aircraft or ship, boat, yacht or vehicle in any aerodrome or port or road or wherever it may be;
- (j) direct where any ship shall be berthed, moored or anchored in any port and the method of anchoring within the port, or where any aircraft shall be parked in any airport and method of parking within the airport;
- (k) remove or order the removal of any ship from one berth, station or anchorage to another in a port, and the time within which such removal is to be effected, or remove or order the removal of any aircraft from a parking space, and the time within which such removal is to be effected;
- (l) regulate the movement of ships within or between ports, or within the approaches to a port or within territorial waters, and of aircraft in an airport in the same manner and as may be applicable;
- (m) carry on such business and other activities, do all such things and enter into all such transactions as appear to the Authority to be necessary, convenient or advantageous for it to carry on or perform or enter into, for or in connection with the discharge of its functions, or as appear to the Authority to be incidental or conducive thereto; and
- (n) to fund public transport services and infrastructure, invest in transport systems and enter into negotiations and arrangements with other persons to develop, improve, coordinate and secure the provision of public transport services.

(3) The Authority may, with the consent of the Minister, take part in the formation of a company, or enter into joint ventures or partnerships for the purpose of fulfilling any of its functions.

(4) In carrying out its functions under this Act, the Authority shall ensure that its strategy, policies and activities conform with the aims and objectives of national economic planning from time to time in force, general Government and Ministry directives and shall give primary consideration to the impact of transport on the environment encouraging policies of environmental sustainability, modal shifts and passenger transport.

(5) The Authority may cause or authorise any of its officers or employees to board any aircraft, ship, boat, yacht in port or outside port, or any vehicle wherever it may be if it considers it necessary so to do in the discharge of any function under this Act or under any other law or if it considers that there are reasonable grounds to believe that an offence against this Act, or against any other law, or any regulation, rule, directive or order made thereunder, has been or is about to be committed.

(6) The Authority may cause or authorise any of its officers or employees, together with such workmen as may be necessary to -

- (a) enter on any land or building for the purpose of erecting or maintaining any lighthouse or beacon or other navigational aid for ships, or of examining, repairing, altering or removing any such lighthouse, beacon or other aid, and there remain for such reasonable time as may be necessary for such purpose;
- (b) erect and maintain lighthouses, or other aids as aforesaid upon or in any land, building, wharf, pier, or the shore or bed of the sea and alter or remove any such lighthouse, beacon or other aid:

Provided that:

- (i) the Authority shall as far as practicable give notice to the occupier of any land or building upon which it is intended to enter in exercise of the powers conferred by this sub-article; and
- (ii) the Authority in the exercise of the said powers shall do as little damage as is practicable in the circumstances and shall pay compensation for any damage done and for the creation or requisition of any rights over property.

(7) The Authority may, instead of using its officers or employees to carry out any action sanctioned by this Act, decide to authorize a contractor of the Authority to exercise such function and in such cases the contractor of the Authority shall have such powers, rights and obligations as an officer or employee of the Authority and shall, for the purposes of this Act and any regulation or directive made thereunder, be for all intents and purposes considered an employee of the Authority.

(8) The Authority may require any person to provide it with any information, including financial information, that the Authority considers necessary for the purpose of ensuring compliance by that person with the provisions of this Act, regulations prescribed thereunder and decisions or directives made in accordance with this Act or any other law which the Authority is entitled to enforce. Any

person who fails or refuses to provide such information shall be in contravention of this Act and shall be liable to the imposition of an administrative fine as may be prescribed by the Authority.

(9) Where any damage is done to any works, plant or machinery in any aerodrome, port, transport facility or to any other property of the Authority by an aircraft, ship, boat, yacht or vehicle or by any person engaged on any work on or about an aircraft, ship, boat, yacht or vehicle the Authority may restrain such aircraft, ship, boat, yacht or vehicle and shall thereupon notify the pilot, master, driver, owner or agent of such aircraft, ship, boat, yacht or vehicle or the agent or representative of such owner, to provide within the time specified in the notice, sufficient security for the payment of the damages so caused, and the aircraft, ship, boat, yacht or vehicle shall not be released until the security is given.

Powers and functions in connection with road transport and roads.

Amended by:
V. 2011.53;
XXXV. 2015.3.

7. Without prejudice to the powers and functions granted to the Authority in terms of article 6, the Authority shall have the following powers and functions specifically in connection with roads and railways and transport by road and by rail:

- (a) to regulate transport by road, the registration, licensing and use of vehicles, the licensing of all commercial operations connected with road transport, and to make provision for any matter that is provided for under this Act in connection with transport by road;
- (b) to occupy, plan, design, construct, re-construct, administer, maintain, repair and restore roads and to provide or secure or promote the provision of the same and also to provide or secure or promote the provision of services for such purposes and to manage and control the necessary works, including the planning and programming thereof and the planning and programming for the rebuilding and restoration of the existing roads:

Provided that where the maintenance of any road is the responsibility of a Local Council in terms of the [Local Councils Act](#), the maintenance of such road shall not, to the extent of such responsibility, be the function of the Authority unless an agreement to that effect is reached between the Local Council and the Authority:

Provided further that where a street or road is to be formed by any other person in accordance with any other law, it shall not be the function of the Authority to form such street or road;

- (c) to establish standards and specifications to be maintained and complied with in the execution of any works connected with roads and to do all such things as are necessary or expedient to ensure adherence to such standards and specifications by any Local Council or person who carries out works on a road independently of who is responsible for that road and for this purpose to set up regular programmes to verify as well as to ensure the implementation of such

Cap. 363.

standards and specifications;

- (d) without prejudice to any application that may need to be made under the [Development Planning Act](#), to act as the sole authority to grant permits for any work on any road; Cap. 552.
- (e) to grant rights of way on roads to persons or in respect of;
- (f) to do all such things as are necessary or expedient for the testing, registration and licensing of vehicles, owners of vehicles, commercial operators of vehicles, drivers of vehicles, or other persons connected with road transport;
- (g) to ensure the provision of adequate, efficient and environmentally friendly public transport systems and for this purpose to either provide such services itself or enter into a contract of service or other binding instrument with one or more operators to provide such services, whether on an exclusive basis or otherwise, as the Authority may determine;
- (h) to do all such things as may be necessary for the regulation, management, safety and control of road traffic both at a national as well as at local level and for this purpose to adopt strategies and standards that are benchmarked at a European level;
- (i) 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;
- (j) 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;
- (k) to provide and regulate parking places for motor vehicles in public areas and streets, and to regulate and issue licences to car park attendants; and
- (l) to establish weights, dimensions and equipment requirements for motor vehicles.

