

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4525 of 03 December, 2018

LEGAL NOTICE NO.275 OF 2018.

TRAFFIC ACT 2005

**TRAFFIC (PARKING AND WAITING) (AMENDMENT NO.4)
REGULATIONS 2018**

In exercise of the powers conferred on it by sections 89, 91, 92 and 101 of the Traffic Act 2005 and all other enabling powers, the Government has made the following Regulations–

Title.

1. These Regulations may be cited as the Traffic (Parking and Waiting) (Amendment No.4) Regulations 2018.

Commencement.

2. These Regulations come into operation on the day of publication.

Amendment to the Traffic (Parking and Waiting) Regulations 2011.

3.(1) The Traffic (Parking and Waiting) Regulations 2011 are amended in accordance with this regulation.

(2) In regulation 31(1)–

(a) for the definition of “issuing authority” substitute the following –

“in relation to a disabled person’s badge and parking clock, means the Driver and Vehicle Licensing Department;”;

(b) after the definition of “issuing authority” insert–

““parking clock” means a disc or other similar device which is capable of indicating the time of arrival of the vehicle in which it is displayed;”;

- (c) in the definition of “relevant conviction”, for “42” substitute “37, 41, 41A, 41B or 41C”; and
- (d) after the definition of “relevant conviction” insert–

““time restricted disabled parking bay” means a disabled parking bay that also requires the use of a parking clock and carries a time and return restriction specified by traffic sign.”.

- (3) After regulation 33, insert–

“Parking Clock.

33A. A parking clock must be issued by the issuing authority alongside any badges issued under regulations 32 or 33.”.

- (4) After regulation 35, insert–

“Replacement of parking clock.

35A. The issuing authority may issue a replacement parking clock if the disabled person’s original parking clock has been lost, stolen, destroyed or become so damaged or faded that it is not adequately legible when displayed on a vehicle.”.

- (5) In regulation 37–

- (a) in subregulation (1), for “6” substitute “35”;
- (b) in subregulation (2)–
 - (i) for “authority if the authority” substitute “authority if it”; and
 - (ii) in paragraphs (a) and (b) after “stating that the” insert “issuing” on both occasions that it occurs; and

(c) after subregulation (4), insert–

“(5) A person must not continue to use a badge after the occurrence of any of the events listed in subregulation (1).

(6) A person who fails to comply with subregulation (5) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(6) In between regulations 38 and 39, for “Form and display of badges” substitute “Form and display of badges and parking clocks”.

(7) In regulation 40–

(a) after “disabled person’s badge” insert “or institutional badge”;

(b) in paragraph (a), for “badge” substitute “disabled person’s badge or institutional badge”;

(c) for paragraph (b) substitute the following–

“(b) where the vehicle is not fitted with a dashboard or fascia, the disabled person’s badge or institutional badge shall be exhibited in a conspicuous position on the vehicle.”;

(d) after paragraph (b), insert–

“so that the front of the badge is clearly legible from the outside of the vehicle.”.

(8) After regulation 40, insert–

“Manner in which a parking clock is to be displayed.

40A. For the purposes of these Regulations, in relation to a parking clock, regulation 40 shall have effect as if for the reference to a disabled person’s badge or institutional badge there were substituted a reference to a parking clock.”.

(9) For regulation 41, substitute the following–

“Display of a badge when a vehicle is parked or waiting.

- 41.(1) A vehicle parked or waiting in a disabled person’s parking bay must display a disabled person’s badge or institutional badge in the manner set out in regulation 40.
- (2) A vehicle parked or waiting in a disabled person’s bay displaying a disabled person’s badge–
- (a) must have been driven by the holder, or used to carry the holder; or
 - (b) is to be driven by the holder, or is to be used to carry the holder.
- (3) A vehicle parked or waiting in a disabled person’s bay displaying an institutional badge must have been, or is to be, used by or on behalf of the holder for carrying a disabled person.
- (4) A person who fails to comply with this regulation commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(10) After regulation 41, insert–

“Display of a parking clock when a vehicle is parked in a time restricted disabled parking bay.

- 41A.(1) A vehicle parked in a time restricted disabled parking bay must, in addition to the requirements set out in regulation 41–
- (a) display a parking clock in the manner set out in regulation 40A; and
 - (b) have the parking clock set to show the time in which the vehicle was parked.
- (2) A person who fails to comply with subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Time restrictions.

- 41B. (1) No person shall park a vehicle in a time restricted disabled parking bay for any continuous period exceeding any period specified by traffic sign in relation to that bay.
- (2) A person who fails to comply with subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Return restrictions.

- 41C.(1) No person shall return and park their vehicle in a time restricted disabled parking bay within the “no return” period specified by traffic sign in relation to that bay.
- (2) A person who fails to comply with subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the standard scale.”.

(11) Delete regulation 42.

Dated 3rd December, 2018.

P J BALBAN,
Minister with responsibility for Traffic,
For the Government.