

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4980 GIBRALTAR Thursday 28th July 2022

LEGAL NOTICE NO. 215 OF 2022

EUROPEAN UNION (WITHDRAWAL) ACT 2019

TRAFFIC ACT 2005

TRAFFIC (VEHICLE REGISTRATION DATA EXCHANGE COOPERATION AND EU EXIT) REGULATIONS 2022

In exercise of the powers conferred upon the Minister by section 11 of and Schedule 3 to the European Union (Withdrawal) Act 2019 and upon the Government by section 61(e) of the Traffic Act 2005, the Minister and the Government have made the following Regulations-

Title.

1. These Regulations may be cited as the Traffic (Vehicle Registration Data Exchange and Cooperation EU Exit) Regulations 2022.

Commencement.

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

Amendments to regulations.

3.(1) The Traffic (Vehicle Registration Data Exchange) Regulations 2017 are amended in accordance with this regulation.

(2) In regulation 2-

(a) in the definition “automated search” for “Member States or of the participating countries” substitute “designated countries or territories”;

(b) omit the definition “Council Decision 2008/616/JHA”;

(c) after the definition “data subject” insert-

““designated country or territory of the offence” means the country or territory where the offence was committed and which is listed in the Schedule;”;

(d) omit the definition “Directive (EU) 2015/413”;

(e) in the definition “drink-driving” for “Member State” substitute “designated country or territory”;

- (f) in the definition “failing to use a seat-belt” –
 - (i) omit “Council Directive 91/671/EEC and”;
 - (ii) for “Member State” substitute “designated country or territory”;
 - (g) in the definition “failing to stop at a red traffic light” for “Member State” substitute “designated country or territory”;
 - (h) in the definition “failing to wear a safety helmet” for “Member State” substitute “designated country or territory”;
 - (i) in the definition “holder of the vehicle” for “Member State” substitute “designated country or territory”;
 - (j) in the definition “illegally using a mobile telephone or any other communication devices while driving” for “Member State” substitute “designated country or territory”;
 - (k) omit the definition “Member State of registration”;
 - (l) omit the definition “Member State of the offence”;
 - (m) for the definition “national contact point” substitute –

““national contact point” means an authority that under the legislation under which it operates has competence for the exchange of vehicle registration data and in the case of Gibraltar means the body appointed under regulation 4;”;
 - (n) in the definition “speeding” for “Member State” substitute “designated country or territory”;
 - (o) after the definition “speeding” insert-

““State of registration” means the designated country or territory where the vehicle with which the offence was committed is registered;”;
 - (p) in the definition “use of a forbidden lane” for “Member State” substitute “designated country or territory”.
- (3) In regulation 4(2) for “a provision of Directive (EU) 2015/413” substitute “any international agreement or obligation”.
- (4) For regulation 5 substitute-
- “5.(1) These Regulations apply to the exchange of information, between the Gibraltar contact point and the national contact points of designated countries or territories,

on the road-safety-related traffic offences listed in regulation 7(1) in order to facilitate the enforcement of sanctions for an offence which occurs in a jurisdiction separate from the jurisdiction of registration of the vehicle concerned.

- (2) The Government may add to, amend or remove any entry in Schedule 1 by Notice in the Gazette.”.
- (5) In regulation 6-
- (a) in subregulation (1)-
- (i) for “Member State” substitute “designated country or territory”,
- (ii) for “subsections (2) to (4)” substitute “this regulation”;
- (b) in subregulation (2) for “The access must be in the form of an automated search which relates to-” substitute “Where access is in the form of an automated search, that search must relate to-”;
- (c) for subregulation (3) substitute-
- “(3) Where access is not in the form of an automated search, the information supplied must be provided in accordance with any requirements set out in the international agreement or convention or, in the absence of such procedures, as may be agreed between the national contact points.”.
- (d) in subregulation (4) for “Member State” substitute “designated country or territory”.
- (6) In regulation 7-
- (a) in subregulations (1) and (2) for “Member State” substitute “designated country or territory”, on both occasions those words appear;
- (b) omit subregulation (4).
- (7) In regulation 8(2) for “Member State” substitute “designated country or territory”.
- (8) For regulation 10 substitute-

“Transmission of data via intermediary.

10.(1) Where it is necessary or expedient to do so, the Gibraltar contact point may share data with a national contact point (the intermediary contact point) for the purposes of that data being sent to one or more national contact points in other countries or territories (the destination contact points), but this is subject to subregulation (2).

- (2) Subregulation (1) applies where the intermediary contact point and the destination contact points are all located in designated countries or territories.”.
- (9) Omit regulation 11.
- (10) In regulation 12-
- (a) in subregulation (3)-
- (i) in paragraph (a) for “; and” substitute “.”,
- (ii) omit paragraph (b);
- (b) in subregulation 5(a),(b) and (c) for “Member State” substitute “designated country or territory” on each occasion those words appear.
- (11) After regulation 12 insert the following schedule-

“SCHEDULE

Regulation 5(2)

List of designated countries and territories

United Kingdom
Spain”.

Dated: 28th July 2022.

DR J. GARCIA,
Deputy Chief Minister,
and for the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Traffic (Vehicle Registration Data Exchange) Regulations 2017. The regulations transposed Directive (EU) 2015/413 and requires amendment due to Brexit.

The Regulations are further amended so that the existing framework may be applied in future for the purposes of any international agreements that may be entered into.