8. Without prejudice to the powers and functions granted to the Authority in terms of article 6, the Authority shall have the following powers and functions specifically in connection with maritime affairs and maritime transport -

Powers and functions in connections with maritime affairs.

- (a) to regulate transport by sea, the registration, licensing and use of boats, ships and yachts, the licensing of all commercial operations connected with sea transport, the construction, maintenance and licensing of ports and port activities, yachting centres and other facilities connected with sea transport and to make provision for

any matter that is provided for under this Act in connection with transport by sea;

- (b) to regulate and control navigation within the limits of any port and the approaches thereto;
- (c) to provide or ensure the provision of the appropriate fire-fighting services in ports, and the provision of pilotage and moorage services to ships;
- (d) to provide and maintain in Malta adequate and efficient lighthouses, beacons and other lights, buoys and other navigational aids and services at such places, including the territorial waters of Malta, as the Authority may deem appropriate;
- (e) to provide, maintain, develop, improve and operate ports in Malta and any of their facilities, and to provide, maintain and operate therein and in the approaches thereto adequate and efficient services, and facilities as it may from time to time consider necessary or advantageous for the proper, safe and efficient functioning of such ports or as the Authority may otherwise deem it proper to provide in the public interest and to clean and clear any port or the approaches thereto;
- (f) to provide and use or to ensure the provision and use of ships, boats, yachts and vehicles and other means for the salvage or protection of life and property;
- (g) to provide or ensure the provision of fuel and other necessities to ships and to exercise overall control of all port work including the provision of port workers for port work;
- (h) to promote and advance the skills of seafarers and of persons employed in ports and in the maritime industry and the efficiency of the equipment used therein;
- (i) without prejudice to the above, to provide or ensure the provision of such other services and facilities as are in the opinion of the Authority necessary for the operation of ports;
- (j) without prejudice to the provisions of any other law, to exercise overall control for the preservation of good order in the territorial and internal waters of Malta, in any port and in the land and sea approaches to any port, and on wharves;
- (k) to regulate, administer and control all matters related to merchant shipping or provided for under the [Merchant Shipping Act](#) or any other related legislation and to provide all services thereto;
- (l) without prejudice to any of the provisions of the Merchant Shipping Act, to do all such things as are necessary and expedient for the testing, registration and licensing of boats, ships and yachts, owners or commercial operators of the same, seafarers, persons

Cap. 234.

Cap. 234.

working in ports or other persons or facilities connected with transport by sea;

- (m) without prejudice to the provisions of the [Environment Protection Act](#) to prevent and control the pollution of any port or the approaches thereto by oil or any other substances; and
- (n) to regulate, control, develop and promote the yachting centres and to promote the maritime facilities of Malta.

Cap. 549.

9. Without prejudice to the powers and functions granted to the Authority in terms of article 6, the Authority shall have the following powers and functions specifically in connection with civil aviation:

Powers and functions in connections with civil aviation.

- (a) to ensure a safe operational environment in accordance with the Convention on International Civil Aviation done at Chicago on the 7th December 1944;
- (b) to regulate transport by air, the registration, licensing and use of aircraft, the licensing of all commercial operations connected with air transport and service providers, the construction, maintenance, licensing and inspection of aerodromes and other facilities connected with air transport and to make provision for any matter that is provided for under this Act in connection with transport by air;
- (c) to regulate air traffic management and airspace design, including communications, navigation, surveillance, airspace and air traffic management systems and procedures, as well as aeronautical information services;
- (d) to regulate all matters connected with civil aviation and to coordinate with relevant civil aviation international organizations and to promote international cooperation in civil aviation;
- (e) to register aircraft in Malta, to approve and appraise the operational safety standard of locally registered airlines, and to regulate, control, develop and promote the use of the civil aviation facilities of Malta;
- (f) to prohibit aircraft from flying unless certificates of airworthiness issued or validated are in force with respect to them;
- (g) to provide for access to aircraft factories for the purpose of inspecting work therein carried on therein in relation to aircraft or parts thereof and for prohibiting or regulating the use of unlicensed aerodromes;
- (h) to prohibit persons from engaging in, or being employed in or in connection with, air navigation and to license those employed at aerodromes in the inspection or supervision of aircraft;

- (i) to regulate the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving Malta may fly, and the conditions under which aircraft may fly from one part of Malta to another;
- (j) to regulate the conditions under which passengers and cargo may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, and to prohibit the carriage by air of goods of such classes as may be specified in regulations or order;
- (k) to minimise or prevent interference with the use or effectiveness of apparatus used in connection with air navigation, and to prohibit or regulate the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;
- (l) generally to secure the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, to prevent aircraft endangering other persons and property and, in particular, to detain aircraft for any of the purposes specified in this paragraph;
- (m) to require persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;
- (n) to license flight crew, air traffic controllers and apron controllers and to monitor the conduct of their medical examinations and to license aircraft maintenance engineers and other aviation personnel;
- (o) to regulate the making of signals and other communications by or to aircraft and persons carried therein;
- (p) to establish any ensign, and to regulate the use of any ensign already established whether by regulations or order or otherwise, for purposes connected with air navigation;
- (q) to prohibit aircraft from flying over such areas in Malta as may be specified in regulations or order;
- (r) to support and assist in the investigation of air accidents and incidents.

Conduct of the affairs of the Authority.

10. (1) Subject to the other provisions of this Act, the affairs and business of the Authority shall be the responsibility of the Authority, but save as aforesaid, the executive conduct of the Authority, its administration and organisation and the administrative control of its Directorates and of its officers and employees, shall be the responsibility of the Chief Executive Officer of the Authority, who shall also have such other powers as may from time to time be delegated to him by the Authority.

(2) The Authority and each of the Directorates may exercise

any one or more of their functions or responsibilities either directly or through any of their officers or employees authorised for the purpose, or through a contractor or other person with whom agreement for the performance of any one or more of such functions or responsibilities has been entered into:

Provided that nothing in this sub-article shall authorise the Authority to contract out any of its regulatory or licensing functions.

