

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4363 of 4 May, 2017

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LEGAL NOTICE NO. 88 OF 2017.

## TRAFFIC ACT 2005

### VEHICLES (CONSTRUCTION, EQUIPMENT AND MAINTENANCE) REGULATIONS (AMENDMENT) 2017

In exercise of the powers conferred on it by sections 57 and 76 of the Traffic Act 2005, and for the purpose of transposing into the law of Gibraltar Directive (EU) 2015/719 of the European Parliament and of the Council of 29 April 2015 amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic, the Government has made these Regulations-

#### **Title.**

1. These Regulations may be cited as the Vehicles (Construction Equipment and Maintenance) (Amendment) Regulations 2017.

#### **Commencement.**

2. These Regulations come into operation on 7 May 2017.

#### **Amendment of regulations.**

3.(1) The Vehicles (Construction Equipment and Maintenance) Regulations are amended in accordance with the provisions of this regulation.

(2) In regulation 2(1)-

(a) immediately preceding the definition “articulated bus” insert-

““alternative fuels” means fuels or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector, consisting of-

- (a) electricity consumed in all types of electric vehicles;
- (b) hydrogen;
- (c) natural gas, including biomethane, in gaseous form (Compressed Natural Gas — CNG) and liquefied form (Liquefied Natural Gas — LNG);
- (d) Liquefied Petroleum Gas (LPG);
- (e) mechanical energy from on-board storage/on-board sources, including waste heat,

“alternatively fuelled vehicle” means a motor vehicle powered wholly or in part by an alternative fuel and which has been approved under the framework of Directive 2007/46/EC;”;

- (b) after the definition “indivisible load” insert-

““intermodal transport operation” means-

- (a) the combined transport operations defined in Article 1 of Council Directive 92/106/EEC engaged in the transport of one or more containers or swap bodies, up to a total maximum length of 45 feet; or
- (b) transport operations engaged in the transport of one or more containers or swap bodies, up to a total maximum length of 45 feet, using waterborne transport, provided that the length of the initial or the final road leg does not exceed 150 km in the territory of the European Union; the distance of 150 km referred to above may be exceeded in order to reach the nearest suitable transport terminal for the envisaged service in the case of-

(i) vehicles complying with item 2.2(a) in Table 1, Part 1 of Schedule 5, or

(ii) vehicles complying with item 2.2.2(c) or (d) in Table 1, Part 1 of Schedule 5, in cases where such distances are permitted in the relevant Member State:

for intermodal transport operations, the nearest suitable transport terminal providing a service may be located in a Member State other than the Member State in which the shipment was loaded or unloaded;”;

(c) after the definition “semi-trailer” insert-

““shipper” means a legal entity or a natural or legal person who is named on the bill of lading or on an equivalent transport document, such as a ‘through’ bill of lading, as the shipper and/or in whose name or on whose behalf a contract of carriage has been concluded with the transport company;”.

(3) After regulation 5B(4) insert-

“(5) The additional weight required by alternatively fuelled vehicles shall be defined on the basis of the documentation provided by the manufacturer and which is indicated in the official proof required in accordance with Article 6 of Directive 1196/53/EC.”.

(4) In regulation 5D for “70/156/EEC” substitute “2007/46/EC”.

(5) After regulation 34 insert-

**“Additional requirements for the transport of containers and swap bodies.**

54A.(1) Before a container or swap body is conveyed on a road the shipper must give to the haulier to whom it entrusts the transport of the container or swap body a written statement indicating the weight of the container or swap body to be transported.

- (2) A haulier must provide access, to a police officer or transport inspector, to all relevant documentation provided to it by the shipper.
- (3) A person who provides information under subregulations (1) or (2) which-
- (a) he knows to be false or that is intended to deceive; or
  - (b) which is incomplete in a material particular resulting in the vehicle or vehicle combination exceeding the permissible weights,
- is guilty of an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.
- (4) A person who without reasonable excuse fails to provide access to documentation under subregulation (2) commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.
- (5) If an offence under this regulation is committed by a corporate body and it is proved-
- (a) to have been committed with the consent or connivance of an officer; or
  - (b) to be attributable to any neglect on the part of an officer,
- the officer as well as the corporate body commits the offence and is liable to be proceeded against and punished accordingly.
- (6) In subregulation (5) "officer", in relation to a corporate body, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.
- (7) If the affairs of a corporate body are managed by its members, subregulation (5) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body.

(8) In this regulation “transport inspector” has the meaning given in section 2 of the Transport Act 1998.”.

(6) In Schedule 4-

(a) immediately preceding paragraph 1(2) insert-

“(1A) The maximum lengths laid down in items 1 to 9 of Table 1, subject where applicable to Article 9a(1) of Directive 1996/53/EC, and the maximum distance laid down in point 1.6 of Annex I of Directive 1996/53/EC, may be exceeded by 15 cm for vehicles or vehicle combinations engaged in the transport of 45-foot containers or 45-foot swap bodies, empty or loaded, provided that the road transport of the container or swap body in question is part of an intermodal transport operation.”

