

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5015 GIBRALTAR Thursday 8th December 2022

B. 25/22

BILL

FOR

AN ACT to regulate the operation of personal light electric transporters, to amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Personal Light Electric Transporters Act 2022.

Commencement.

2. This Act comes into force on the day of publication.

Interpretation.

3. In this Act-

“Minister” means the Minister with responsibility for transport;

“personal light electric transporter” or “transporter” means a device with the specifications set out in paragraph 1 of the Schedule to this Act;

“road” means a road as defined in section 2 of the Traffic Act 2005.

Restrictions and prohibitions on personal light electric transporters.

- 4.(1) A person shall not operate a transporter—

- (a) except on a road;

- (b) if the transporter has been modified after its manufacture;

- (c) at more than 25 km/h;
- (d) to tow another person, transporter or vehicle;
- (e) to carry another person; or
- (f) if the person has not reached the age of 17 years.

(2) A person operating a transporter shall-

- (a) stand at all times when the transporter is in motion where the transporter does not have a seat incorporated;
- (b) be seated at all times when the transporter is in motion where the transporter is designed by the manufacturer as a transporter with a seat.

(3) Subsection (1)(b) does not prohibit the operation of a transporter if a basket, bag or other thing customarily attached as an accessory to a transporter, or a bell, horn or lamp to comply with any legislation, has been added to the transporter after its manufacture.

(4) A person commits an offence if he removes or tampers with or attempts to remove or tamper with a speed limitation device that is fitted on a transporter or causes another person to remove or tamper with or attempt to remove or tamper with such a device.

Wearing of protective headgear.

5.(1) A person operating a transporter must wear protective headgear.

(2) In this section “protective headgear” means headgear which is-

- (a) a helmet bearing the British or EU Standard EN 1078:2012+ A1: 2012 (and marked with the British ‘kitemark’ or EU Standard); or
- (b) a “full-face, “open-face”, “moto-cross” or modular helmet; that is to say a helmet offering protection to the ears, and cheeks with or without a visor; and
- (c) of the proper fit to ensure that it will not come off should the transporter suddenly accelerate or stop; and
- (d) securely fastened.

Operator to stop for police officer.

6.(1) A person operating a transporter must stop the transporter on being so required by a police officer in uniform who reasonably suspects that person of committing an offence under the provisions of this Act.

(2) A person operating a transporter who is reasonably suspected by a police officer of having committed an offence under the provisions of this Act must not—

- (a) refuse to give a police officer his or her name or address; or
- (b) give a police officer a false name or address.

Sale or supply of personal light electric transporters.

7. A person must not sell, make available for hire or supply, or offer to sell, make available for hire or supply for delivery a personal light electric transporter which has had the speed limitation device removed or tampered with in breach of section 4(4).

Offences and penalties not otherwise specified.

8.(1) A person who contravenes section 4(1)(a), (b), (c), (d), (e), or (f), 4(2) (a) or (b), 5(1), 6(1) or 6(2) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(2) A person who contravenes section 4(4) or 7 is guilty of an offence and shall be liable, on summary conviction to a fine not exceeding level 3 on the standard scale, or to imprisonment for 3 months, or to both.

Fixed penalty notices.

9.(1) Where on any occasion a police officer finds a person whom the officer has reason to believe on that occasion has committed an offence by contravening or having contravened any of the provisions of this Act set out in section 8(1) or (2), the officer may give that person a notice offering that person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(2) Where a person has been given a notice under this section in respect of an offence—

- (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the service of that notice; and
- (b) the person shall not be proceeded further against for that offence if the person pays the fixed penalty before the expiration of that period.

(3) In subsections (1) and (2)—

“proceedings” means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (1); and

“conviction” shall be construed in like manner.

(4) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—

- (a) a reference to the section of the Act, or, as the case may be, the regulation creating the offence;
- (b) the period during which, by virtue of subsection (2), proceedings are not to be taken for the offence;
- (c) the amount of the fixed penalty; and
- (d) to whom and the address at which the fixed penalty shall be paid.

(5) Unless otherwise specified in in this Act or in regulations made under it, the fixed penalty payable in pursuance of a notice under this section is £300.

Regulations.

10. (1) The Minister may make regulations generally as to the use of personal light electric transporters, their construction and equipment and the conditions under which they may be so used and otherwise for the purposes of carrying this Act into effect.