(3) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Directorates under whose jurisdiction the matter falls by reason of a delegation of function to such Directorate; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Directorate.

11. (1) Policy making and the determination of policy matters shall be the exclusive prerogative of the Minister. In the event of disagreement between the Minister and the Authority whether or not a particular matter is a matter of policy, the decision of the Minister shall be final provided that the Authority may request that the Minister delivers his decision in writing.

Relations between the Minister and the Authority.

(2) A policy determination by the Minister shall only be binding on the Authority if it is communicated to it in writing and is signed by the Minister.

(3) Without prejudice to the above, the Minister may, from time to time, give to the Authority directions, not inconsistent with the provisions of this Act, to be followed by the Authority in the carrying out of its functions under this Act, and the Authority shall, as soon as practicable, give effect to all such directions.

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

(5) If the Authority fails to comply with any directions issued under this article, the Prime Minister may make an order transferring to the Minister in whole or in part any of the functions of the Authority in which case those functions may be exercised by the Minister through the Chief Executive Officer of the Authority and through its Directorates, officers and other employees.

12. (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 jointly vest in the Chairperson and the Chief Executive Officer:

Provided that the Authority may appoint any one or more of its other members or any one or more of its officers or employees 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 Chairperson or by the Chief Executive Officer or by a head of the Directorate in relation to any matter delegated to him 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.

Provisions with respect to proceedings of the Authority.

13. (1) The meetings of the Authority shall be called by the Chairperson, as often as may be necessary but at least once a month, either on his own initiative or at the request of any four of the other members of the Authority.

(2) Half the number of members for the time being constituting the Authority shall form a quorum. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairperson, or in his absence the Deputy Chairperson or other person appointed to act as chairperson, 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 three members of the Authority where the Authority consists of six members other than the Chairperson or by at least four members where the Authority consists of more than six members other than the Chairperson.

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

(4) Subject to the foregoing provisions of this article, an act or proceeding of the Authority shall be valid notwithstanding any vacancy among its 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 article 5(9).

Establishment of Directorates.

14. (1) There shall be established the Directorates designated in the First Schedule which shall have the respective responsibilities described in the same Schedule. The Minister may, after consulting the Authority, by regulations amend the said Schedule whereby any one or more of the said Directorates may be abolished, or their responsibilities varied or such other Directorates, as the Minister may from time to time deem appropriate may be established.

(2) The Authority shall in writing vest in the Directorates established under sub-article (1) and subject to the overall

supervision and control of the Authority and of the Chief Executive Officer, such of its functions as relate or are ancillary to the matters for which they are responsible as will enable the said Directorates to give effect to the strategies, policies and directives of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in their respective areas of operation.

(3) Each of the Directorates established under sub-article (1) shall be headed by a person having adequate experience or knowledge in the respective area of operation who shall either be a public officer detailed for duty with the Authority or any employee of the Authority, or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking.

(4) The heads of the Directorates shall be appointed by the Authority following approval by the Minister for a period of three years which may be extended for further periods of three years each.

15. (1) The Authority shall appoint a Chief Executive Officer following the approval of the Minister. Such appointment shall be for a period of three years which may be extended for further periods of three years each.

Appointment of
Chief Executive
Officer.

(2) The Chief Executive Officer shall attend all the meetings of the Board but shall not vote at such meetings:

Provided that the Authority may if it so deems fit, require the Chief Executive Officer not to attend any of the meetings or any part of a meeting.

(3) The Chief Executive Officer shall be responsible for the implementation of the objectives of the Authority in the exercise of its functions and without prejudice to the generality of the foregoing shall -

- (a) assume full responsibility for the overall supervision and control of the Directorates;
- (b) with the approval of the Authority, assign to the Directorates such duties which are by, or in accordance with, the provisions of this Act vested in such Directorates;
- (c) co-ordinate the workings of the Directorates;
- (d) develop the necessary strategies for the implementation of the objectives of the Authority;
- (e) advise the Authority on any matter it may refer to him or on any matter on which he considers his advice necessary or expedient; and
- (f) carry out such other functions and duties as the Authority may assign to him from time to time.

(4) The Chief Executive Officer shall not hold any other office or position without the consent of the Authority.

(5) The Chief Executive Officer may be dismissed by the Authority at any time for a just cause and it shall be a just cause if

the Authority determines that he has not achieved the targets and objectives set for him by the Authority.

Audit Committee.

16. (1) The Authority shall establish an Audit Committee with written terms of reference, which clearly lay down the authority, responsibilities, and duties of such committee.

(2) (a) The Audit Committee shall meet as frequently as necessary but at least six times a year.

(b) Meetings of the Audit Committee shall be chaired by the Deputy Chairperson of the Authority, or in his absence, by such member of the Authority as may be designated for such purpose by the Chairperson of the Authority.

(c) The members of the Audit Committee shall be appointed on such terms and conditions as may be determined by the Authority.

(3) Without prejudice to the generality of the provisions of sub-article (1), the Audit Committee shall have the following functions:

(a) to provide oversight of the systems of internal control and risk management of the Authority and to assist and support the Authority in discharging its responsibilities in relation thereto;

(b) to provide the communication link with external auditors and to evaluate and coordinate the audit and financial reporting process of the Authority;

(c) to scrutinize and evaluate any transaction to be entered into by the Authority with a value exceeding two hundred and fifty thousand euro (€250,000); and

(d) to review and assess the effectiveness of the management of the Authority in its compliance with policies and in the discharge of its regulatory and compliance functions;

(e) to manage all the most important risks undertaken by the Authority.

(4) The Audit Committee shall report directly to the Authority at least once every six months and at any such times as may be directed by the Authority.

PART IV

OFFICERS AND EMPLOYEES OF THE AUTHORITY

Staff appointments.

17. (1) Subject to the provisions of the [Constitution](#), any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the employment and appointment of officials and other employees of the Authority shall be made by the Authority and the terms and conditions of their employment and appointment 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 of pensions, gratuities and other like benefits to its officers and employees on their retirement, death or injury, or to their dependants.

18. (1) Where the Chief Executive Officer or a member of the staff of the Authority, or a consultant, advisor or other person engaged by the Authority, has any interest in, or material to, any matter which falls to be considered by the Authority, he shall -

Disclosure of interests.

