

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5030 GIBRALTAR Thursday 26th January 2023

LEGAL NOTICE NO. 11 OF 2023.

TRAFFIC ACT 2005

TRAFFIC (PERSONAL LIGHT ELECTRIC TRANSPORTERS)(AMENDMENT) REGULATIONS 2023

In exercise of the powers conferred upon it by sections 57, 76, 89, 90, 91, 92, 94A, 94C and 101 of the Traffic Act 2005 and all other enabling powers, the Government and the Minister have made the following Regulations-

Title.

1. These Regulations may be cited as the Traffic (Personal Light Electric Transporters)(Amendment) Regulations 2023.

Commencement.

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

Amendment of the Control of Traffic Regulations.

3.(1) The Control of Traffic Regulations are amended in accordance with this regulation.

(2) In regulation 2 after the definition of “crossing” insert-

““personal light electric transporter” has the meaning given in the Personal Light Electric Transporters Act 2023;”.

(3) In regulation 3(3) for “driver or rider” substitute “driver, rider or operator”;

(4) For regulation 3A substitute –

“3A(1) A motor vehicle must not overtake or attempt to overtake a bicycle or a personal light electric transporter if to do so would endanger or cause inconvenience to that cyclist or operator.

(2) A motor vehicle must leave a minimum distance of 1.5 metres when overtaking a bicycle or personal light electric transporter.”.

(5) In regulation 4 for “driver or rider” substitute “driver, rider or operator”.

(6) In regulation 5(2) for “driven or ridden” substitute “driven, ridden or operated”.

- (7) In regulation 6(3) for “driver or rider” substitute “driver, rider or operator”.
- (8) In regulation 7 for “driver or rider” substitute “driver, rider or operator”.
- (9) In regulation 9 (2) after tricycles, insert “personal light electric transporters,”.
- (10) Delete the heading “*Motor Vehicles*” immediately before regulation 10.
- (11) In regulation 10 after “motor vehicle” insert “or operating a personal light electric transporter”.
- (12) In regulation 15, after subregulation (2) insert-
- “(3) The operator of a personal light electric transporter intending to change direction, slacken the speed or stop the transporter shall before commencing to do so indicate his or her intention to do so by signal given by hand in the manner set out in subregulation (2).”.
- (13) In regulation 19A after “drive or ride” insert “or operate”.
- (14) For the heading before regulation 37 substitute-
- “*Bicycles and personal light electric transporters.*”.
- (15) In regulation 37-
- (a) in the heading and in subregulation (2), after “bicycle” insert “or a personal light electric transporter”;
- (b) after subregulation (1) insert-
- “(1A) It shall not be lawful for more than one person to be carried on a personal light electric transporter.”;
- (c) for subregulation (3) substitute-
- “(3) In this regulation references to a person carried on a bicycle or on a personal light electric transporter include references to a person riding the bicycle or operating the personal light electric transporter.”.
- (16) In regulation 38-
- (a) for the heading substitute “Control of bicycle or personal light electric transporter.”;
- (b) for regulation 38 substitute –

“38. It shall not be lawful for any person while riding a bicycle or operating a personal light electric transporter on any road-

- (a) to hold on to any other moving vehicle; or
- (b) to ride such bicycle or operate such personal light electric transporter without at least one hand being on the handle bar of such bicycle or personal light electric transporter.”.

(17) In regulation 39-

(a) for the heading substitute “Bell and other warning equipment.”;

(b) after subsection (2) insert-

“(3) No person shall operate a personal light electric transporter on any road unless the transporter is equipped with an efficient bell or horn capable of giving audible and sufficient warning of its approach.

(4) A bicycle or transporter and all of their related components, including the equipment referred to in this regulation shall be maintained in good working order at all times.”.

(18) For regulation 42 substitute-

“42. A person who-

- (a) rides or causes or permits to be ridden any bicycle; or
- (b) operates or causes or permits to be operated a personal light electric transporter,

in contravention of or who otherwise contravenes or neglects or fails to comply with the provisions of regulations 37 to 41 is guilty of an offence.”.

(19) In regulation 45(2) after “bicycle” insert “or operate a personal light electric transporter,”.

(20) In regulation 46(b) after “bicycle” insert “or operate a personal light electric transporter,”.

(21) For regulation 47 substitute-

“47. No person shall drive, ride or operate or cause or permit to be driven, ridden or operated any vehicle, bicycle or personal light electric transporter along any road shown on the diagram contained in Schedule 6, in a direction that is contrary to the direction indicated by any arrow shown on the diagram in relation to that road.”.

