

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5196 GIBRALTAR Thursday 19th December 2024

LEGAL NOTICE NO. 227 OF 2024

TRANSPORT ACT 1998

TAXIS (MISCELLANEOUS AMENDMENTS) REGULATIONS 2024

In exercise of the powers conferred on him by sections 17 and 69 of the Transport Act 1998, and all other enabling powers, the Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Taxis (Miscellaneous Amendments) Regulations 2024.

Commencement.

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

Amendment to the Taxis (City Service and Cruise Terminal) Regulations 1999.

3.(1) The Taxis (City Service and Cruise Terminal) Regulations 1999 are amended in accordance with the provisions of these Regulations.

(2) In regulation 2-

(a) for the definition of “city service” substitute:

““city service” means the city day service or the city night service”;

(b) insert the following new definitions directly following the definition of “city service”:

““city day service” shall be construed in accordance with regulation 3;

“city night service” shall be construed in accordance with regulation 3A;”;

(c) insert the following new definitions directly following the definition of “Gibraltar taxi service”:

““relevant day” means the day on which a driver’s disc corresponds to that set out on the roster prepared by the Commission pursuant to regulation 3(4)(a);

““relevant night” means the night on which a driver’s disc corresponds to that set out on the roster prepared by the Commission pursuant to regulation 3A(5)(a);

(3) In regulation 2ZA-

- (a) remove “and” at the end of sub regulation (1)(b);
- (b) substitute “,” at the end of sub regulation (1)(c) with “; and”;
- (c) insert the following new sub regulation after sub regulation (1)(c)-
“(d) regulation 3A.”.

(4) In regulation 3-

- (a) replace the heading with “City day service.”;
- (b) in sub regulation (1), replace “city service” with “city day service”;
- (c) insert the following after sub regulation (1A)-
“(1B) For the purposes of sub regulation (1), a further driver and vehicle may be added to a road service licence for no more than five consecutive days, solely for the purpose of conducting the city day service, upon approval following successful submission of the relevant application to the Commission for amendment to a road service licence, pursuant to the Transport Regulations 2000.”;
- (d) in sub regulation (2), replace “city service” with “city day service”;
- (e) in sub regulation (4)(a), replace “city service” with “city day service”;
- (f) in sub regulation (5)(a) –
 - (i) replace “city service” with “city day service”;
 - (ii) replace "subregulation" with “paragraph”;
- (g) in sub regulation (5)(b), replace “city service” with “city day service”;
- (h) in sub regulation (6), replace the words “city service” with “city day service”;
- (i) in sub regulation (6), insert “from the hours of 8am to 8pm on a relevant day” after “another point within Gibraltar”;
- (j) in sub regulation (7), replace “A driver of a taxi who, on the day his disc corresponds to that set out on the roster (“a relevant day”)-” with “A driver of a taxi who, on a relevant day-”;
- (k) in sub regulation (7)(c), replace “him” with “him or her”;

- (l) in sub regulation (7)(d), replace “city service” with “city day service”;
 - (m) in sub regulation (7)(e), replace “him” with “him or her”;
 - (n) in sub regulation (7)(e), replace “city service” with “city day service”;
 - (o) in sub regulation (7), in the closing paragraph, replace “his” with “his or her”;
 - (p) in sub regulation (7), in the closing paragraph, replace “paragraph (d)” with “sub regulation (7)(d)”;
 - (q) in sub regulation (7), in the closing paragraph, replace “he” with “he or she”;
 - (r) in sub regulation (7), in the closing paragraph, replace “city service” with “city day service”;
 - (s) in sub regulation (7A)(a), replace “city service” with “city day service”;
 - (t) in sub regulation (7A)(a), in the closing paragraph, replace “he” with “he or she”;
 - (u) in sub regulation (7A)(b), replace “city service” with “city day service”;
 - (v) in sub regulation (7B), replace “city service” with “city day service”;
 - (w) in sub regulation (8), replace “paragraph (b) of sub regulation (7)” with “sub regulation (7)(b)”;
 - (x) in sub regulation (8)(b), replace “he” with “he or she”;
 - (y) in sub regulation (8)(d), replace "his" with “his or her”;
- (5) Insert the following new regulation following regulation 3-

“City night service.

- 3A.(1) The Commission shall, at its discretion, issue taxis licenced in accordance with the Act with a coloured disc in the form set out in Schedule 3 for the purpose of indicating on which nights the taxi concerned will operate a city night service.
- (2) For the purposes of sub regulation (1), a further driver and vehicle may be added to a road service licence for no more than seven consecutive nights, solely for the purpose of conducting the city night service, upon approval following successful submission of the relevant application to the Commission for amendment to a road service licence, pursuant to the Transport Regulations 2000.