- (a) disclose to the Authority the nature of his interest at the first meeting of the Authority after such interest is acquired or in advance of any consideration of the matter, whichever is the earlier;
- (b) neither influence nor seek to influence a decision in relation to such matter; and
- (c) take no part in any consideration of such matter.

(2) Where a question arises as to whether or not a course of conduct, if pursued by a person, would constitute failure by him to comply with the requirements of sub-article (1), the question shall be determined by the Authority and the decision and its motivation shall be recorded in the minutes of the meeting during which the decision was taken.

(3) Where a disclosure is made to the Authority pursuant to sub-article (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

(4) Where a person to whom sub-article (1) applies fails to make the required disclosure, the Authority shall decide the appropriate action to be taken which may include the removal from office or termination of the contract of the person concerned.

(5) Save as may be otherwise required or permitted for the purposes of this Act, or in the course of a prosecution for an offence committed against any of the provisions of this Act or of any other law or of any regulations made thereunder, the Authority and its staff shall, in carrying out their functions or duties under this Act, be bound by the provisions of the [Professional Secrecy Act](#) and shall not divulge any information about any applicant or any benefits granted to any applicant without the prior written consent of such applicant or as otherwise permitted by law.

Cap. 377.

19. The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with article 17, determine, such officers and employees 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 officers and employees of the Authority.

20. (1) The Prime Minister may, 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 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 article 22; or
- (b) the revocation of such direction by the Prime Minister, in relation to such officer:

Provided that in relation to a public officer detailed for duty with the Authority with effect from such date as the Prime Minister may in a direction as aforesaid establish, the detailing of such public officer shall cease to have effect after one year from the effective date of such direction, unless the direction is revoked earlier by the Prime Minister.

(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 sub-article (2) shall thereupon apply to the period of duration of such detailing by any such further direction in relation to such officer.

Status of public officers detailed for duty with the Authority.

21. (1) Where any public officer is detailed for duty with the Authority under any of the provisions of article 17, 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 all 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 held by him under the Government on the date on which he was so detailed for duty; or
 - (ii) receive remuneration and be subject to conditions of service which are less favourable than those attached to the appointment under the Government held by him on 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 for the purpose of any other right or privilege to which he would have been entitled, and liable to any liability to which he would have been liable, but for the fact of his being detailed for duty with the Authority.

Cap. 93.
Cap. 58.

(3) Where an application is made as provided in sub-article (2)(a)(i) 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.

22. (1) The Authority may, with the approval of the Prime Minister, offer permanent employment with the Authority to any officer detailed for duty with the Authority under any of the provisions of article 20 at remuneration and on terms and conditions not less favourable than those enjoyed by such officer on 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 of any permanent employment offered by the Authority under the provisions of sub-article (1) shall not be deemed to be less favourable merely because they are not in all respects identical or superior to those enjoyed by the officer concerned on 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 sub-article (1) shall, for all purposes other than those of the [Pensions Ordinance](#) and of the [Widows' and Orphans' Pensions Act](#), and saving the provisions of article 41 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 meanings thereof respectively.

Cap. 93.
Cap. 58.

(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.

Cap. 58.

(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.

(6) In the case of a public officer detailed for duty with the Authority with effect from the date established under the proviso to article 20(2)(b) and who subsequently accepts permanent employment with the Authority the foregoing provisions shall apply subject to the following provisions of this article.

Cap. 93.

(7) For the purposes of the [Pensions Ordinance](#) the pensionable emoluments on retirement of any public officer to whom sub-article (6) applies shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post occupied and incremental level on the date on which the officer retires from the Authority.

(8) (a) For the purposes of this article, posts and salary grades with the Authority shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairperson appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible for personnel policies in general in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or of employees of the Authority.

(d) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to article 113 of the [Constitution](#), no person may, following a classification as aforesaid, be entitled to rights under the said [Pensions Ordinance](#) less favourable than those to which he would have been entitled prior to such classification.

Cap. 93.

Engagement of consultants and advisers.

23. The Authority may engage such consultants or advisers, as it may consider necessary to assist it in the fulfilment of its functions.

PART V

FINANCIAL PROVISIONS

Authority to meet expenditure out of revenue.

24. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions

shall, as far as practicable, be met out of its revenue.

(2) For the purposes of sub-article (1) the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law providing for matters falling under the powers and functions vested in the Authority by or under this Act.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works to be continued or otherwise carried out by the Authority, being infrastructural works or works of a similar capital nature.

(4) Subject to such directives as the Minister may give from time to time after consultation with the Minister responsible for finance, any excess of revenue over expenditure shall be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority. Without prejudice to the generality of the power of the Minister to give directives under this sub-article, any directive given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2).

(5) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

25. (1) 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.

Power to borrow or raise capital.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of one million euro (€1,000,000) there shall be required the approval of the Minister in writing.

26. 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.

Advances from Government.

27. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise

Borrowing from Government.

loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in sub-article (1), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Transport Regulation Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority by way of repayment of advances made to the Authority under sub-article (3) shall be paid into the Treasury Clearance Fund and sums received by the Accountant General by way of interest on such advances shall be paid into the Consolidated Fund.

Estimates of the Authority.

28. (1) The Authority shall cause to be prepared in every financial year, and shall not later than four weeks before the end of such year adopt, estimates of the income and expenditure of the Authority for the following financial year distinguishing, in particular, between each of such Directorates as may be established under the provisions of this Act:

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 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, approve the same with or without amendment after consultation with the Minister responsible for finance.

29. (1) No expenditure shall be made or incurred by the Authority unless provision therefor had been made in the estimates approved as provided in article 28.

Expenditure to be according to approved estimates.
Amended by: XI. 2010.23.

- (2) Notwithstanding the provisions of sub-article (1) -
- (a) until the expiration of six months from the beginning of a financial year, 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 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 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 in the estimates 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 Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

30. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House of Representatives.

Publication of approved estimates.

31. (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.

Accounts and audit.

(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 Auditor General who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) The Authority shall not later than three months after the end

of each financial year 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 as soon as practicable.

Deposit of revenues and payments by the Authority.

32. (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 Chairperson 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 finance, of the Authority.

Contracts of supply or works.

33. Without prejudice to any directions communicated by the Minister under article 11(2), the Authority shall not 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, except in accordance with regulations in force regulating the procurement of all goods and services in the public sector.

