

Regulations made or deemed to have been made under s.83.

PUBLIC SERVICE VEHICLES REGULATIONS**Revoked by LN.2000/059 as from 22.9.2000****(1958.04.01-1)****1.4.1958**

Amending enactments	Relevant current provisions	Commencement date
LN. 1987/065	rr. 2, 8, 11	27.3.1987
1987/081	Sch.	1.5.1987
1987/090	Sch.	14.5.1987
1988/139	r. 23	1.1.1989
1989/054	rr. 2, 43(1)	29.6.1989
1989/034	r. 7A, Sch.	1.10.1989
1989/111	rr. 2, 36, 36A-36B, 37, 37A-37B, 39(1), (1A), Sch	21.12.1989
“	rr. 4(b), 28, 28A	1.1.1990
1991/008	Sch.	1.2.1991
1992/080	Sch.	1.7.1992
1992/110	r. 23	1.9.1992
1995/071	r. 23	1.6.1995
1999/053	r. 23(1)-(2)	13.5.1999
2000/025	Sch.	23.3.2000

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PUBLIC SERVICE VEHICLES REGULATIONS

Title.

1. These Regulations may be cited as the Public Service Vehicles Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires-

"private hiring car" means a public service vehicle which does not ply for hire in a public place;

"private hiring omnibus" means an omnibus in respect of which the road service licence has been issued or renewed upon a condition that it may not be used to ply for hire in a public place;

"safety glass" means glass so constructed or treated that if fractured it does not fly into fragments capable of causing severe cuts;

"specified point" means a point on an omnibus route, other than a terminal point, at which passengers are permitted under a road service licence to be set down or taken up;

"taximeter" means any device for calculating the fare to be charged in respect of any journey in a taxi by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both;

"terminal point" means a point on an omnibus route specified in a road service licence granted by the Traffic Commission as one of two points on such route between which an omnibus to which such licence relates may ply.

*Public Service Vehicles Generally***Number of passengers.**

3. The number of seated passengers carried on any public service vehicle shall not exceed the number for which the vehicle has seating capacity calculated in accordance with the provisions of Part IV of Schedule 2 to the Traffic (Licensing and Registration) Regulations, and except as provided otherwise by these regulations no standing passengers may be carried on any vehicle:

Provided that where only children and, if any, not more than six necessary attendants are carried in an omnibus, then in reckoning the seating capacity of that omnibus for the purposes of this regulation three children not exceeding 15 years of age may be reckoned as two passengers; and a child

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who attains the age of 15 years during a school term shall not for the purposes of this regulation be deemed to be more than 15 years during the continuance of that term. In all other cases one or two children under 14 shall be counted as one person.

Seating capacity to be shown.

4. The seating capacity of every public service vehicle shall be shown –

- (a) in the case of an omnibus by an easily legible notice within the view of passengers inside the omnibus in English and Spanish; and
- (b) in the case of a taxi, by a sign approved by the Commission and attached securely to the rear of the vehicle indicating the licence number of the taxi and the authorised seating capacity.

Obstruction of drivers.

5. No person shall be carried on the left hand side of the driver when the vehicle is steered from the left hand side or on the right hand side of the driver when the vehicle is driven from the right side nor shall any article be carried in such a position as to be liable to obstruct the driver.

Refuelling.

6. No person except the driver shall be permitted to remain or be in a public service vehicle while petrol or other inflammable liquid is being poured or pumped into the fuel tank or any spare or reserve tank and container in the vehicle.

Carriage of explosives, etc.

7.(1) Except for the fuel and lubricant necessary for the use of the vehicle, no explosive, highly inflammable or otherwise dangerous substance shall be carried on a public service vehicle.

(2) No container of fuel shall be carried on the roof of an omnibus.

Use of public service vehicles for tours.

7A.(1) No public service vehicle shall be used for , the purpose of a prescribed tour unless-

- (a) the tour is conducted by a tour guide;

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- (b) the vehicle bears a vehicle plate in accordance with regulation 4(6) of the Traffic (Upper Rock Restriction) (Amendment) Regulations 1986; and

- (c) every passenger is in possession of a valid ticket.

