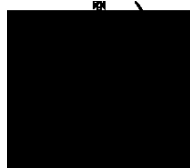


**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,393 of 24th DECEMBER, 1987

I ASSENT,
PETER TERRY,
GOVERNOR.
24th December, 1987



GIBRALTAR

No. 32 of 1987

AN ACT to amend the Traffic Act.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Traffic (Amendment) Act, 1987.

Amendment to Section 84.

2. Section 84 of the Traffic Act (hereinafter called "the principal Act") is amended in subsection (1) by omitting paragraph (b) and all the words thereafter to the end of the subsection and substituting the following therefor-

"(b) any public procession, rejoicing, parade, illumination, entertainment or similar happening,

be restricted or prohibited, he may by notice restrict or prohibit the use of that road or public place or any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as he may consider necessary."

Amendment to Section 87.

3. Section 87 of the principal Act is amended by repealing subsection (1) and substituting therefor the following subsections-

"(1) The Commissioner of Police may appoint persons (to be known as "traffic wardens") to discharge in aid of the police, functions normally undertaken by the police in connection with the control and regulation of, or the enforcement of the law relating to, traffic (including foot passengers) or vehicles and persons so appointed shall exercise their functions under the direction of the Commissioner of Police.

(1A) In so far as a traffic warden is acting in the performance of his functions as such, the references in this Act to a police officer shall include a traffic warden."

Amendment to Section 99.

4. Section 99 of the principal Act is amended-

(a) by repealing subsection (1) and substituting hereby the following subsection-

"(1) The provisions of this section apply to any offence created by or under this Act being-

(a) an offence punishable on summary conviction, and

Traffic (Amendment) Act, 1987.

(b) declared by the Governor by notice in the Gazette to be an offence for the purposes of this section, and to be known as a "fixed penalty offence";

(b) in subsection (7) by substituting for "Where" at the beginning of the subsection the following-

"Subject to subsections (7A) and (7B) below, where";

(c) by inserting after subsection (7) the following new subsections-

"(7A) In any proceedings in respect of an offence to which subsection (7) applies it shall be a defence for the registered owner of the vehicle to prove that-

(a) at the time of the offence the vehicle was in charge of some other person, and

(b) he had exercised all such diligence as was practicable to avoid the commission of the offence by that person.

(7B) A person shall not, without leave of the Court, be entitled to rely on the defence referred to in subsection (7A), unless within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession."

Passed by the Gibraltar House of Assembly on the 16th day of December, 1987.

P.A. GARBARINO
Clerk to the Assembly.