Annual report.

34. The Authority shall, not later than three months 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, distinguishing, in particular, between each of such Directorates as may be established under the provisions of this Act 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.

35. The Authority shall be exempt from any liability for the payment of income tax and duty on documents under any law for the time being in force.

Exemption from taxation.
Amended by:
XI. 2010.24.

PART VI

TRANSFER OF CERTAIN ASSETS TO THE AUTHORITY

36.(1) (a) The property and undertakings owned by the Malta Maritime Authority or by the Malta Transport Authority or by the Civil Aviation Department and used by any one of them immediately before the date of the coming into force of this Part of this Act, or owned by the Government and used by any of the said Authorities or by the said Department before the said date, for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and vested in the Authority under the same title by which they were used or held by Malta Maritime Authority or the Malta Transport Authority or the Civil Aviation Department immediately before the said date.

Transfer of assets to the Authority.
Amended by:
V. 2011.54.

(b) The immovable assets which immediately before the coming into force of this Act were owned by the Government and used for the exercise of any of the functions which by this Act are being transferred to or vested in the Authority shall by virtue of this Act and without any further assurance be transferred to and vested in the Authority under the same title by which they were held by the Government before the coming into force of this Act.

(2) The transfer and vesting in the Authority as aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include all plant, equipment, apparatus, instruments, vehicles, ships, craft, wharves, quays, piers, jetties, buildings, structures, installations, land, roads, works, stocks and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid:

Provided that in respect of aerodromes, roads, wharves, quays, piers and jetties the transfer and vesting in the Authority as aforesaid shall not extend to the ownership thereof but shall be limited to their use, administration and operation including any benefit deriving from such use, administration and operation, subject to the obligation of the Authority to maintain, to the extent that such maintenance is not the responsibility of Local Councils in terms of the first proviso to article 7(b), and keep all such property, and for the purposes of articles 37 and 38 such property shall be

deemed to be included in the properties transferred to the Authority by or under this Act.

(3) The Minister may by Order in the Gazette from time to time vest in the Authority any land held by the Government in order that the Authority may construct any aerodrome, road, port, wharve, quay, pier or jetty thereon, and the provisions of the proviso to sub-article (2) shall apply to any land so vested by the Minister under this sub-article.

Construction of laws, etc.

37. (1) Subject to other provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Part of this Act affecting or relating to any of the properties or undertakings transferred to the Authority by or under this Act and in which the Government or a government authority is a party thereto or is named therein shall have full force and effect against or in favour of the Authority, and shall be enforceable freely and effectually, in such manner as if instead of the Government or governmental authority the Authority has been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

(2) Any reference in any law to the Malta Transport Authority or the Public Transport Authority or the Malta Maritime Authority or the Civil Aviation Department shall be read and construed as a reference to the Authority as so defined in article 2 and shall include a reference to any Directorate established under this Act, as the case may require.

Transitory provisions.

38. (1) Anything relating to any of the properties or undertakings or any right or liability transferred to the Authority by or under this Act which has been commenced by or under the authority of the Government, the Malta Maritime Authority or the Malta Transport Authority or the Civil Aviation Department before the date of the coming into force of this Part of this Act may continue to be carried on and completed by or as authorised by the Authority on or after such date.

(2) Where immediately before the date of the coming into force of this Part of this Act there are still pending any legal proceedings relating to any of the properties or undertakings, or to any right or liability, transferred to the Authority by or under this Act and to which the Government, the Malta Maritime Authority or the Malta Transport Authority or the Civil Aviation Department is or is entitled to be a party, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or for the aforesaid Authorities or Department, as the case may be, or shall be made a part thereto in like manner as the Government, any such Authority or Department could have become a party as aforesaid, and such proceedings shall not abate by reason of the substitution.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as

appropriate, the assets transferred to the Authority by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government, the Malta Maritime Authority or the Malta Transport Authority or the Civil Aviation Department in relation to any of the transferred property or undertakings exercisable by or on behalf of the Authority.

PART VII

SUPERVISORY BOARDS

*Amended by:
XI. 2010.21.*

39. (1) The Minister may, after consultation with the Authority, by Order published in the Gazette and with effect from such date or dates as may be laid down in such Order, appoint in respect of any Directorate that may have been established under this Act, a Supervisory Board consisting of a Chairperson and such other members named in the Order. The said board shall have such executive and, or advisory powers as may be laid down in the Order that may be determined by the Minister after consultation with the Authority.

Appointment and functions of supervisory boards.

*Amended by:
XI. 2010.21, 25.*

(2) The members of the Supervisory Board shall hold office for such period and on such terms and conditions as the Minister may determine in the Order aforesaid.

(3) The provisions of sub-articles (5)(a), (6) and (9) of article 5 shall *mutatis mutandis* apply to the members of the supervisory boards.

(4) Each Supervisory Board shall keep minutes of all its meetings and shall forward copies of such minutes to the Authority. The provisions of article 13 shall *mutatis mutandis* apply to the said board and its acts or proceedings.

PART VIII

ADMINISTRATIVE REVIEW TRIBUNAL

40. (1) The Administrative Review Tribunal established by article 5 of the [Administrative Justice Act](#) shall be competent to hear and determine:

Right of appeal.
*Amended by:
L.N. 336 of 2010;
XI. 2010.26.
Cap. 490.*

- (a) appeals made by any person aggrieved by any decision of the Authority not to grant or renew, or to suspend or to revoke an authorisation, or a licence or a permit, or to impose conditions, limitations or exclusions therein or therefore; and
- (b) appeals made by any person aggrieved by an administrative or any other penalty imposed on that person by the Authority:

Provided that, unless otherwise prescribed by law, an appeal lodged in terms of this subarticle to the Administrative Review Tribunal shall be filed within twenty days from the receipt of the Authority's decision.

Cap. 332. (2) Any proceedings which immediately before the coming into force of this article are pending before the Transport Appeals Board established under the Malta Transport Authority Act shall, with effect from the 31st March, 2010, be assigned to the Administrative Review Tribunal mentioned in this article for decision and thereafter shall be regulated by the provisions of Part III of the [Administrative Justice Act](#).

Cap. 490. (3) There shall be a right of appeal in accordance with the provisions of Part IV of the [Administrative Justice Act](#) from decisions of the Administrative Review Tribunal under sub-article (1) or (2) and such appeal shall be to the Court of Appeal (Inferior Jurisdiction).