- (22) In regulations 47B, 47C and 47D-
 - (a) for “drive or cause or permit to be driven” substitute “drive, ride, operate or cause to be driven, ridden or operated”;
 - (b) for “manner of conveyance, whether a motor vehicle, bicycle or otherwise,” substitute “vehicle”.
- (23) In regulation 49 after “driver” insert “, rider or operator”.
- (24) In regulation 50 after “driver” insert “, rider or operator”.
- (25) In regulation 51 after “driver” insert “, rider or operator”.
- (26) In regulation 52 after “driver” insert “, rider or operator”.
- (27) In regulation 53A(1) after “driver” insert “, rider or operator”.

Amendment of the Prohibition of Use of Mobile Telephones While Driving Regulations 2010.

4.(1) The Prohibition of Use of Mobile Telephones While Driving Regulations 2010 are amended in accordance with this regulation.

(2) For regulations 2 and 3 of the Prohibition of Use of Mobile Telephones Regulations 2010 substitute –

- “2.(1) No person shall drive a motor vehicle, ride a bicycle or operate a personal light electric transporter on a road, if he or she is using–
 - (a) a hand-held mobile telephone; or
 - (b) a hand-held device of a kind specified in subregulation (4).
- (2) No person shall cause any other person to drive a motor vehicle, ride a bicycle or operate a personal light electric transporter on a road while that other person is using–
 - (a) a hand-held mobile telephone; or
 - (b) a hand-held device of a kind specified in subregulation (4).
- (3) No person shall supervise a holder of a Learner’s licence if the person supervising is using–
 - (a) a hand-held mobile telephone; or

- (b) a hand-held device of a kind specified in subregulation (4), at a time when the learner's licence holder is driving a motor vehicle on a road.
- (4) A device referred to in subregulations (1)(b), (2)(b) and (3)(b) is a device, other than a two-way radio operated by the police, emergency services, or a person authorised to drive a vehicle under a road service licence issued under the Transport Act 1998, which is capable of transmitting and receiving data, whether or not those capabilities are enabled.
- (5) A person does not contravene a provision of this regulation if, at the time of the alleged contravention—
 - (a) he or she is using the telephone or other device to call the police, fire, ambulance or other emergency service;
 - (b) he or she is acting in response to a genuine emergency; and
 - (c) it is unsafe or impracticable for the person to cease driving, cycling or operating a vehicle in order to make the call (or, in the case of an alleged contravention of subregulation (3)(b), for the learner's licence holder to cease driving while the call was being made).
- (6) A person does not contravene a provision of this regulation, if at the time of the alleged contravention—
 - (a) that person is using the mobile telephone or other device to make a contactless payment;
 - (b) that payment is for a good or service which is received at the same time as, or after, the contactless payment is made; and
 - (c) the motor vehicle, bicycle or personal light electric transporter is stationary.
- (7) For the purposes of this regulation—
 - (a) a mobile telephone or other device is to be treated as hand-held if it is, or must be, held at some point while being used;
 - (b) a person is treated as supervising a learner's licence holder if he or she does so under a condition imposed on that licence by virtue of section 34 of the Traffic Act 2005;
 - (c) in subregulations (1), (2) and (3), the word “using” includes the following—
 - (i) illuminating the screen;
 - (ii) checking the time;

- (iii) checking notifications;
 - (iv) unlocking the device;
 - (v) making, receiving or rejecting a telephone or internet based call;
 - (vi) sending, receiving or uploading oral or written content;
 - (vii) sending, receiving or uploading a photo or video;
 - (viii) utilizing camera, video or sound recording functionality;
 - (ix) drafting any text;
 - (x) accessing any stored data such as documents, books, audio files, photos, videos, films, playlists, notes or messages;
 - (xi) accessing an application;
 - (xii) accessing the internet;
- (d) “contactless payment” means a payment made at a contactless payment terminal using the contactless payment facility of a card, mobile telephone or other device; (e) “an application” means a software programme that runs through a web browser or offline on a mobile telephone or other device.

Offence.

3. A person who contravenes any provision of regulation 2 is guilty of an offence and is liable on summary conviction to a fine at level 3 on the standard scale.”.

Amendment of the Traffic (Parking and Waiting) Regulations 2011.

5.(1) The Traffic (Parking and Waiting) Regulations 2011 are amended in accordance with this regulation.

(2) In regulation 2-

- (a) after the definition of “permit issuing authority” insert-

““personal light electric transporter” has the meaning given in the Personal Light Electric Transporters Act 2023;”;

- (b) in the definition of “vehicle” for “bicycles, tricycles” substitute “bicycles, personal light electric transporters”.

Amendment of the Vehicles (Construction, Equipment and Maintenance) Regulations.

6.(1) The Vehicles (Construction, Equipment and Maintenance) Regulations are amended in accordance with this regulation.

(2) In regulation 2, after the definition of “oversized vehicle” insert –

““personal light electric transporter” has the meaning given in the Personal Light Electric Transporters Act 2023;”.

