

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4047 of 19 December, 2013

LEGAL NOTICE NO. 195 OF 2013.

TRAFFIC ACT 2005

INTERPRETATION AND GENERAL CLAUSES ACT

**TRAFFIC (LICENSING AND REGISTRATION) (AMENDMENT
NO.3) REGULATIONS 2013**

In exercise of the powers conferred on the Government by sections 57, 61, 80, 89 and 101 of the Traffic Act 2005 and section 23(g)(i) of the Interpretation and General Clauses Act, and in order to transpose into the law of Gibraltar, Commission Directive 2012/36/EU of 19 November 2012 amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences, and Council Directive 2013/22/EU of 13 May 2013 adapting certain directives in the field of transport policy, by reason of the accession of the Republic of Croatia, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Traffic (Licensing and Registration) (Amendment No.3) Regulations 2013 and come into operation on the day of publication.

Amendment of regulations.

2. The Traffic (Licensing and Registration) Regulations are amended in accordance with these Regulations.

Amendments to regulation 80.

3. Regulation 80 is amended—

- (a) in subregulation (1) by substituting “of Annex I of the Directive as set out in Schedule 4C” for “set out in Annex I of the Directive”; and
- (b) in subregulation (2) by substituting “Schedule 4C” for “Annex I”.

Amendments to Schedule 4B.

4. Schedule 4C is amended as follows—

(a) for point 4.1.1 substitute the following—

“4.1.1. Rules on driving hours and rest periods as defined by Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport (8); use of the recording equipment as defined by Regulation (EEC) No 3821/85 on recording equipment in road transport;”;

(b) after point 4.1.10 insert—

“4.1a. The Government may exempt applicants to a licence for a category C1 or C1E vehicle outside the scope of Regulation (EEC) No 3821/85 from demonstrating their knowledge of the subjects listed in points 4.1.1 to 4.1.3.”;

(c) for points 5.1 to 5.2 substitute the following—

“5.1. Vehicle transmission

5.1.1. The driving of a vehicle with manual transmission shall be subject to the passing of a skills and behaviour test taken on a vehicle with manual transmission.

“Vehicle with manual transmission” means a vehicle in which a clutch pedal (or lever operated manually for categories A, A2 and A1) is present and must be operated by the driver when starting or stopping the vehicle and changing gears.

5.1.2. Vehicles that do not meet the criteria laid down in point 5.1.1 shall be considered to have automatic transmission.

Without prejudice to point 5.1.3, if an applicant

takes the test of skills and behaviour on a vehicle with automatic transmission this shall be recorded on any licence issued on the basis of such a test. Licences with this indication shall be used only for driving vehicles with automatic transmission.

5.1.3. Specific provisions concerning vehicles of category C, CE, D and DE

The Government may decide that no restriction to vehicles with automatic transmission shall be recorded on the driving licence for a category C, CE, D or DE vehicle referred to in point 5.1.2, when the applicant already holds a driving licence obtained on a vehicle with manual transmission in at least one of the following categories: B, BE, C, CE, C1, C1E, D, D1 or D1E, and has performed the actions described in point 8.4 during the test of skills and behaviour.

5.2. The vehicles used in tests of skills and behaviour shall comply with the minimum criteria given below. The Government may make provisions for more stringent criteria or add others. The Licensing Authority may apply to vehicles of category A1, A2 and A, used in the test of skills and behaviour, a tolerance of 5 cm³ below the required minimum cylinder capacity.

Category A1:

Category A1 motorcycle without sidecar, with a power rating not exceeding 11 kW and with a power to weight ratio not exceeding 0,1 kW/kg, and capable of a speed of at least 90 km/h.

If the motorcycle is powered by an internal combustion engine, the cylinder capacity of the engine shall be at least 120 cm³.

If the motorcycle is powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0,08 kW/kg;

Category A2:

Motorcycle without sidecar, with a power rating of at least 20 kW but not exceeding 35 kW and with a power to weight ratio not exceeding 0,2 kW/kg.

If the motorcycle is powered by an internal combustion engine, the cubic capacity of the engine shall be at least 400 cm³.

If the motorcycle is powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0,15 kW/kg;

Category A:

Motorcycle without sidecar, whose unladen mass is more than 180 kg, with a power rating of at least 50 kW. A tolerance of 5 kg below the required minimum mass may be accepted by the Licencing Authority.

