



DECLARATIONS FOR Y-PLATES (3)

04 JUNE 2024

Reference is made to circulars [CIR 03/2023](#) and [CIR 04/2023](#) relative to the ongoing saga related to the housing of private cabs, commonly referred to as Y-plates, when not in use.

We are informed that [Transport Malta \(TM\) is issuing letters](#) informing the public that it shall no longer be requesting a development permit for a public service garage from applicants for an operator licence or its renewal. The purpose of the permit was indeed to confirm compliance with the law.

It is important for members of the profession to understand that a change in submission requirements for Y-plate operators does not in any way imply that the regulations have changed.

Indeed, when being asked to prepare declarations pursuant to sub-regulation 5 (4) (d), periti are to ensure the following:

1. Verify that the garage is covered by a public service garage permit issued by the Planning Authority

While TM is the national authority regulating transport operators, land use is regulated by the Planning Authority (PA). Thus, unless authorised by the PA, no garage can be used for light passenger transport service vehicles, commonly referred to as cabs.

This is indeed confirmed in regulation 3 of S.L. 499.68 which defines garaging facility as “any premises which is (sic) off-street and in which the parking or garaging therein of motor vehicles **is permitted by the planning authority permit.**”

2. Verify that there are no permit conditions PROHIBITING the use of the garage for public service vehicles

Most recent development permits carry the following standard condition:

1 n) The garage/parking space shall only be used for the parking of private cars and shall be kept available at all times for this purpose.

Older permits may have different wording but intend similar outcomes.

In such cases, the garage can only be used for purposes ancillary to the main use of the building, be it residential or commercial.

Periti are required to advise their clients that a change of use development application is required. Only after the commencement notice of such permit is filed that the aforementioned declaration can be produced.

Among the many issues that this raises, is the PA policy on minimum parking requirements. The change of use of a private garage to a public service garage will inevitably also entail the payment of CPPS.

Please be aware that the [TM's minimum requirements for public service garages](#) have changed from a minimum of 24 sqm accommodating a minimum of two vehicles, to a minimum of one vehicle with no explicit minimum floor area. It is understood, however, that the minimum parking requirements in DC15 are to be used to establish the minimum size of a garage in the case of a change of use.

Periti are thus to ensure that, when drafting afore-mentioned declarations, the cabs can be accommodated in the garage both physically AND legally.

The Council will continue to monitor the situation and will advise should there be any updates. Regretfully, despite a short meeting in March with the responsible Minister, we have not had any consultation meetings on this issue since October 2023.


Perit André Pizzuto
President