

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,264 of 5th DECEMBER, 1985.

I ASSENT,

PETER TERRY,

GOVERNOR.

5th December, 1985.



GIBRALTAR

No. 22 of 1985.

AN ACT to amend the Traffic Act (Chapter 154).

ENACTED by the Legislature of Gibraltar.

Short title and commencement

1.(1) This Act may be cited as the Traffic (Amendment) Act, 1985.

(2) This Act shall come into operation on such day as the Governor may by notice in the Gazette appoint (in this Act referred to as "the appointed day").

Amendment of section 2 of Cap. 154.

2. Section 2 (1) of the Traffic Act (hereinafter called the principal Act) is amended by deleting the definition of "Commission" and substituting therefor the following definition

" "Commission" means the Traffic Commission established by section 53".

Traffic (Amendment) Act, 1985.

Replacement of sections 53 to 55 (incl) of Cap. 154.

3. Section 53, 54 and 55 of the principal Act are repealed and replaced by the following new sections –

" TRAFFIC COMMISSION

Traffic Commission.

53. (1) There is hereby established a Commission, which shall consist of –

- (a) the Minister charged with responsibility for traffic, as chairman;
- (b) the Commissioner of Police or his representative;
- (c) the Director of Public Works or his representative
- (d) the Director of Tourism or his representative; and
- (e) two other members appointed by the Governor, of whom one shall if possible be a barrister or solicitor of the Supreme Court.

(2) Four members shall constitute a quorum at any meeting of the Commission.

(3) At all meetings of the Commission, the chairman or, in his absence, such other member as the members present shall appoint, shall preside.

(4) All decisions of the Commission shall be decided by a majority vote of the persons present at any meeting, and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

(5) Subject to this Act and any regulations made thereunder, the Commission may by rules or otherwise regulate its own procedure.

Functions of the Commission.

54. The Commission shall –

- (a) advise the Governor on all matters affecting traffic on the roads;

Traffic (Amendment) Act, 1985.

- (b) consider applications for road service licences forwarded to it under the provisions of this Part and deal with such applications in accordance with the provisions of this Part;
- (c) consider and determine any matters which may be referred to it under the provisions of this Act;
- (d) exercise such further and additional functions as may be prescribed.

Commission to have regard to policy of Government.

55. In the exercise of its functions under this Act, the Commission shall have regard to the general policy of the Government in relation to traffic in Gibraltar, and shall comply with any directions given by the Governor to the Commission pursuant to that policy:

Provided that nothing in this section shall be construed as authorising the Governor to give any direction in respect of any particular matter, or that would derogate from the duty of the Commission to act judicially.

Procedural powers of Commission.

55A. (1) The chairman of the Commission may by notice in writing summon any person to appear before the Commission to produce any document or to give evidence.

(2) The Commission may receive such evidence as it thinks fit, and neither the provisions of the Evidence Act nor any other rule of law shall apply to proceedings before the Commission.

(3) Any person who, being summoned to appear before the Commission, refuses or fails without reasonable excuse to appear or to answer any question put to him by or with the consent of the Commission shall be guilty of an offence and liable on summary conviction to a fine of one hundred pounds and to imprisonment for one month:

Provided that no person shall be bound to incriminate himself, and every witness shall, in respect of any evidence given by him before the Commission, be entitled to the privileges to which he would be entitled if giving evidence before a court of justice.

(4) In proceedings before the Commission, any person may appear in person or be represented by counsel, solicitor or agent.

Traffic (Amendment) Act, 1985.

(5) Any person who behaves in an insulting manner or uses any threatening or insulting expression to or in the presence of the Commission shall be guilty of an offence and liable on summary conviction to a fine of one hundred pounds and to imprisonment for one month."

Abolition of Transport Commission.

4. (1) On the appointed day the Transport Commission constituted under Section 53 of the Traffic Act as in force immediately before such day shall be abolished, and the appointments of the several members thereof then subsisting shall terminate.

(2) Subject to the provisions of this section, all rights, obligations and liabilities which immediately before the appointed day were vested in or imposed on the Transport Commission shall be vested in or imposed on the Traffic Commission established under this Act.

(3) All references to the Transport Commission in any Act or subsidiary legislation, or in any agreement deed, instrument, direction, instruction, exemption, certificate, notice or other document whatsoever shall, unless the context otherwise requires, be read and construed as a reference to the Traffic Commission. (4) Any proceedings pending was a party shall be continued as if the Traffic Commission was a party thereto in lieu of the Transport Commission.

Office of Secretary.

5. (1) The appointment of any person to the office of Secretary of the Transport Commission subsisting immediately before the appointed day shall continue in force thereafter upon the same terms and conditions, but such office shall, on the appointed day, be restyled as Secretary of the Traffic Commission.

(2) Any reference to the Secretary of the Transport Commission in any Act or subsidiary legislation, or in any agreement, deed, instrument, notice or other document whatsoever shall, unless the context otherwise requires, on and after the appointed day, be read and construed as a reference to the Secretary of the Traffic Commission.

Amendment of Section 96.

6. Section 96 of the principal Act is amended—

Traffic (Amendment) Act, 1985.

- (a) in subsection (7), by deleting all the words following "for that purpose" and substituting "the registered owner of the vehicle shall be the person liable for the offence and a notice affixed to the vehicle shall be deemed to have been given to the registered owner";
- (b) in subsection (8), by deleting the symbol and figure "£5" and substituting "£25"; and
- (a) in subsection (9), by deleting the symbol and figure "£2" wherever they appear and substituting "£5".

Passed by the Gibraltar House of Assembly, on the 28th day of November, 1985.

P. A. GARBARINO,

Clerk to the Assembly.