PART IX MISCELLANEOUS

Persons deemed public officers.
Amended by:
XI. 2010.21.
Cap. 9.

41. The members of the Authority, the members of the Supervisory Boards and all officers and employees of the Authority shall be deemed to be public officers or employees within the meaning of the [Criminal Code](#).

Licensing of activities.

42. (1) Save as may otherwise be prescribed, no person shall carry out or be engaged in any commercial air, sea or road transport operation or undertaking, or carry out any commercial activity or operation providing services to such an undertaking or operation, unless such person is in possession of a licence, permit or other authorisation issued by the Authority under this Act.

(2) Any person who carries out or is engaged in any such operation, undertaking or activity without a licence or who acts in breach of any condition of such licence, shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) of -

- (a) not less than €25 but not exceeding €50,000 with regards to road transport offences,
- (b) not less than €25 but not exceeding €150,000 for maritime transport offences,
- (c) not less than €1,500 but not exceeding €250,000 for offences relating to civil aviation,

or to imprisonment for a term not exceeding twenty-four months, or to both such fine and imprisonment.

Power to make regulations.
Amended by:
V. 2011.55;
XXXV. 2015.4.

43. (1) The Minister may, after consultation with the Authority, make regulations in respect of any of the functions of the Authority and in connection with any matter relating to transport by road, rail, sea or air.

(2) Without prejudice to the generality of sub-article (1) such regulations under this article may, in particular with respect to road transport and vehicles, provide -

- (a) for the registration of motor vehicles or other vehicles and the grant, renewal, transfer, suspension and cancellation of licences in respect of motor vehicles or other vehicles, the drivers thereof, public transport employees, car hire garages, transport of passengers or

goods for hire or reward, and for such other licenses in connection with motor vehicles or other 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) for the construction, equipment, condition and maintenance of motor vehicles or other vehicles and their periodical examination by official experts;
- (h) for the classification of motor vehicles or other vehicles according to their use as approved by the Authority;
- (i) for ordering inside motor vehicles or other 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) for the control, restriction or prohibiting the passage or stopping of motor vehicles or other vehicles through or on any road, street, lane, square or other places of public thoroughfare;
- (l) for pedestrian crossings and for the restriction or control of the movement of pedestrians in, through or across any road, street or other places of public

thoroughfare;

- (m) generally for the control or the use of motor vehicles or other vehicles on the road and for the regulation of traffic of motor vehicles or other vehicles;
- (n) for the management and supervision of public transport services and for the maintenance and enforcement of discipline on those services;
- (o) for the conditions of work in public transport services for the protection of the welfare of public transport employees;
- (p) 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;

- (q) 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;
- (r) for prescribing a tariff of fares in respect of public transport vehicles and services;
- (s) for establishing the fees for the provision of any service or the management of a service by the Authority or by any person on its behalf or under its authority, including, without prejudice to the generality of the foregoing, any fees or other charges for any service in connection with the regulation of any activity by the Authority;
- (t) for the making of any deposit or the giving of any guarantee to ensure the performance of any obligation by any person imposed as a condition of any permit, authorisation or licence under this Act;
- (u) for the regulation of public transport and the transport of goods in general, including the making of codes of practices to be observed in any matter by persons involved in such activities;
- (v) for the powers and duties of officers, employees and or of contractors appointed by the Authority.

(3) Without prejudice to the generality of sub-article (1) regulations under this article may, in particular with respect to maritime matters, provide for the maintenance, control and management of the territorial and inland waters of Malta, for the conveyance of passengers and transport of goods by sea, for the management of any port or yachting centre and the land and sea

approaches to any port or yachting centre and for the maintenance of good order therein and in particular, but without prejudice to the generality of the foregoing, may provide for all or any one or more of the following purposes:

- (a) the preservation of good order in any part of the territorial and inland waters of Malta, in any port and the land and the sea approaches to any port, and on wharves, and for any other purpose in respect thereof;
- (b) regulating traffic within the limits of a port or the land and sea approaches thereto;
- (c) regulating the use of berths, stations and anchorages to be occupied by ships and the removal of ships from one berth, station or anchorage to another, and the time within which such removal is to be effected;
- (d) regulating ships while taking in or discharging crews, passengers, cargo or ballast, as the case may be, or while taking in fuel or stores;
- (e) keeping free passages of such width as is deemed necessary, within any port and along, on or near to piers, jetties, landing places, wharves, quays, docks, moorings and similar works in or adjoining the same or similar places, and for marking out the places so to be kept free;
- (f) regulating, controlling, and prohibiting the presence of any person in any place or building in a port or the use by any person of any such place or building;
- (g) regulating the anchoring, fastening, mooring and unmooring and warping of ships and the use of warps, mooring, buoys, anchors, chains and other mooring in any port;
- (h) regulating traffic, preventing obstruction and keeping order on any areas, piers, jetties, landing places, wharves, quays and docks in a port or its land and sea approaches and for ensuring the safety of any of the places and works aforesaid;
- (i) regulating the use of fires and lights and the signals to be used by day and by night and the measures to be taken in case of fire in a port;
- (j) regulating the use of navigation lights or signal lights by ships, the use of flags and signals by ships arriving at, lying in or departing from a port and the use by ships of steam whistles, steam sirens and other like instruments;
- (k) prohibiting chipping, scaling, engine runs and repairs on ships, as the case may be, except at such anchorages or places as the Authority may appoint;
- (l) regulating the floating of any object in any port or the approaches to a port and the casting or depositing of any dead body, ballast, rubbish or other thing into the territorial and inland waters of Malta, or into any port

or the approaches thereto;