If the motorcycle is powered by an internal combustion engine, the cubic capacity of the engine shall be at least 600 cm³.

If the motorcycle is powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0,25 kW/kg;

Category B:

A four-wheeled category B vehicle capable of a speed of at least 100 km/h;

Category BE:

A combination, made up of a category B test vehicle and a trailer with a maximum authorised mass of at least 1 000 kg, capable of a speed of at least 100 km/h, which does not fall within category B; the cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the motor vehicle; the closed box body may also be slightly less wide than the motor vehicle provided that the view to the rear is only possible by use of the external rear-view mirrors of the motor vehicle; the trailer shall be presented with a minimum of 800 kg real total mass;

Category B1:

A motor-powered quadricycle capable of a speed of at least 60 km/h;

Category C:

A category C vehicle with a maximum authorised mass of at least 12 000 kg, a length of at least 8 m, a width of at least 2,40 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes, equipped with a transmission system providing for a manual selection of gears by the driver and recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab; the vehicle shall be presented with a minimum of 10 000 kg real total mass;

Category CE:

Either an articulated vehicle or a combination of a category C test vehicle and a trailer of at least 7,5 m in length; both the articulated vehicle and the combination shall have a maximum authorised mass of at least 20 000 kg, a length of at least 14 m and a width of at least 2,40 m, shall be capable of a speed of at least 80 km/h, fitted with anti-lock brakes, equipped with a transmission system providing for a manual selection of gears by the driver and with recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab; both the articulated vehicle and the combination shall be presented with a minimum of 15 000 kg real total mass;

Category C1:

A subcategory C1 vehicle with a maximum authorised mass of at least 4 000 kg, with a length of at least 5 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab;

Category C1E:

A combination made up of a subcategory C1 test vehicle and a trailer with a maximum authorised mass of at least 1 250 kg; this combination shall be at least 8 m in length and capable of a speed of at least 80 km/h; the cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the cab; the closed box body may also be slightly less wide than the cab provided that the view to the rear is only possible by use of the external rear-view mirrors of the motor vehicle; the trailer shall be presented with a minimum of 800 kg real total mass;

Category D:

A category D vehicle with a length of at least 10 m, a width of at least 2,40 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85;

Category DE:

A combination made up of a category D test vehicle and a trailer with a maximum authorised mass of at least 1 250 kg, a width of at least 2,40 m and capable of a speed of at least 80 km/h; the cargo compartment of the trailer shall consist of a closed box body which is at least 2 m wide and 2 m high; the trailer shall be presented with a minimum of 800 kg real total mass;

Category D1:

A subcategory D1 vehicle with a maximum authorised mass of at least 4 000 kg, with a length of at least 5 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85;

Category D1E:

A combination made up of a subcategory D1 test vehicle and a trailer with a maximum authorised mass of at least 1 250 kg and capable of a speed of at least 80 km/h; the cargo

compartment of the trailer shall consist of a closed box body which is at least 2 m wide and 2 m high; the trailer shall be presented with a minimum of 800 kg real total mass;

Testing vehicles for categories BE, C, CE, C1, C1E, D, DE, D1 and D1E which are not in conformity with the minimum criteria given above but which were in use on or before 19 January 2007, may still be used for a period not exceeding ten years after that date.”;

(d) for point 8.1.4 substitute—

“8.1.4. Checking the power-assisted braking and steering systems; checking the condition of the wheels, wheel-nuts, mudguards, windscreen, windows and wipers, fluids (e.g. engine oil, coolant, washer fluid); checking and using the instrument panel including the recording equipment as defined in Regulation (EEC) No 3821/85. This latter requirement does not apply to the applicants for a driving licence for a category C1 or C1E vehicle not falling within the scope of that Regulation;”;

(e) after point 8.3.9 insert the following—

“8.4. Safe and energy-efficient driving

8.4.1. Driving in such a way as to ensure safety and to reduce fuel consumption and emissions during acceleration, deceleration, uphill and downhill driving, when necessary by selecting gears manually.”;

(f) for point 9.3.2 substitute—

“9.3.2. Driving economically and in a safe and energy-efficient way, taking into account the revolutions per minute, changing gears, braking and accelerating (categories B, BE, C, CE, C1, C1E, D, DE, D1, D1E only);”.

Amendments to Schedule 4C.

