

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 3964 of 15 November, 2012

LEGAL NOTICE NO. 161 OF 2012.

TRAFFIC ACT 2005

VEHICLES (CONSTRUCTION, EQUIPMENT AND MAINTENANCE) (AMENDMENT) REGULATIONS 2012

In exercise of the powers conferred upon it by sections 57 and 101 of the Traffic Act 2005, and for the purposes of transposing into the law of Gibraltar Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community, as amended by Directive 2002/85/EC of the European Parliament and of the Council of 5 November 2002, 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 2012 and come into operation on the day of publication.

Amendment of Regulations.

2. The Vehicles (Construction, Equipment and Maintenance) Regulations are amended by inserting the following Part after regulation 84—

“PART V SPEED LIMITERS

Interpretation of Part.

85.(1) In this Part “the Directive” means Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community, as the same may be amended from time to time.

(2) In this Part words used but not defined shall have the meanings given to them in the Directive.

Category M2 vehicles.

86. A category M2 vehicle that was registered on or after 1 January 2005 must have fitted to it a speed limitation device that is set in such a way that its speed cannot exceed 100 kilometres per hour.

Category M3 vehicles.

- 87.(1) A category M3 vehicle must have fitted to it a speed limitation device that is set in such a way that its speed cannot exceed 100 kilometres per hour.
- (2) A category M3 vehicle which has a maximum mass that exceeds 10 tonnes and which was registered after 31 December 1987 but before 1 January 2005 will comply with this Part if it has fitted to it a speed limitation device on which the maximum speed is set at 100 kilometres per hour.
- (3) This Regulation does not apply to a category M3 vehicle that was registered for the first time before 1 January 1988.

Category N2 vehicles.

88. A category N2 vehicle that was registered on or after 1 January 2005 must have fitted to it a speed limitation device that is set in such a way that its speed cannot exceed 90 kilometres per hour.

Category N3 vehicles.

89. A category N3 vehicle must have fitted to it a speed limitation device that is set in such a way that its speed cannot exceed 90 kilometres per hour.

Offences under Part V.

- 90.(1) Subject to regulation 91, a person who uses a vehicle that is not fitted with a speed limitation device in contravention of regulation 86, 87, 88 or 89 commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (2) A person who by any means whatsoever alters or interferes with a speed limitation device so that the vehicle can exceed the speed permitted for that category of vehicle, commits an offence and is liable on summary conviction to imprisonment for 3 months or to a fine not exceeding level 3 on the standard scale, or to both.

Exempt vehicles.

91. Part V does not apply to the following—
- (a) vehicles used by the police, fire service and other emergency services;
 - (b) vehicles used only for public services in urban areas;
 - (c) vehicles used by the armed forces;
 - (d) vehicles falling in categories N2 and N3 which by reason of their construction cannot drive faster than 90 kilometres per hour;
 - (e) vehicles falling in categories M2 and M3 which by reason of their construction cannot drive faster than 100 kilometres per hour;
 - (f) vehicles that are used on roads for scientific tests.

Licensing of speed-limitation device fitters etc.

- 92.(1) No person shall install a speed limitation device on a vehicle to which this Part applies unless he does so pursuant to a licence issued by the Minister under this regulation.
- (2) Upon payment of the fee of £50 the Minister may issue a licence for the purposes set out in subregulation (1) and that licence may be subject to such terms and conditions that the Minister deems fit to impose.
- (3) A licence issued under this regulation shall be valid for the period stated therein.

- (4) A police officer or any person authorised by the Minister for the purpose may require a person who has installed or whom he believes has installed a speed limitation device to produce a valid licence.
- (5) A person who—
- (a) installs speed limitation device without a valid licence;
 - (b) contravenes any term or condition contained in a licence; or
 - (c) without reasonable excuse fails to produce a licence when required to do so,
- commits an offence and is liable on summary conviction to a fine at level 3 on the standard scale.
- (6) The Minister may revoke a licence issued under this regulation where the licensee has been found guilty of an offence under Part V.”.

Dated 15th November, 2012.

PAUL BALBAN,
Minister with responsibility for traffic,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Vehicles (Construction, Equipment and Maintenance) Regulations in order to transpose Council Directive 92/6/EC which requires certain vehicles to be installed with speed limiters.

Only vehicles in categories M2, M3, N2 and N3 are covered by these Regulations and regulation 91 contains a list of vehicle types which are exempt from the requirement to have speed limiters installed. Some vehicles are also exempt by virtue of their date of registration.

The speeds at which the speed limiters will operate is provided for according to the class of vehicle in question.

Persons who fit speed limiters must have a licence that will be issued by the Minister.

These Regulations create the offence of installing speed limiters without being in possession of a valid licence or if done in breach of a condition in the licence. There is a further offence related to altering the speed limiter so that the vehicle may exceed the prescribed speed limits.