- (3) The Minister may by notice in the Gazette amend the coloured disc set out in Schedule 3 and where the number of colours has been increased or decreased, the Commission shall reissue discs as appropriate.
- (4) The Commission shall issue equal numbers of coloured discs and no taxi may receive more than one disc.
- (5)(a) The Commission shall prepare and introduce a roster for the purposes of indicating on which nights a taxi shall operate a city night service.
- (b) The roster shall be displayed at the offices of the Commission and may be amended from time to time by the Commission as they may direct in writing.
- (6)(a) Save as provided in paragraph (b), a driver of a taxi whose disc corresponds to that set out on the roster may only offer a city night service on that night.
- (b) Nothing in this regulation shall prevent any other taxi also offering a city night service.
- (7) A taxi on “city night service” means that the taxi may only ply for hire from taxi ranks (excluding the “Shuttle Service” rank at the Market Place) to carry a passenger to another point within Gibraltar from the hours of 17:00 to 01:00 on a relevant night and may not enter—
 - (a) the cruise terminal (except for the delivery of passengers from a point in Gibraltar other than the “Shuttle Service” point at the Market Place);
 - (b) the coach terminal; or
 - (c) the Upper Rock except in the case of a one-way fare which—
 - (i) does not require an entry ticket to the Nature Reserve, and
 - (ii) is either—
 - (A) to or from a specific residence there for a resident or visitor to that residence, or
 - (B) in respect of a public or private function occurring there which is not part of the general tourist attraction of the Upper Rock and which does not involve a stop at or a visit to any part of the Upper Rock except where the event is occurring.
- (8) A driver of a taxi who, has been licenced to provide the city night service—
 - (a) fails to display the disc issued;

- (b) refuses to accept, without reasonable cause, a passenger who wishes to travel to another point within Gibraltar;
- (c) enters any area prohibited to him or her under sub regulation (7);
- (d) fails, during the relevant night, to provide a city night service as directed by the Commission;
- (e) fails to comply with any instructions given to him or her by a Transport Inspector in respect of how and where the city night service is to be provided, such as, in particular, being required by a Transport Inspector to move to a different taxi rank or to attend a different area;
- (f) fails to operate a functional Global Positioning System transmitter, as referred to in regulation 2C; or
- (g) provides any taxi service or Rock Tour at any time which is not the city night service even when not on duty,

shall be deemed to have failed to comply with a condition of his or her licence, unless as regards paragraph (d), he or she makes up any shortfall by providing a city night service for the period equivalent to that missed within 10 days.

- (9) A driver of a taxi who fails to make up any shortfall pursuant to regulation 3A(8) shall-
 - (a) remain on city night service until such time as he or she makes up for the shortfall for the period equivalent to that missed; and
 - (b) be liable to a fixed penalty pursuant to regulation 67 of the Transport Regulations, and for the avoidance of doubt, payment of the fixed penalty does not exempt a driver from performing the missed city night service for which the fixed penalty was issued.
- (10) Pursuant to the Transport Act, the Commission may revoke or suspend the road service licence of the driver of a taxi who refuses to carry out a city night service.
- (11) For the purposes of sub regulation (8)(b), “reasonable cause” for refusing to accept a passenger includes, by way of example–
 - (a) the passenger is drunk, disorderly, abusive or otherwise not in a fit state to be carried;
 - (b) the passenger appears unable to pay the potential fare and refuses to show that he or she has enough money with him;
 - (c) the taxi driver is beginning or going to another hiring; or

(d) the request by the passenger would place the taxi driver in contravention of the provisions of the Act or the conditions of his or her licence.”

(6) Insert the following new schedule following Schedule 2-

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SCHEDULE 3

Regulation 3A



The validity of this disc is
subject to the dates on the
Certificate of Authority

”.

Amendment to the Transport Regulations 2000.

4. Regulation 67(4) of the Transport Regulations 2000 is amended by substituting “(as defined by regulation 3 of the Taxis (City Service and Cruise Terminal) Regulations 1999)” with “(as defined by regulation 2 of the Taxis (City Service and Cruise Terminal) Regulations 1999)”.

Dated: 19th December 2024.

PROF. J CORTES,
Minister with responsibility for Transport.

EXPLANATORY MEMORANDUM

These Regulations amend the Taxis (City Service and Cruise Terminal) Regulations 1999 for the purposes of instituting a city night service in respect of taxis and the Transport Regulations 2000 in respect of a consequential amendment.