

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4715 GIBRALTAR Friday 22nd May 2020

LEGAL NOTICE NO. 191 OF 2020

INTERPRETATION AND GENERAL CLAUSES ACT

TRAFFIC ACT 2005 (AMENDMENT) REGULATIONS 2020

In exercise of the powers conferred on it by section 23(g)(i) of the Interpretation and General Clauses Act, and in order to partly transpose into the Law of Gibraltar Directive (EU) 2018/645 of the European Parliament and of the Council of 18th April 2018 amending Directive 2006/126/EC on driving licences, the Government has made these Regulations-

Title.

1. These Regulations may be cited as the Traffic Act 2005 (Amendment) Regulations 2020.

Commencement.

2. These Regulations come into operation on the 23rd May 2020.

Amendment of the Traffic Act 2005.

3. The Traffic Act 2005 is amended in accordance with the provisions of these Regulations.

Amendment of Section 31.

4. In section 31-

- (a) in subsection (1), the last paragraph of the definition of Category C1E is replaced with “the minimum age for categories C1 and C1E is fixed at 18 years;”;
- (b) in subsection (1), the last paragraph of the definition of Category CE is replaced with “the minimum age for categories C and CE is fixed at 21 years;”;
- (c) in subsection (1), the last paragraph of the definition of Category D1E is replaced with “the minimum age for categories D and D1E is fixed at 21 years;”;
- (d) in subsection (1), the last paragraph of the definition of Category DE is replaced with “the minimum age for categories D and DE is fixed at 24 years;”;
- (e) a new subsection (5A) is inserted immediately after subsection (5) as follows-

“(5A) By way of derogation from the minimum ages laid down in the definitions of Category CE, Category D1E and Category DE in subsection

31(1), the minimum age for issuing a driving licence in categories C and CE; D1 and D1E; and D and DE respectively shall be the minimum age prescribed for the driving of such vehicles for holders of a CPC laid down in regulations 6(2), 6(3)(a)(i), 6(3)(a)(ii) and 6(3)(b) of the Traffic (Drivers' Qualification and Training) Regulations 2008, as the case may be.”

Amendment of Section 31B.

5. In Section 31B, in subsection (3), insert the following new paragraph (c) immediately after paragraph (b)-

“(c) alternatively fuelled vehicles referred to in Article 2 of Council Directive 96/53/EC with a maximum authorised mass above 3 500 kg but not exceeding 4 250 kg for the transport of goods operating without a trailer by holders of a category B driving licence which was issued at least two years before, provided that the mass in excess of 3 500 kg is due exclusively to the excess of mass of the propulsion system in relation to the propulsion system of a vehicle of the same dimensions, which is equipped with a conventional internal combustion engine with positive ignition or compression ignition, and provided that the cargo capacity is not increased in relation to the same vehicle.”

Dated: 22nd May 2020.

V DARYANANI,
Minister with responsibility for traffic,
for the Government.

EXPLANATORY MEMORANDUM

The Traffic Act 2005 (“the Act”) implements Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (“the Directive”).

These Regulations amend the Act to implement the amendments made to the Directive by Directive (EU) 2018/645 of the European Parliament and of the Council of 18 April 2018 (“the Amending Directive”).

The Amending Directive makes provision to harmonise minimum age requirements particularly concerning the general minimum age for drivers of certain categories holding a CPC as well as to the facilitation of alternatively fuelled vehicles.