- (m) defining dangerous, hazardous, inflammable, explosive or offensive goods, regulating the movements and berthing of ships carrying such goods and prescribing the duties of masters of any such ship and of persons engaged in or supervising the loading, unloading, landing and transport of any such goods;
- (n) the prevention, removal and marking of any obstruction in any port and the approaches thereto and the prevention and control of pollution by oil and other substances, or in any other way, of any port and the approaches thereto;
- (o) regulating the placing and maintaining of moorings and buoys in any port;
- (p) the taking of measures for preventing ships from leaving any port if over-loaded, improperly loaded, improperly found, or if otherwise unseaworthy, subject to any provisions of any law relating to merchant shipping;
- (q) the protection of ships, passengers and cargo, and the removal of ships and their cargoes and appurtenances which obstruct or are likely to obstruct any port, the reimbursement of expenses in connection therewith, and the levy and recovery of a rent for permitting a hulk or wreck or wreckage to lie in any port or the approaches thereto;
- (r) regulating, declaring and defining the wharves, quays, docks, piers and places in the ports, from or on which persons shall be embarked or disembarked and goods loaded or unloaded;
- (s) regulating the manner in which and the conditions under which the loading and unloading of ships, and the lighterage, handling and warehousing of goods, including the delivery of goods from a warehouse, shall be carried out;
- (t) regulating the use of warehouses, wharves, quays, docks, piers and other places in ports on or from which goods are loaded or unloaded and the conduct of persons taking part in the loading or unloading of goods on or from a ship in any port;
- (u) requiring and regulating the issue of a licence to a person to be a ship agent, the conditions under which such licence is issued and the levying of a fee for the issue of such licence, and otherwise regulating and controlling the activities of ship agents and persons representing owners of ships in so far as such activities relate to ships which may be or have been in a port;
- (v) regulating the manner in which ships left idle in a port in excess of such time as may be allowed by the Authority or practically or wholly unattended or insufficiently manned may be dealt with or disposed

of;

- (w) regulating any of the following:
 - (i) the disposal of perishable or unclaimed goods found in any port;
 - (ii) the prohibition of smoking in any part of any port or approaches thereto;
 - (iii) the sale of goods in any part of any port;
- (x) regulating matters concerning porters, carriers and other labourers to be employed within the precincts of a port, the issue of licences for the performance of such occupation and any matter concerning the discipline of such personnel:

Provided that the service of luggage porters shall be subject to the supervision and control of the Authority:

Provided further that no responsibility shall attach to the Government or to the Authority for any loss or damage caused during the embarking, disembarking or transhipment of any luggage by any licensed luggage porter;
- (y) providing for the grant, renewal, cancellation and suspension of licences in relation to ships used for the conveyance of passengers and transport of goods by sea;
- (z) providing for the establishment and regulation of fares that may be charged for the conveyance of passengers and transport of goods by sea;
- (aa) without prejudice to the requirements under the [Merchant Shipping Act](#), providing for additional requirements in relation to the regulation and licensing of drivers of ships engaged in the conveyance of passengers and transport of goods and other persons employed in the operation of such ships;
- (bb) after consultation with the Malta Communications Authority, to regulate any aspect relating to the use of radio communications by merchant ships;
- (cc) prescribing anything that may or is to be prescribed under this Act or which relates to any function or duty of the Authority assigned to it by or under this Act or by or under any other law.

Cap. 234.

(4) In order to achieve further the purposes of this Act with respect to civil aviation matters, the Minister may by regulation or order make such provision as appears to him to be requisite or expedient -

- (a) for carrying out or giving effect to any international convention or other international agreements relating to civil aviation to which the Government is or intends to become a party;
- (b) generally for regulating air navigation;

Cap. 232.

- (c) for prescribing or making provision for any matter that is to be or may be prescribed under this Act or under the [Civil Aviation Act](#);
- (d) for implementing any European Community obligation in matters relating to air transport or civil aviation;
- (e) as to the registration of aircraft and aircraft mortgages in Malta;
- (f) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the regulations or order are in force with respect to them and except upon compliance with such conditions as to maintenance or repair as may be specified in the regulations or order;
- (g) for the licensing, inspection and regulation of aerodromes, for access to aircraft factories for the purpose of inspecting work therein carried on in relation to aircraft or parts thereof and for prohibiting or regulating the use of unlicensed aerodromes;
- (h) for prohibiting persons from engaging in, or being employed in or in connection with, air navigation in such capacities as may be specified in the regulations or order except in accordance with provisions in that behalf contained in the regulations or order, and for the licensing of those employed at aerodromes in the inspection or supervision of aircraft;
- (i) as to the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving Malta may fly, and as to the conditions under which aircraft may fly from one part of Malta to another;
- (j) as to the conditions under which passengers and goods may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, and for prohibiting the carriage by air of goods of such classes as may be specified in the regulations or order;
- (k) for minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;
- (l) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, for preventing aircraft endangering other persons and property and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph;
- (m) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purpose of air navigation;

- (n) for regulating the making of signals and other communications by or to aircraft and persons carried therein;
- (o) for establishing any ensign, and for regulating the use of any ensign already established whether by the regulations or order or otherwise, for purposes connected with air navigation;
- (p) for prohibiting aircraft from flying over such areas in Malta as may be specified in the regulations or order;
- (q) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the regulations or order (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;
- (r) for regulating the charges that may be made for the use of aerodromes and for services provided at such aerodromes;
- (s) for prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by the regulations or order and in respect of any other matters in respect of which it appears to the Minister to be expedient for the purpose of the regulations or order to charge fees;
- (t) for exempting from the provisions of the regulations or order or any of them any aircraft or persons or classes of aircraft or persons.

(5) Regulations or orders under sub-article (4) may, for the purpose of securing compliance with the provisions thereof, provide for the imposition of penalties not exceeding a fine (*multa*) of one hundred thousand euro (€100,000) or a penalty of more than one thousand and five hundred euro (€1,500) for each day that the offence persists and imprisonment for a term not exceeding six months, and, in the case of any provision having effect by virtue of sub-article (4)(l), may also for that purpose provide for the taking of such steps (including firing on aircraft) as may be specified in the regulations or order.

(6) Regulations or orders under this article may, for the purpose of the proper implementation and enforcement thereof, provide for the granting of the power to the Authority to enter and search any premises, to have access to any relevant document in any form, to require any person to supply any relevant information, to carry an on-site inspection, to issue an order to any person to cease from doing any thing which constitutes an infringement of this Act or of any regulation or order made thereunder and to demand from any person an undertaking to desist from doing any such thing and to publish any such undertaking and any decision of the Authority related to the said regulations or orders.

(7) Generally, the Minister may also make regulations providing for the discipline of the employees of the Authority or of the contractor, whether regular or casual, and the procedures to be followed for such purpose, including the appointment of a disciplinary board and the conduct and procedure thereof, and providing for the punishments that may be awarded by such board.