(2) In this regulation the expressions "passenger", "prescribed tour", "tour guide" and "ticket" have the meanings respectively assigned to them by rule 2 of the Licensing (Tour Guides) Rules 1989.

Omnibuses

Standing passengers.

8. In any omnibus which the Traffic Commission may certify as fit for the carriage of standing passengers such number of standing passengers as the Traffic Commission may allow not exceeding one-third of the number of passengers for which the vehicle has seating capacity, or eight, whichever number is the less may be carried, subject to such conditions as the Traffic Commission may require, if there is no vacant seat in the omnibus.

Carriage of goods.

9. No goods other than the personal luggage of passengers being carried in the vehicle shall be carried in an omnibus.

Entrance, etc., to be kept clear.

10. Every entrance, exit and gangway shall be kept clear of obstruction while passengers are being carried:

Provided that standing passengers shall not be deemed to form an obstruction.

Conductors to be carried.

11. Every omnibus, other than an omnibus on private hire, when plying for hire shall carry a conductor:

Provided that the Traffic Commission may in their discretion exempt any omnibus from the operation of this regulation for such period or during such periods and on such conditions as they may think fit.

General conduct of drivers and conductors.

12. A driver or conductor when acting as such-

- (a) shall behave in a civil and orderly manner;

- (b) shall not smoke in or on an omnibus during a journey or when it has passengers on board;
- (c) shall take all reasonable precautions to ensure the safety of passengers in or on or entering or alighting from the omnibus;
- (d) shall not wilfully deceive or refuse to inform any passenger or intending passenger as to the destination, or route of the omnibus or as to the fare of any journey;
- (e) shall not at any reasonable time, obstruct, refuse or neglect to give all reasonable information and assistance to an examiner;
- (f) shall take all reasonable precautions to ensure that every means provided for indicating the route, destination and fare of the omnibus are clearly and correctly displayed;
- (g) shall to the best of his ability, take steps whenever necessary to enforce the provisions of these regulations relating to the conduct of passengers.

Specific duties of omnibus drivers.

13. A driver of an omnibus when acting as such-

- (a) shall not when the omnibus is in motion speak to the conductor or any other person, unless it is necessary to do so on the grounds of safety;
- (b) shall when picking up or setting down passengers stop the omnibus as close as may be possible to the right hand side of the road;
- (c) shall not cause the omnibus to stop on a road for the purpose of picking up or setting down passengers, except at a place approved by the Commissioner of Police as a "Bus Stop";
- (d) shall not cause the omnibus to remain stationary at any such bus stop other than a bus stop which is the terminus of the route upon which the omnibus is plying for hire for a longer period than is necessary to set down passengers and to pick up passengers waiting to board the omnibus.
- (e) shall not pass or attempt to pass or drive alongside of or overtake another omnibus proceeding in the same direction unless such other omnibus is stationary or has signalled the overtaking omnibus to pass.

Specific duties of omnibus conductors.

14. A conductor of an omnibus when acting as such-

- (a) shall not when the omnibus is in motion, distract the driver's attention without reasonable cause or speak to him unless it is necessary to do so in order to give directions as to the stopping of the omnibus, or on the grounds of safety;
- (b) shall not except for sufficient reasons by failing to signal to the driver to start, cause the omnibus to remain stationary on a road longer than is reasonably necessary to pick up or set down passengers except at a stand or place where the omnibus is permitted to stay for a longer time than is necessary for the purpose.

Offences and penalty.

15.(1) A person to whom regulations 12, 13 and 14 apply, who contravenes any of the provisions of these regulations, is guilty of an offence and is liable on summary conviction to a fine of £20.

(2) Proceedings for an offence under this Part shall not be instituted except by or with the consent of the Commissioner of Police.

Conduct of passengers.