(b) after paragraph 1 insert-

“1A.(1) Vehicles or vehicle combinations which are equipped with aerodynamic devices meeting the requirements laid down in paragraph 1B may exceed the maximum lengths provided for in point 1.1 of Annex I of Directive 1996/53/EC, to allow the addition of such devices to the rear of vehicles or vehicle combinations.

(2) Vehicles or vehicle combinations equipped with such devices shall comply with point 1.5 of Annex I of Directive 1996/53/EC, and any exceeding of the maximum lengths shall not result in an increase in the loading length of those vehicles or vehicle combinations.

1B. The aerodynamic devices referred to in paragraph 1A shall fulfil the following operational conditions-

(a) in circumstances where the safety of other road users or of the driver is at risk, they shall be folded, retracted or removed by the driver;

- (b) their use on urban and inter urban road infrastructures shall take into account the special characteristics of areas where the speed limit is less than or equal to 50 km/h and where vulnerable road users are more likely to be present; and
- (c) their use shall be compatible with intermodal transport operations and, in particular, when retracted/folded, they shall not exceed the maximum authorised length by more than 20 cm.

1C.(1) Vehicles or vehicle combinations may exceed the maximum lengths laid down in point 1.1 of Annex I of Directive 1996/53/EC provided that their cabs deliver improved aerodynamic performance, energy efficiency and safety performance.

- (2) Vehicles or vehicle combinations equipped with such cabs shall comply with point 1.5 of Annex I of Directive 1996/53/EC and any exceeding of the maximum lengths shall not result in an increase in the load capacity of those vehicles.”.

- (c) in paragraph 2(1) insert the following entries after the entries corresponding to item 2-

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3	superstructures of conditioned vehicles or conditioned containers or swap bodies transported by vehicles	2.60
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- (7) In Part 1 of Schedule 5 for Table 1 substitute-

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**Table 1**

<i>Column 1</i> Item	<i>Column 2</i> Categories and types of vehicles and trailers	<i>Column 3</i> Maximum weight (in tonnes)
1	<i>Vehicles forming a part of a vehicle combination</i>	
1.1	Two-axle trailer	18
1.2	Three-axle trailer	24
2	<i>Vehicle combinations</i>	
2.1	Road trains with five or six axles-	
	(a)Two-axle motor vehicle with three-axle trailer	40
	(b)Three-axle motor vehicle with two or three axle trailer	40

2.2	<p>Articulated vehicles with five or six axles-</p> <p>(a) two-axle motor vehicle with three-axle semi-trailer</p> <p>(b) three-axle motor vehicle with two or three-axle semi-trailer</p> <p>(c) two-axle motor vehicle with three-axle semi-trailer carrying, in intermodal transport operations, one or more containers or swap bodies, up to a total maximum length of 45 feet</p> <p>(d) three-axle motor vehicle with two- or three-axle semi-trailer carrying, in intermodal transport operations, one or more containers or swap bodies, up to a total maximum length of 45 feet</p>	<p>40</p> <p>40</p> <p>42</p> <p>44</p>
2.3	Road trains with four axles consisting of a two-axle motor vehicle and a two-axle trailer	36

2.4	<p>Articulated vehicles with four axles consisting of a two-axle motor vehicle and a two-axle semi-trailer, if the distance between the axles of the semi-trailer:</p> <p>is 1.30 metres or greater but not more than 1.80 metres</p> <p>is greater than 1.80 metres</p>	<p>36</p> <p>36 + 2 tonnes margin when the maximum authorised weight (MAW) of the motor vehicle (18 tonnes) and the MAW of the tandem axle of the semi-trailer (20 tonnes) are respected and the driving axle is fitted with twin tyres and air suspension or suspension recognised as being equivalent within the Community as defined in Schedule 7</p>
3	<i>Motor vehicles</i>	
3.1	Two-axle motor vehicles other than buses	18 tonnes

	<p>Two-axle alternatively fuelled motor vehicles other than buses: the maximum authorised weight of 18 tonnes is increased by the additional weight required for the alternative fuel technology with a maximum of 1 tonne</p>	
	<p>Two-axle buses</p>	<p>19,5 tonnes</p>
	<p>Three-axle motor vehicles</p>	<p>—25 tonnes                  —26 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Schedule 7, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9,5 tonnes</p>

	Three-axle alternatively fuelled motor vehicles	the maximum authorised weight of 25 tonnes, or 26 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognised as being equivalent within the European Union as defined in Schedule 7, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9,5 tonnes, is increased by the additional weight required for the alternative fuel technology with a maximum of 1 tonne
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2.3.3	Four-axle motor vehicles with two steering axles	—32 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Schedule 7, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9.5 tonnes
2.4.1	<i>Three-axle articulated buses</i>	28 tonnes

2.4.2	Three-axle articulated buses alternatively fuelled:	the maximum authorised weight of 28 tonnes is increased by the additional weight required for the alternative fuel technology with a maximum of 1 tonne
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Dated 4th May, 2017.

P J BALBAN,  
Minister with responsibility for Transport  
for the Government.

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**EXPLANATORY MEMORANDUM**

These Regulations transpose into the law of Gibraltar Directive (EU) 2015/719 of the European Parliament and of the Council of 29 April 2015 amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic.