

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3745 of 26 November, 2009

LEGAL NOTICE NO. 75 OF 2009.

TRAFFIC ACT 2005

**VEHICLES (CONSTRUCTION, EQUIPMENT AND
MAINTENANCE) (AMENDMENT) REGULATIONS 2009**

In exercise of the powers conferred upon it by section 101 of the Traffic Act 2005, and in order to transpose into the law of Gibraltar Directive 2007/38/EC of the European Parliament and of the Council of 11 July 2007 on the retrofitting of mirrors to heavy goods vehicles registered in the Community, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Vehicles (Construction, Equipment and Maintenance) (Amendment) Regulations 2009 and shall come into operation on the day of publication.

2.(1) The Vehicles (Construction, Equipment and Maintenance) Regulations (hereinafter “the principal Regulations”) are amended in accordance with the provisions in this regulation.

(2) In regulation (2) of the principal Regulations, after the definition “carriageway” insert the following definitions—

““category N2 vehicles” are motor vehicles designed and constructed for the carriage of goods and have a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes, and “N2 vehicles” shall be construed accordingly;

“category N3 vehicles” are motor vehicles designed and constructed for the carriage of goods and have a maximum mass exceeding 12 tonnes, and “N3 vehicles” shall be construed accordingly;”.

(3) In regulation 24(1), for the word “Every” substitute the words “Subject to regulation 24A, every”.

(4) After regulation 24 of the principal Regulations, insert the following regulation—

“Mirrors: vehicles in N₂ and N₃ categories.

- 24A.(1) This regulation applies to N₂ vehicles and N₃ vehicles which have been registered, pursuant to the Traffic Act, after 1 January 2000.
- (2) This regulation does not apply to an N₂ vehicle having a maximum total permissible mass not exceeding 7.5 tonnes if it is impossible to mount a class V mirror that fulfils the following criteria—
- (a) no part of the mirror is less than 2 metres (a tolerance of +10 centimetres may be applied) from the ground, regardless of the adjustment position, when the vehicle is under a load corresponding to its maximum technically permissible weight; and
 - (b) the mirror is fully visible from the driving position.
- (3) N₂ vehicles and N₃ vehicles must be equipped, on the passenger side—
- (a) with wide-angle and close-proximity mirrors which fulfil the requirements for class IV and class V mirrors; or
 - (b) with wide-angle and close-proximity mirrors, whose combination of fields of vision covers not less than 95% of the field of vision at ground level of a class IV mirror and not less than 85% of the field of vision at ground level of a class V mirror.
- (4) In the case of a vehicle which the chief examiner is satisfied that for want of available, economically viable, technical solutions, it cannot be equipped with mirrors complying with the requirements set out in subregulation (3)(a) or (b), the chief examiner shall certify that that vehicle may be equipped with supplementary mirrors and/or other devices of indirect vision, provided that the combination of such devices covers not less than 95% of the field of vision at ground level of a class IV mirror and not less than 85% of the field of vision at ground level of a class V mirror.

- (5) For the purposes of this regulation a wide angle or close-proximity class IV or class V mirror means a mirror of a kind that meets the specifications set out in Schedule 3.
- (6) In accordance with Article 3(4) of Directive 2007/38/EC of the European Parliament and of the Council of 11 July 2007 on the retrofitting of mirrors to heavy goods vehicles registered in the Community, the Minister shall ensure that a list of technical solutions complying with subregulations (3) and (4) is communicated to the Commission.”.
- (5) After Schedule 2 to the principal Regulations insert the following schedule—

“SCHEDULE 3

Regulation 24A

Class IV mirrors

“Wide-angle” exterior mirror.

1. “Wide-angle” exterior mirror on the driver’s side.

The field of vision must be such that the driver can see at least a 15metre-wide, flat, horizontal portion of the road, which is bounded by a plane parallel to the median longitudinal vertical plane of the vehicle and passing through the outermost point of the vehicle on the driver’s side and which extends from at least 10 to 25 metres behind the driver’s ocular points.

In addition, the road must be visible to the driver over a width of 4.5 metres, which is bounded by a plane parallel to the median longitudinal vertical plane and passing through the outermost point of the vehicle starting from a point 1.5 metres behind the vertical plane passing through the driver’s ocular points (see Figure 1).

2. “Wide-angle” exterior mirror on the passenger’s side.

The field of vision must be such that the driver can see at least a 15 metres-wide, flat, horizontal portion of the road, which is bounded by a plane parallel to the median longitudinal vertical

plane of the vehicle and passing through the outermost point of the vehicle on the passenger's side and which extends from at least 10 to 25 metres behind the driver's ocular points.

In addition, the road must be visible to the driver over a width of 4.5 metres, which is bounded by a plane parallel to the median longitudinal vertical plane and passing through the outermost point of the vehicle starting from a point 1.5 metres behind the vertical plane passing through the driver's ocular points (see Figure 1).