16. When an omnibus is carrying passengers or waiting to pick up passengers, a passenger or intending passenger shall not-

- (a) use obscene or offensive language or conduct himself in a riotous or disorderly manner;
- (b) enter or alight from or attempt to enter or alight from the omnibus otherwise than by the door or openings provided for the purpose;
- (c) spit upon or from or willingly damage, soil or defile any part of the omnibus;
- (d) wilfully remove, displace, deface or alter any number plate, notice board, fare-table, rate indicator or destination board or any notice or advertisement in or on the omnibus;
- (e) when in the omnibus throw any bottle, liquid or litter or any article or anything likely to cause danger, injury or annoyance to any person or damage any property;

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- (f) enter or travel in an omnibus with petrol or any dangerous or offensive article, or, except with the consent of the conductor, bring into the omnibus any cumbersome article or place any such article elsewhere in or on the omnibus other than as directed by the conductor;
- (g) bring any animal into the omnibus without the consent of the conductor or retain any animal in or on the omnibus after being requested by the conductor to remove it, or place any animal elsewhere in the omnibus other than as directed by the conductor;
- (h) enter or attempt to enter or alight or attempt to alight from any omnibus while the omnibus is in motion;
- (i) enter or attempt to enter the omnibus when requested by the conductor not to enter the omnibus if the omnibus is carrying the full number of persons which it is authorized to carry.

Powers of drivers and conductors.

17. (1) Any passenger contravening regulation 16 may be removed from the omnibus on request of the driver or conductor by a police officer.

(2) A passenger in or on an omnibus who is reasonably suspected by the driver or conductor of contravening these regulations shall give his address to a police officer or to the driver or conductor on demand.

Offences and penalty.

18. A person to whom regulations 16 and 17 apply who contravenes the provisions of these regulations is guilty of an offence and is liable on summary conviction to a fine of £5.

Hours of employment of omnibus drivers and conductors.

19.(1) It shall be an offence for any person to drive, or act as conductor of, an omnibus, or cause or permit any person employed by him or subject to his orders so to drive or act-

- (a) for periods amounting in the aggregate to more than forty-eight hours in any week:

Provided that in addition to such aggregate it shall be lawful for a person so to drive or act or cause or permit a person so to drive or act for an aggregate of twelve hours overtime in any period of fourteen days; or

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- (b) for any continuous period of more than five consecutive hours without a continuous period of rest of not less than one half-hour; or
- (c) for periods amounting in the aggregate to more than eight hours in any one day without periods of rest amounting in the aggregate to not less than two hours.

(2) For the purposes of this regulation-

- (a) time during which a driver or conductor is bound by the terms of his employment to obey the directions of his employer, or to remain on or near his omnibus, or during which the omnibus is at a place where no reasonable facilities exist for the driver or conductor to rest away from the omnibus, shall be deemed not to be time which the driver or conductor has for rest; and
- (b) "week" means the period of seven days commencing immediately after midnight on Sunday.

Records.

20.(1) It is an offence for any owner of an omnibus to fail to make and retain for a period of twelve months records showing clearly the number of hours worked daily by every driver and conductor of an omnibus employed by him.

(2) Any inspector appointed under section 10 of the Shop Hours Ordinance shall, for the purpose of ascertaining whether these regulations are being or have been complied with, at all reasonable times be given free access to such records and make such examination, enquiry and ask such questions of any person as may be reasonably necessary for such purpose.

(3) A person who obstructs an inspector, fails to give an inspector free access to such records or conceals or prevents any persons from appearing before or being examined by an inspector is guilty of an offence.

Posting of regulations.

21.(1) It is an offence for the owner of any omnibus to fail to keep a printed copy of regulations 19 and 20 posted in the garage in which such omnibus is normally kept in such characters and in such a position as to be conveniently read by the driver and conductor of such omnibus.

(2) A person who pulls down, injures or defaces any copy posted in pursuance of this regulation is guilty of an offence.

Penalty.

