

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,030 of 5th March, 1998

LEGAL NOTICE NO. 21 OF 1998

TRAFFIC ACT

**MOTOR VEHICLES TEST REGULATIONS (AMENDMENT)
REGULATIONS 1998**

In exercise of all the powers conferred on me by section 4B of the Traffic Act and of all other enabling powers, and for the purpose of transposing into the law of Gibraltar Council Directive 96/96/EC, I have made the following regulations –

Title and commencement.

1. These regulations may be cited as the Motor Vehicles Test Regulations (Amendment) Regulations 1998.

Interpretation.

2. In these regulations, “the principal regulations” means the Motor Vehicles Test Regulations 1987.

Time within which application for examination to be made.

3. In the principal regulations –

- (a) in paragraphs (a) and (b) of regulation 6, for the words “within 60 days”, wherever those words occur, there shall be substituted the words “not more than 60 days before the date”;
- (b) in regulation 7, for the words “within 30 days” there shall be substituted the words “not more than 30 days before the date”.

Extension of requirements of the Traffic (Licensing and Registration) Regulations to be tested.

4. The items set out in the following table shall be inserted in the appropriate places and in the appropriate columns of the table set out in paragraph 3 of Schedule 2 to the principal regulations –

Item	Regulation	Affecting	Applicable to	
			Motor vehicles	Trailers
8A	19	Rear registration plate lamps	Yes	Yes

Extension of requirements of the Vehicles (Construction, Equipment and Maintenance) Regulations to be tested.

5.(1) The items set out in the following table shall be inserted in the appropriate places and in the appropriate columns of the table set out in Part I of paragraph 4 of Schedule 2 to the principal regulations –

Item	Regulation	Affecting	Applicable to	
			Motor vehicles	Trailers
23A	29A	Fuel tanks and pipes	Yes	No

(2) The items set out in the following table shall be inserted in the appropriate places and in the appropriate columns of the table set out in Part II of paragraph 4 of Schedule 2 to the principal regulations –

Item	Regulation	Affecting	Applicable to	
			Motor vehicles	Trailers
32A	38	Wiring	Yes	Yes

Recording equipment to be tested where fitted.

6.(1) In regulation 13 of the principal regulations after paragraph (1) there shall be inserted the following paragraph –

“(1A) In carrying out the examination of a vehicle, it shall be the duty of the examiner to determine whether the vehicle complies with section 46A of the Traffic Act (vehicle recording equipment).”.

- (2) In Schedule 3 to the principal regulations after Part XI there shall be added the following Part –

“PART XII

THE VEHICLE RECORDING EQUIPMENT (TACHOGRAPH)
REQUIREMENTS

If the vehicle is a vehicle to which section 46A(3) of the Traffic Act applies it shall be examined to –

- (a) check the presence of the tachograph and the integrity of the seals;
- (b) check the validity of the tachograph plate if required by Council Regulation (EEC) No. 3821/85;
- (c) check whether the nominal circumference or size of type matches the data given on the tachograph plate; and
- (d) where practical, check that the seals of the tachograph and, where appropriate, any other means of protecting the connections against fraudulent manipulation are intact.”.

Testing of braking systems.

7. In Part IV of Schedule 3 to the principal regulations, after paragraph 6 there shall be inserted the following paragraph –

“(6A) Without prejudice to the generality of paragraphs (5) or (6), the items listed in Annex II to Council Directive 96/96/EC of 20 December 1996 are to be included in the roadworthiness test of vehicle braking systems.”.

Testing of exhaust emissions.

8. In Part VIII of Schedule 3 to the principal regulations, after paragraph 10 there shall be inserted the following paragraph –

“(10A) Without prejudice to the generality of paragraph 10(b), the vehicle shall be examined to determine whether it satisfies the tests set out in paragraph 8 of Annex II to Council Directive 96/96/EC of 20 December 1996.”.

Dated this 5th day of March, 1998.

M J ROBINSON,

Acting Governor.