

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,759 of 21st January, 2010

B. 08/10

BILL

FOR

AN ACT to amend the Transport Act 1998.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Transport (Amendment) Act 2010 and comes into operation on the day of publication.

Amendments to section 2 of the Transport Act 1998.

2. In section 2 of the Transport Act 1998 for the definition of “chauffeur-driven hire car” substitute–

““chauffeur-driven hire car” means a public service vehicle that–

- (a) is a category B motor vehicle;
- (b) is let out for hire or reward on terms that a chauffeur shall be responsible for driving it; and
- (c) is not a vehicle in respect of which there is a current road service licence.”.

Amendments to section 11 of the Transport Act 1998.

3. In section 11 of the Transport Act 1998 after subsection (3) insert–

“(4) This section does not apply to a chauffeur-driven hire car operated under a chauffeur-driven hire car operator’s licence.”.

Amendments to section 17 of the Transport Act 1998.

4.(1) Section 17 of the Transport Act 1998 is amended as follows.

(2) In subsection (3) after “(4) to (8)” insert “and 10”.

(3) Subsection (8) is substituted by–

“(8)(a) The name of any person shall not be inserted as a named driver in any road service licence unless the Commission is satisfied that the person concerned–

- (i) is of a good character
- (ii) is a fit and proper person; and
- (iii) has no regular employment other than that of driving a taxi

(b) Paragraph (a)(iii) does not apply to a person named as a driver in any road service licence prior to the coming into force of this paragraph.”.

(4) After subsection (9) insert–

“(10) The Commission shall insert in every road service licence a condition that the vehicle shall not, during the months of January, February and March, be used for hire or reward except–

- (a) by the registered owner; or
- (b) where the registered owner does not drive the vehicle for hire or reward, by the first named driver.

(11) Subject to subsection (12), subsection (10) does not apply to the use of a taxi by a second named driver who–

- (a) is named in the appropriate road service licence on the coming into force of subsection (10) and has no regular employment other than that of driving a taxi; or
 - (b) is named in the appropriate road service licence following an application made to the Commission under subsection (6)(b) in relation to the registered owner, or where the registered owner does not drive the vehicle for hire or reward in relation to the first named driver, being temporarily absent from Gibraltar or temporarily incapacitated from driving by reason of illness duly certified by a medical practitioner.
- (12) Subsection (11)(a) does not apply where the second named driver–
- (a) is offered reasonable employment in connection with the provision of services under road service licences in respect of taxis for all part of the months of January, February and March; and
 - (b) declines such offer.”.

Amendments to section 46 of the Transport Act 1998.

5. Section 46 of the Transport Act 1998 is amended as follows–

- (a) subsection (2) is deleted; and
- (b) subsection (6) is deleted.

Amendments to section 51 of the Transport Act 1998.

6.(1) Section 51 of the Transport Act 1998 is amended as follows.

(2) For subsection (1) substitute the following–

“(1) No person shall offer his services as a chauffeur unless–

- (a) he is licensed to do so under this section; and

- (b) he is licensed to drive a chauffeur-driven hire car under regulation 117C(1) of the Transport Regulations 2000.”.

Amendments to section 52 of the Transport Act 1998.

7.(1) Section 52 of the Transport Act 1998 is amended as follows.

(2) In subsection (1) delete “, and unless the motor vehicle is licensed by the licensing authority as a chauffeur-driven hire car”.

(3) After subsection (4) insert–

“(4A) The driver of a chauffeur-driven hire car shall, on being so required by a police officer or a transport inspector, produce for examination a copy of–

- (a) his chauffeur licence;
- (b) the chauffeur-driven hire car operator’s licence under which authority the vehicle is being used as a public service;
- (c) the vehicle’s certificate of fitness; and
- (d) the vehicle’s roadworthiness certificate.”.

(4) Delete subsection (5).

Amendment to section 53 of the Transport Act 1998.

8. In section 53 of the Transport Act 1998 after “chauffeur-driven hire car” insert “operator’s”.

Amendments to section 54 of the Transport Act 1998.

9. Section 54 of the Transport Act 1998 is amended as follows–

- (a) in subsection (1) after “chauffeur-driven hire car” insert “operator’s”; and

- (b) in subsection (2) after “chauffeur-driven hire car” insert “operator’s”.

Amendment to section 55 of the Transport Act 1998.

10. In section 55 of the Transport Act 1998 after “chauffeur-driven hire car” insert “operator’s”.

Repeal of section 56 of the Transport Act 1998.

11. Section 56 of the Transport Act 1998 is repealed.

EXPLANATORY MEMORANDUM

This Bill amends Transport Act 1998.

The purpose of the amendments are to make provision for chauffeur-driven hire cars and to limit the use of road service licences by second named drivers.

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