(2) Regulations under this section may in particular, but without prejudice to the generality of subsection (1) –

- (a) amend, repeal or revoke the Schedule;
- (b) provide for a compulsory insurance requirement against third party risks, to include the creation of offences and penalties for failure to acquire such insurance;
- (c) amend, repeal or revoke any enactment other than one contained in an Act or instrument passed or made after this Act is passed;
- (d) provide for the issuance of fixed penalty notices.

Amendments to the Traffic Act 2005.

11.(1) The Traffic Act 2005 is amended in accordance with this section.

(2) In section 2-

- (a) in the definition of “motor vehicle”, after “does not include” insert “a personal light electric transporter or”;
- (b) after the definition of “owner” insert-

““personal light electric transporter” has the meaning given in the Personal Light Electric Transporters Act 2022;”.

(3) In section 3, after “bicycles” insert “and personal light electric transporters”.

(4) For the heading to Part V substitute “REGULATION OF HORSE-DRAWN VEHICLES, BICYCLES AND PERSONAL LIGHT ELECTRIC TRANSPORTERS”.

(5) For section 74(1) substitute-

“(1) If the licensing authority or the Commissioner of Police has reason to suspect that a vehicle licensed under or to which this Part applies has ceased to be fit for the purpose for which it was licensed or does not comply with any prescribed conditions, he may order the person in charge or the owner of the vehicle to produce the vehicle for examination by an examiner at a specified time and place.”.

(6) In section 75-

(a) for the title substitute “Application to cyclists and to operators of personal light electric transporters and to drivers of horsedrawn vehicles.”;

(b) in subsection (1)-

(i) for “53 and 54” substitute “53, 54, 62, and 63 to 70”;

(ii) for “bicycles and tricycles not being motor vehicles” substitute “bicycles and operating personal light electric transporters”;

(c) In subsection (2) –

(i) for “sections 46, 47 or 62” substitute “sections 46, 47, 62, 63 or 63A”;

(ii) in paragraph (a) for “47 or 62” substitute “47, 62, 63 or 63A”;

(d) in subsection (3) for “46, 47 or 62” substitute “46, 47, 62, 63 or 63A”.

(7) In section 76-

(a) for “and bicycles” in every place it occurs substitute “, bicycles and personal light electric transporters”;

(b) in paragraph (c), after “such bicycles” insert “and operators of such personal light electric transporters”.

(8) In section 89(1)(c), after “horse-drawn vehicles” insert “, personal light electric transporters,”.

(9) In section 96 after subsection (2) insert-

“(3) In this section, references to “driver” include a reference to a cyclist or the operator of a personal light electric transporter.”.

Amendment to the Crimes Act 2011.

12. In section 174 of the Crimes Act 2011, for “furious driving or racing” substitute “furious driving, racing, riding or operation”.

SCHEDULE

1. A “personal light electric transporter” means a device that—

- (a) has one or more wheels;
- (b) has a handlebar;
- (c) is fitted with no other means of mechanical or electrical propulsion other than an electric motor that has a maximum power output of not more than 1000 watts (1,400 watts for self-balancing devices if at least 60% of the power is used for self-balancing);
- (d) is fitted with a speed limitation device that limits the speed of the transporter to not more than 25 kilometres per hour;
- (e) is designed to carry no more than one person;
- (f) has an effective stopping system controlled by using brakes, gears or motor control;
- (g) is not a motorised wheelchair;
- (h) is not a bicycle;
- (i) is not a toy vehicle.

2. In this Schedule-

“maximum power output” means the maximum permissible wattage value of the electric motor, from which a value of the continuous rated power over thirty minutes at the output shaft of an electric engine can be derived, as set out in Regulation No 85 of the Economic Commission for Europe of the United Nations;

“self-balancing device” means a personal light electric transporter that has built-in electronic balancing, drive, handlebar and deceleration technology to keep it balanced autonomously;

“toy vehicle” means a device designed to be used as a toy with a speed limitation device that limits the speed of the device to not more than 6 kilometres per hour.

EXPLANATORY MEMORANDUM

This Bill defines personal light electric transporters. It specifies a minimum age for their operation, requires that protective headgear be worn and creates new offences for their misuse.

The Bill amends the Traffic Act 2005 including to facilitate the regulation of personal light electric transporters through amendment to existing subsidiary legislation. It also extends certain offences, such as dangerous driving, to the use of personal light electric transporters, in the same way as these offences apply to the use of bicycles.

The Bill also amends the Crimes Act 2011.