22.(1) Subject to sub-regulation (2), a person who commits an offence against regulation 19, 20 or 21 is liable on summary conviction to a fine of £25, and on a second or subsequent conviction, to a fine of £50.

(2) The maximum fare for any omnibus journey commencing or terminating at any point between Europa Point and Catalan Bay Village travelling through Both Worlds, shall be 50 pence.

Maximum fares.

23. The maximum fare for any omnibus journey between two terminal points, or between a specified point and the next terminal point thereafter or between a specified point and another specified point without passing through a terminal point shall be -

- (a) for a person under twelve years, 20 pence;
- (b) for a person of twelve years or over, 40 pence, except where such person can establish to the satisfaction of the driver that he is aged 65 years or over in which case the fare shall be 30 pence.

Luggage to be carried free.

24. No charge shall be made for any luggage:

Provided that the driver may refuse to carry any luggage which might endanger or soil the omnibus beyond fair wear and tear.

Notice of fares.

25.(1) A notice setting out the terminal and specified points on the route on which an omnibus is licensed to ply and setting out the maximum fares shall be affixed in every omnibus so as to be clearly visible to the passengers therein.

(2) A person who drives an omnibus or permits or allows an omnibus to be driven without such a notice affixed as is specified in sub-regulation (1) is guilty of an offence.

Offences.

26. A person who demands or accepts a fare in excess of the fare permitted under regulation 23 or who demands or accepts a charge for luggage is guilty of an offence.

Penalties.

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27. A person who is guilty of an offence against regulation 23, 24, 25 or 26 is liable on summary conviction to a fine of £25.

Taxis

Distinguishing mark.

28. Every taxi shall have a sign of a type and colour approved by the Commission and bearing the word 'Taxi' securely fastened to the roof of the vehicle at all times when it is on hire or plying or standing for hire on a road, and the letters of such word shall be capital Latin characters of a height of at least two inches and a breadth throughout of not less than one quarter of an inch.

28A. Every taxi shall be painted white in colour with a red strip along each front side door, all in accordance with such specifications as the Commission may from time to time determine, and shall bear such emblem or emblems as the Commission may prescribe:

Provided that, until the 1st day of January 1991, the provisions of this regulation as regards being painted white in colour shall not apply to a taxi in respect of which the road service licence was first issued prior to the 31st December 1989.

Plying or standing for hire on highway.

29. No driver of a taxi shall ply or stand for hire on a road, except-

- (a) on a public stand indicated as such by notice exhibited by the Commissioner of Police; or
- (b) if hailed by an intending passenger while proceeding after the conclusion of a hiring to a public stand or to the place where the taxi is kept; or
- (c) if hailed by an intending passenger while proceeding to or from a public stand from or to the place where the taxi is kept.

Standing in proper repair.

30. No person shall cause or permit a taxi to remain at a public stand unless the taxi is in a proper state of repair.

First two taxis to be ready at once.

31.(1) The driver of each of the first two taxis on a public stand shall stay in or beside his vehicle and be ready to be hired at once by any person.

(2) No driver of a taxi and no person acting on behalf of the owner or drive, of a taxi shall speak, make a noise or sound any instrument in order to attract the attention of the public or of a possible hirer, or act so as to cause inconvenience or annoyance to any person:

Provided that the provisions of this paragraph shall not apply to any person who on board any vessel in the waters of Gibraltar speaks to or contacts any person on board such vessel for the purpose of soliciting business on behalf of the owner or driver of any taxi.

(3) If a person wishes to engage a taxi of a particular seating capacity or type, and if such a vehicle is not the first one on the stand, the driver of the first vehicle of the required seating capacity or type on the stand shall accept the hire.

Refusing or neglecting to be hired.

32.(1) The driver of a taxi shall not, without reasonable excuse-

- (a) refuse to be hired when the taxi is standing on a public stand;
- (b) refuse or neglect to drive the taxi to any place in Gibraltar indicated by the hirer;
- (c) refuse or neglect to carry such number of passengers, not exceeding the number for which the vehicle has seating capacity, as he may be required to carry by the hirer; or
- (d) refuse or neglect to accept with a fare a reasonable amount luggage.