(8) Regulations, rules and orders made under any of the provisions of this Act may be made in the English language only.

Power of Minister to make regulations in respect of criminal offences.

44. Without prejudice to any other special provision of this Act, the Minister may, after consultation with the Authority, make regulations prescribing penalties for criminal offences against any regulations made under this Act, and such regulations may:

- (a) prescribe imprisonment and different fines (*multi*) for different offences;
- (b) prescribe fines (*multi*) calculated in accordance with the duration of the commission of the offence:

Provided that any such regulations as may be made shall not provide for:

- (i) imprisonment for more than eighteen months, or a fine (*multa*) of more than one hundred thousand euro (€100,000); or
- (ii) one thousand and five hundred euro (€1,500) each day during which the offence persists.

Scope of regulations or orders.

45. Regulations or orders made under this Act may make different provisions with respect to different classes of aircraft, aerodromes, ports, ships, boats, yachts, persons or property connected thereto or with respect to different circumstances and with respect to different parts of Malta.

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

*Amended by:
XI. 2010.27;
V. 2011.56.*

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

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

- (a) the applicant has supplied information in or in connection with the application for the licence or authorisation that was false or misleading, or
- (b) the applicant has contravened any provision of this Act or of any other Act regulating road transport and traffic or regulations thereunder.

(3) The Authority may refuse to renew a licence or authorisation 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 or authorisation that was false or misleading, or
- (b) has contravened any provision of this Act or of any other Act regulating road 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 a public passenger transport service contract is awarded to a person or persons on an exclusive basis, any motor route bus licence other than that of the person to whom the contract is awarded or any subcontractors thereof known and approved by the Authority shall be withdrawn as from such date as the Minister responsible for transport may prescribe.

(5) 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 of any other Act regulating transport and traffic or regulations thereunder, it may suspend the licence or authorisation for a specified period or revoke the licence or authorisation.

(6) Where the Authority proposes to refuse to grant or renew a licence or authorisation, or to suspend or revoke a licence or authorisation, 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 fourteen days after the said notification.

(7) If the Authority, having considered any such representations, decides to refuse to grant or renew a licence or authorisation 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.

47. (1) Unless stated otherwise at law, the Authority shall have the power to impose in respect of any person who infringes any provisions of this Act, of any regulations made thereunder, or of those provisions of the Utilities and Services (Regulation of Certain Works) Act which the Authority is empowered to enforce or who fails to comply with any directive, decision or order however so described given by the Authority, an administrative penalty using such procedures as may be established in this Act or regulations made thereunder.

Administrative penalties.
Amended by:
XVIII. 2016.20.
Cap. 81.

(2) An administrative fine imposed under sub-article (1) shall not exceed one hundred thousand euro (€100,000) for each contravention or one thousand five hundred euro (€1,500) for each day of non-compliance, from the date of the decision of the Authority.

48. The Minister may exempt from the provisions of this Act or any regulations, directive or order made thereunder, or from any of them, any aircraft or ship, boat or yacht or persons or classes of aircraft, ship, boat or yacht or persons.

Exemption by Minister.

49.* (1) Any order, rule, regulation, bye-law, notice or other

Saving.

*the original subarticles (1), (2) and (3) have been omitted under the [Statute Law Revision Act](#), 1980. The original article 51 (see Legal Notice 230 of 2010) and the original articles 52 and 53 have likewise been omitted.

instrument having the force of law made under the authority of any of the provisions of the enactments listed in the Second Schedule shall continue in force and shall continue to have effect as if made under this Act and may be amended, substituted or revoked accordingly.

(2) Any licence, permission, authority or order granted or made under any of the provisions of the enactments listed in the Second Schedule and still in force immediately before the date of coming into force of this Act shall as from such date continue in force as if it were a licence, permission, authority or order granted or made under a corresponding provision of this Act, and any such licence, permission, authority or order as aforesaid shall be treated and dealt with accordingly.

Exemption from liability.

50. The members, officers and employees of the Authority in the performance of their functions under this Act or under any other law administered by the Authority, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law.

FIRST SCHEDULE

*Amended by:
XI. 2010.28.*

(Article 14)

Directorates

Subject to the Minister's powers under article 11, there shall be the following Directorates:

1. **Integrated Transport Strategy Directorate** - which shall have the responsibility for the integration of transport research and infrastructure planning, the development and coordination of transport policies, the educational aspects of transport within the Authority, the development of standards and the coordination of European Union affairs.

2. **Ports and Yachting Directorate** - which shall have the responsibility for preserving the good order in internal and territorial waters, safety of navigation, overall control of port work, provision of port workers, prevention and control of pollution, provision of pilotage, fire fighting facilities, supplies and other ship requirements, regulating, controlling and promoting yachting centres.

3. **Merchant Shipping Directorate** - which shall have the responsibility for ship, boat and yacht registration, the provision of all ancillary services and the promotion of Malta as an international maritime centre.

4. **Land Transport Directorate** - which shall have the responsibility for the provision of a properly integrated, safe, economical and efficient public transport system and the licensing and regulation of vehicles and the drivers thereof and commercial road transport operators.

5. **Roads and Infrastructure Directorate** - which shall have the responsibility for the construction, re-construction and maintenance of roads, the management of traffic and the promotion of traffic safety.

6. **Civil Aviation Directorate** - which shall have the responsibility for all matters connected with civil aviation, including air navigation, the registration of aircraft and aircraft mortgages, the provision of ancillary services and the promotion of Malta as an international centre for aircraft registration and ancillary services.

7. **Corporate Services Directorate** - which shall have the responsibility for providing common legal, financial, human resources and administrative services that are required for the proper functioning of the Authority.

8. **Enforcement Directorate** - which shall have the responsibility for the overall enforcement of the provisions of this Act and other laws and regulations regulating road, sea and air transport.

9. **Directorate for Information and Communication Technology** - which shall have the responsibility for developing and implementing ICT policies, procedures and technologies aimed at enhancing efficiency and sharing of information, the reduction of costs and the increase of checks, strengthening of controls and enforcement of regulations, and to assist in the promotion of safer, cleaner and more efficient transportation.

SECOND SCHEDULE

(Article 49)

Enactments

[Civil Aviation Act](#), Cap. 232

Malta Transport Authority Act, Cap. 332

Malta Maritime Authority Act - now [Ports and Shipping Act](#), Cap 352