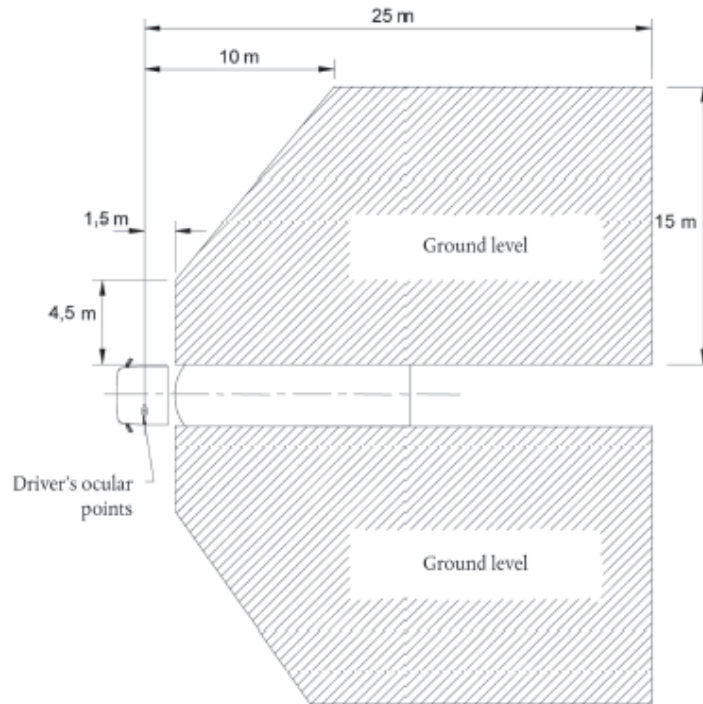


Figure 1: Field of vision of Class IV wide-angle mirrors

Class V mirrors

3. “Close-proximity” exterior mirror.

The field of vision must be such that the driver can see a flat horizontal portion of the road along the side of the vehicle, bounded by the following vertical planes (see Figures 2 and 3)–

- (a) the plane parallel to the median longitudinal vertical plane of the vehicle which passes through the outermost point of the vehicle cab on the passenger’s side;
- (b) in the transverse direction, the parallel plane passing at a distance of 2 metres in front of the plane mentioned in subparagraph (a);
- (c) to the rear, the plane parallel to the vertical plane passing through the driver’s ocular points and situated at a distance of 1.75 metres behind that plane;
- (d) to the front, the plane parallel to the vertical plane passing through the driver’s ocular points and situated at a distance of 1 metre in front of that plane. If the vertical transverse plane passing through the leading edge of the vehicle bumper is less than 1 metre in front of the vertical plane passing through the driver’s ocular points, the field of vision shall be limited to that plane.
- (e) in case the field of vision described in Figures 2 and 3 can be perceived through the combination of the field of vision from a Class IV wide-angle mirror and that of a Class VI front mirror, the installation of a Class V close proximity mirror is not compulsory.

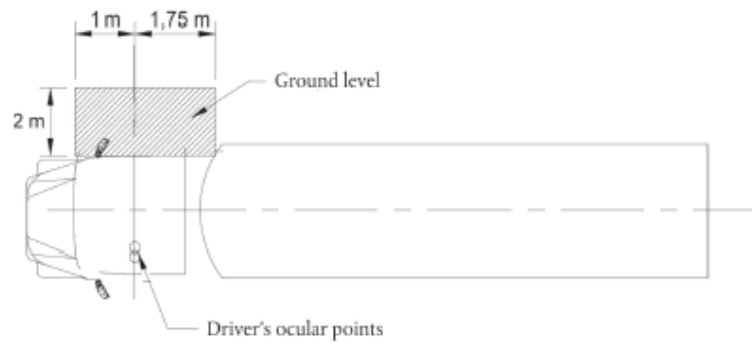


Figure 2

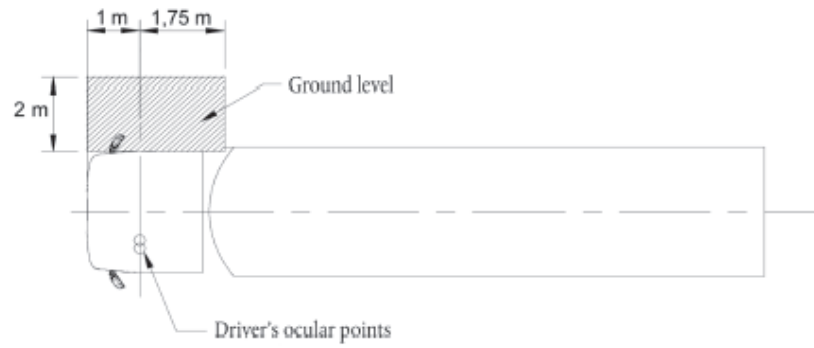


Figure 3''.

Dated 26th November, 2009.

J J HOLLIDAY,
Minister with responsibility for transport,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations transpose into the law of Gibraltar Directive 2007/38/EC on the retrofitting of mirrors to heavy goods vehicles. The Regulations will apply to all vehicles that fall within the vehicle categories N₂ and N₃, and which have been registered in Gibraltar after 1 January 2000. The regulations do not cover older vehicles. The obligation to retrofit mirrors does not extend to vehicles where this cannot be done, if the Chief Examiner is satisfied with the reasons given to him. The technical specifications for the mirrors are set out in Schedule 3. N₂ vehicles that have a maximum permissible mass not exceeding 7.5 tonnes may have different mirrors, as long as those satisfy the provisions in regulation 24A(2).