(2) No driver of a taxi shall make use of any abusive or insult language or be guilty of any other offensive behaviour to any passenger.

Only fare paying passenger to sit alongside driver.

33. No person other than a fare paying passenger, or bona fide guide, shall sit or be carried alongside the driver of a taxi.

No unreasonable stopping.

34. No driver of a taxi, while hired, shall, unless requested by the hirer, stop his car for a longer time than is reasonably necessary, and, if he is not engaged for hire, he shall not stop his car except on a public stand.

Penalty.

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35. A person who contravenes any of regulations 28 to 34 or drives or cause to be driven a taxi which does not comply with regulations 28 and 30 is guilty of an offence and is liable on summary conviction to a fine of £20.

Taxis to be fitted with taximeters.

36. The owner of every taxi shall cause the vehicle to be fitted with a taximeter of a type approved by the Traffic Commission and which is so constructed, attached and maintained as to comply with the following requirements-

- (a) the taximeter shall be fitted with a key, flag or other device the use of which will bring the machinery of the taximeter into action;
- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the driver is entitled to demand and take for the hire of the taxi in accordance with regulation 37;
- (d) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (e) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Use of taximeters.

36A. The driver of a taxi provided with a taximeter shall-

- (a) when standing or plying for hire keep the key, flag or other device fitted in accordance with regulation 36(a) locked in the position in which no fare is recorded on the face of the taximeter; and
- (b) as soon as the taxi is hired by distance and time, and before beginning the journey, bring the machinery of the taximeter

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into action by moving the said key, flag or other device and keep the machinery of the taximeter in action until the termination of the hiring.

Taximeters not to be tampered with.

36B. The owner or driver of any taxi who tampers with, or permits any person to tamper with, any taximeter with which the taxi is provided, with the fittings thereof, or with the seals affixed thereto, is guilty of an offence.

Fares for hire by distance and time.

37. The driver of a taxi shall be entitled to demand and take for the hire of the taxi the rate or fare specified in the Schedule, the rate or fare being in every case calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time only:

Provided that where a taxi furnished with a taximeter shall be hired by distance and time the driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges specified in the Schedule which it may not be possible to record on the face of the taximeter.

Fares for hire by time only.

37A. Where the hirer expresses at the time of commencement of the hiring his desire to engage by time only the charge shall be such as may be determined by agreement between the driver and the hirer.

Maximum fares.

37B. It is an offence for any person to demand or accept payment of any fare or charge in respect of the hire of a taxi in excess of the rates authorised by these regulations.

Driver to carry copy of regulations.

38.(1) The driver of every taxi shall carry and shall produce for inspection by any person on demand a copy of regulations 28 to 37 and of the Schedule.

(2) The driver of any taxi who fails to comply with the provisions of sub-regulation (1) is guilty of an offence.

Notice to be displayed.

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39.(1) The owner of a taxi shall cause a statement of the fares prescribed by these regulations, printed and framed in such manner as the Commissioner of Police may require, to be exhibited inside the taxi.

(1A) The owner or driver of a taxi bearing a statement of fares in accordance with sub-regulation (1) shall not cause or suffer the statement to be concealed or rendered illegible at any time while the taxi is plying or being used for hire.

(2) A person who plies a taxi for hire without having a notice displayed therein as required by this regulation is guilty of an offence.

Penalty.

40. A person guilty of an offence against any of regulations 36, 38 and 39 is liable on summary conviction to a fine of £25.

Passenger refusing to pay fare.

41. A person who at the termination of the journey for which he has hired any taxi fails or refuses to pay on demand of the driver the fare authorized in respect of such journey by any regulations made under the Ordinance, is guilty of an offence and is liable on summary conviction to a fine of £5 and in addition, to pay to the owner or driver of the taxi the amount of such authorized fare.

Passenger damaging taxi.