5. Schedule 4C is amended as follows—

- (a) in the title of the Schedule for the words “EUROPEAN COMMUNITY” substitute the words “EUROPEAN UNION”;
- (b) in paragraph 1 for the words “Community model” substitute the words “European Union model”;
- (c) in paragraph 3(c)—
 - (i) after the entry “B: Belgium” insert “BG: Bulgaria”;
and
 - (ii) after the entry “F: France” insert “HR: Croatia”;
- (d) in paragraph 3(e)—
 - (i) for the words “European Communities model” substitute the words “European Union model”;
 - (ii) immediately preceding the entry “Permiso de Conducción” insert the entry “Свидетелство за управление на МПС”; and
 - (iii) after the entry “Permis de conduire” insert the entry “Vozačka dozvola”;
- (e) in paragraph 3—
 - (i) in point 10 after the words “10. date of first issue of each category (this date must be repeated on the new licence in the event of subsequent replacement or exchange);” insert the words “each field of the date shall be written with two digits and in the following sequence: day.month.year (DD.MM.YY);”;
 - (ii) in point 11, after the words “11. date of expiry of each category;” insert the words “each field of the date shall be written with two digits and in the following sequence: day.month.year (DD.MM.YY);”;

- (iii) in point 12, for the words “harmonised Community codes” substitute the words “harmonised European Union codes”;
- (iv) after the entry for code 45 (Motorcycle with side car only) insert–
 - “46. Tricycles only”;
- (v) delete the entry for code 72;
- (vi) for the entry for code 73 substitute–
 - “73. Restricted to category B vehicles of the motor quadricycle type (B1)”;
- (vii) delete the entries for codes 74 to 77;
- (viii) for the entries for codes 79 to 96 substitute–
 - “79. (...) Restricted to vehicles which comply with the specifications indicated in brackets, for the application of Article 13 of Directive 2006/126/EC
 - 79.01. Restricted to two-wheel vehicles with or without side-car
 - 79.02. Restricted to category AM vehicles of the three-wheel or light quadricycle type
 - 79.03. Restricted to tricycles
 - 79.04. Restricted to tricycles combined with a trailer having a maximum authorised mass not exceeding 750 kg
 - 79.05. Category A1 motorcycle with a power/weight ratio above 0,1 kW/kg
 - 79.06 Category BE vehicle where the maximum authorised mass of the trailer exceeds 3 500 kg.

- 80. Restricted to holders of a driving licence for a category A vehicle of the motor tricycle type not having reached the age of 24 years
- 81. Restricted to holders of a driving licence for a category A vehicle of the two-wheel motorcycle type not having reached the age of 21 years
- 90. Codes used in combination with codes defining modifications of the vehicle
- 95. Driver holding CPC meeting the obligation of professional aptitude provided for by Directive 2003/59/EC until e.g.: 95(01.01.12)
- 96. Category B vehicles combined with a trailer with a maximum authorised mass exceeding 750 kg where the maximum authorised mass of such combination exceeds 3 500 kg but does not exceed 4 250 kg
- 97. Not authorised to drive a category C1 vehicle which falls within the scope of Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport.

-codes 100 and above: national codes valid only for driving in the territory of the EEA State which issued the licence.

Where a code applies to all categories for which the licence is issued, it may be printed under headings 9, 10 and 11;”;

- (ix) in point 14–
 - (aa) for the word “Czech” substitute “Bulgarian, Croatian, Czech”;
 - (bb) in subparagraph (c) for the words “Community model licence” substitute the words “European Union model driving licence”;

- (f) in paragraph 4, after the subparagraph “In the context of mutual recognition of licences, the bar code may not contain information other than what can already be read on the driving licence or which is essential to the process of issuing the licence.” insert–
 - “(c) Information contained in the front and reverse side of the card shall be legible with the eye, using a minimum character height of 5 points for items 9 to 12 on the reverse side.”.
- (g) after paragraph 4, in the depiction of the model driving licence, for the words “COMMUNITY MODEL DRIVING LICENCE” substitute “EUROPEAN UNION MODEL DRIVING LICENCE”.

Dated 19th December, 2013.

P J BALBAN,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Traffic (Licensing and Registration) Regulations in order to transpose Commission Directive 2012/36/EU of 19 November 2012 amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences and Council Directive 2013/22/EU of 13 May 2013 adapting certain directives in the field of transport policy, by reason of the accession of the Republic of Croatia.