(3) In the heading to Part III, after “BICYCLES” insert “AND PERSONAL LIGHT ELECTRIC TRANSPORTERS”.

(4) After regulation 64 insert-

“Brakes on personal light electric transporters.

64A.(1) Every personal light electric transporter must have an effective stopping system controlled by using brakes, gears or motor control.

(2) The stopping system must be efficient and kept in proper working order.

(3) Any police officer in uniform is empowered to test and inspect the stopping system of any personal light electric transporter -

(a) on a road; or

(b) on any premises where the transporter is provided that such a test and inspection shall not be carried out on any such premises unless-

(i) the transporter has been involved in an accident;

(ii) the test and inspection are carried out within forty-eight hours of the accident;

(iii) and the owner of the premises consents.”.

(5) In the proviso to regulation 65(1)-

(a) in subparagraph (ii) delete “propelled by mechanical power and”;

(b) delete subparagraph (iii);

(c) in paragraph (iv) delete the final “and”;

(d) in subparagraph (v) for “.” substitute “; and”;

(e) after subparagraph (v) insert-

“(vi) in the case of a personal light electric transporter, only a single lighted lamp displaying a white light at the front of the transporter and a single lighted lamp displaying a red light at the rear of the transporter need be carried.”.

(6) In the provision to regulation 66-

(a) in subparagraph (i) omit the final “and”;

(b) in subparagraph (ii) for “.” substitute “; and”;

(c) after subparagraph (ii) insert-

“(iii) in the case of a personal light electric transporter, one reflector only shall be required.”

(7) In regulation 70(1)-

(a) in paragraph (b) omit “and”;

(b) in paragraph (c)(ii) for “.” substitute “; and”;

(c) after paragraph (c) insert-

“(d) in the case of a personal light electric transporter the lamp may either be attached to the transporter, or carried or worn by the operator on his or her person.”.

(8) In regulation 74(1) after “the extreme rear of the bicycle” insert “and in the case of a personal light electric transporter the lamp may either be attached to the transporter, or carried or worn by the operator on his or her person.”.

(9) In regulation 75(2) before “bicycle” insert “personal light electric transporter,”.

Amendment of the Traffic (Pedestrianisation) Regulations 2001.

7.(1) The Traffic (Pedestrianisation) Regulations 2001 are amended in accordance with this regulation.

(2) In regulation 2-

(a) in the definition of “Pedestrianised area” for “vehicles and bicycles” substitute “motor vehicles, bicycles and personal light electric transporters”;

(b) after the definition of “Pedestrianised area” insert-

““personal light electric transporter” has the meaning given in the Personal Light Electric Transporters Act 2023;”;

- (c) omit the definition of “vehicle”.
- (3) In regulation 4-
 - (a) in paragraph (a) for “vehicles and bicycles” substitute “motor vehicles, bicycles and personal light electric transporters”;
 - (b) in paragraph (b) for “vehicles” substitute “motor vehicles, bicycles and personal light electric transporters”.
- (4) In regulation 5-
 - (a) in subregulation (1) before “vehicle” insert “motor”;
 - (b) in subregulation (1ZA) after “bicycle” insert “or operate or park a personal light electric transporter”.
- (5) In regulation 6(2) before “vehicle” in both places it occurs insert “motor”.
- (6) In regulation 7, for “vehicles and bicycles” in both places it appears, substitute “motor vehicles, bicycles and personal light electric transporters”.

Amendment of the Traffic (Designation of Pedestrianised Areas) Order 2001.

8.(1) The Traffic (Designation of Pedestrianised Areas) Order 2001 is amended in accordance with this regulation.

- (2) In paragraph 3 before “vehicle” insert “motor”.
- (3) In paragraph 4-
 - (a) in the title insert “and personal light electric transporters”;
 - (b) after “bicycle” insert “or operate or park a personal light electric transporter”.

Amendment of the Traffic (Fixed Penalty) Regulations 2011.

9.(1) The Traffic (Fixed Penalty) Regulations 2011 are amended in accordance with this regulation.

- (2) In Schedule 1-
 - (a) in paragraph 3 after “Regulation 15(1)” insert “and 15(3)”;
 - (b) in paragraph 7 after “Driving” insert “, riding or operating vehicle”;

- (c) in paragraph 54 after “bicycle” insert “or operating or parking a personal light electric transporter”;
- (d) in paragraph 55 after “driving” insert “riding or operating a vehicle”.

Dated: 26th January 2023

P BALBAN
Minister for Transport,
and for the Government

EXPLANATORY NOTE
(This note is not part of the Regulations)

These Regulations are made pursuant to sections 57, 76, 89, 90, 91, 94A, 94C and 101 of the Traffic Act 2005 to extend provisions of existing legislation to personal light electric transporters.