42. A person who being a passenger in a taxi wilfully damages the taxi or any part or fitting thereof is guilty of an offence and is liable on summary conviction to a fine of £25, and, in addition, to pay to the owner of the taxi such reasonable compensation in respect of the damage as the court before which the conviction takes place may determine.

*Private Hiring Cars***Private hiring car not to wait or be parked on a road or public place unless on hire.**

43.(1) No person shall cause or permit a private hiring car or a private hiring omnibus to wait or be parked on a road or public place except whilst such private hiring car is actually on hire.

(2) A person who contravenes the provisions of this regulation is guilty of an offence and is liable on summary conviction to a fine of £25.

Hackney Carriages

PUBLIC SERVICE VEHICLES REGULATIONS**Hackney carriage stands.**

44. Every hackney carriage shall remain on a stand provided for the purpose, or at the stables from which it is licensed to ply, when not actually engaged in carrying a fare or in going to and from any place where a fare is to be taken up or set down, and the same shall not be left unattended on any stand.

Number of passengers.

45.(1) A driver of a hackney carriage shall not convey more than four adult passengers inside and one outside. For the purpose of this paragraph two children under the age of twelve years shall be counted as one adult and one such child alone shall not be counted.

(2) A driver of a hackney carriage, drawn by one horse, shall not carry in such carriage more than three adult persons up any road the gradient of which is steeper than 1 in 10. For the purpose of this paragraph two children under the age of twelve years shall be considered as one adult person but children in arms shall not be counted.

Arrangements as to fares.

46.(1) The fare payable by the hirer of a hackney carriage shall in every case be agreed between such hirer and the owner or driver of the hackney carriage and it shall be the duty of the owner or driver, as the case may be, to draw the attention of any proposed hirer to the provisions of this regulation, before any journey has commenced.

(2) A copy of the foregoing paragraph of this regulation shall be exhibited in every hackney carriage in a manner satisfactory to the Commissioner of Police.

*Lost Property***Lost property.**

47. The driver, or, in the case of an omnibus carrying a conductor, the conductor of any public service vehicle, or the driver of a hackney carriage, as the case may be, wherein any property is left by any person shall, if not sooner claimed by the owner thereof, leave the same with the Commissioner of Police, within twenty-four hours of finding such property. The Commissioner of Police shall cause to be entered in the presence of the driver or of the conductor, as the case may be, in a book kept for that purpose a description of the property, the name and address of the driver or conductor depositing the same, the number of the vehicle and the date of deposit and such entry shall be initialled or marked as correct by the driver

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or conductor. Any property so deposited shall be returned to the person who shall prove to the Commissioner of Police his right thereto such person previously paying all expenses incurred. and if it is not claimed by some person within six months from the date of deposit it shall be sold and the proceeds thereof shall be paid into the Consolidated Fund, all expenses incurred in relation to such property being previously deducted and paid thereout.

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SCHEDULE

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Regulation 37

FARE TABLE

1. Standard Charges

- | | | |
|-----|---|-------|
| (a) | Flag down (6 units) | £2.20 |
| (b) | Each additional unit (200 metres or 1 minute or a combination of both) until fare exceeds £6.00 | 15p |
| (c) | Each additional half unit | 15p |

2. Additional Charges

- | | | |
|-----|---|-------|
| (a) | Each additional passenger after the second (over the age of 6) | 30p |
| (b) | Luggage (other than hand luggage) per piece. Three plastic shopping bags count as one piece of luggage. | 30p |
| (c) | Taxi called by telephone | 80p |
| | <u>Automatically included on flag down</u> | |
| (d) | Midnight to 7 a.m. Sundays and Public holidays | £1.00 |
| (e) | Good Friday, Christmas Day and New Years Day | £1.50 |

3. Upper Rock

- | | | |
|-----|---|-------|
| (a) | Up to 4 passengers | £8.00 |
| (b) | Each additional passenger (over the age of 6) up to authorised capacity | 80p |

4. Hiring by Time

By agreement between Driver and Hirer.