

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**
No. 3489 of 25 August, 2005

LEGAL NOTICE NO. 122 OF 2005.

TRAFFIC ORDINANCE

**MOTOR VEHICLES TEST (AMENDMENT No.2) REGULATIONS
2005**

In exercise of the powers conferred upon it under section 7 of the Traffic Ordinance 2005, and all other enabling powers, the Government has made the following regulations—

Title and Commencement.

1.(1) These regulations may be cited as the Motor Vehicles Test (Amendment No.2) Regulations 2005.

(2) Subject to subregulation (3) these regulations come into operation on 25 August 2005.

(3) Paragraphs (i) to (iv), (vi) and (vii) of regulation 2(p) shall be deemed to have come into operation on 1 May 2004.

Amendments to the Motor Vehicles Test Regulations 1987.

2. The Motor Vehicles Test Regulations 1987 are amended as follows—

(a) in regulation 2—

(i) after the definition of “exceptional circumstances” insert—

““licensing authority” has the same meaning as in section 4 of the Traffic Ordinance 2005;” and

(ii) after the definition of “roadworthiness certificate”, insert—

““Transport Inspector” means a person designated as a Transport Inspector under the Transport Ordinance 1998;”;

(b) in regulation 3–

- (i) in paragraph (a) after “public service vehicle” for “.” substitute “,”; and
- (ii) in paragraph (c) substitute “four or more” for “more than four” on both occasions the phrase appears;

(c) in regulation 4–

- (i) substitute “Certificate” for “exemption” in the headnote;
- (ii) for subregulation (1) substitute the following–

“(1) The Chief Examiner may in respect of any motor vehicle or trailer extend the time for compliance with the provisions of regulations 6 or 7 if he is satisfied that, by reason of exceptional circumstances, it cannot be examined within the time required by these regulations.”; and

(iii) in subregulation (2)–

(aa) for “Exemption under this regulation shall be granted by a certificate” substitute “A certificate issued in accordance with subregulation (1) shall be”; and

(bb) for subregulation (2)(d) substitute–

“(d) the extended period of time, not being longer than three months, for the motor vehicle or trailer to comply with the provisions of regulations 6 or 7.”;

(d) in regulation 6(d) delete “as”;

- (e) for regulation 7 substitute the following–

“Applications for subsequent examinations.

7. The owner of a motor vehicle or trailer to which these regulations apply shall–

(a) subject to subregulation (b) apply for a biennial examination of that vehicle not more than 60 days before the expiry date of the first roadworthiness certificate or the latest roadworthiness certificate as the case may be, relating to it;

(b) in the case of an omnibus in respect of which more than 12 years have elapsed since the date of its manufacture the owner shall apply for a six-monthly examination of that vehicle not more than 30 days before the expiry date of the latest roadworthiness certificate.”;

- (f) in regulation 9(2)(c) substitute “.” for “;” at the end;

- (g) in regulation 12(1)–

(i) at the end of paragraph (c) for “.” substitute “; or”;
and

(ii) after paragraph (c) insert–

“(d) if as a result of any alteration to the vehicle it is unable to be tested by an examiner using the equipment available to him.”;

- (h) for regulation 13(1)(b) substitute “Transport Regulations 2000”;

- (i) in regulation 13(1A) substitute “section 36 of the Transport Ordinance 1998” for “section 46A of the Traffic Ordinance”;

- (j) for regulation 15 substitute–

“15.(1) Subject to subregulation (2) where any loss or damage to a motor vehicle or trailer, or any personal injury, whether fatal or not, is suffered by any person during the course of or as a result of the examination of a vehicle under these regulations, at a time when the examiner is driving or at the controls of the vehicle or, in the case of a trailer, the motor vehicle drawing it, the Government shall be liable for that loss, damage or injury.

(2) Where a vehicle has been altered from its original manufacturer’s specification or has had accessories fitted to it other than those provided by the manufacturer, the Government shall not be liable for any loss or damage to the vehicle caused by virtue of the alterations or additions.”;

- (k) in regulation 16(2) after “Chief Examiner” for “.” substitute “,”;
- (l) at the end of regulation 23 (1)(b) insert “; if, by virtue of the alterations, the vehicle is rendered uninspectable, the examiner shall withdraw the roadworthiness certificate”;
- (m) in regulation 24 after “re-examination of a vehicle” insert “pursuant to regulation 23” ;
- (n) in regulation 25–
 - (i) in subregulation (1) after “a police officer in uniform” insert “or, in the case of a public service vehicle, a Transport Inspector”;
 - (ii) in sub-regulation (2) after “police officer” in both places where the words appear insert “or Transport Inspector”;
- (o) in the proviso to regulation 26 after “police officer” insert “or Transport Inspector”;
- (p) in regulation 37–
 - (i) in subregulation (1) delete “and 1B”;

- (ii) in subregulation (1) for “14” substitute “24”;
- (iii) for subregulation (1A) substitute–
“(1A). Subject to subregulation (2) a roadworthiness certificate issued in respect of a motor vehicle or trailer shall be valid for the period stated on it not exceeding 24 months from the date of issue.”;
- (iv) delete subregulation (1B);
- (v) in subregulation (2) delete “and it has a seating capacity of less than 44 seats,”;
- (vi) in subregulation (3) for “an annual” substitute “a biennial”;
- (vii) after subregulation (3) insert a new subregulation as follows–
“(4) The Chief Examiner may, at the direction of the Licensing Authority, extend the period of validity of a roadworthiness certificate which has not, at the time the extension is granted, expired.”;
- (q) in regulation 40 for “24” substitute “36”;
- (r) in regulation 42 in the final subparagraph, for “£2” substitute “£5”;
- (s) in regulation 44 for “of £100” substitute “up to level 1 on the standard scale”;
- (t) for regulation 45 substitute the following–
“45. A person who–
 - (a) obstructs an examiner, a police officer or a Transport Inspector in the execution of his duty under these regulations;

(b) gives false information in answer to a question lawfully put to him under these regulations;

(c) fails to stop a motor vehicle for examination when required to do so; or

(d) fails to submit a vehicle for examination when under a duty to do so,

is guilty of an offence and is liable on summary conviction to a fine up to level 1 on the standard scale.”;

(u) in regulation 46(b)(ii)–

(i) for “stowed” substitute “towed”; and

(ii) delete “or thrown into the sea”;

(v) in Schedule 1, paragraph 20, for “section 48 of the Ordinance” substitute “the provisions of the Transport Ordinance 1998”;

(w) in Schedule 3 Part XII, for “section 46A(3) of the Traffic Ordinance” substitute “section 36 of the Transport Ordinance 1998”.

Dated this 25th day of August, 2005.

J J HOLLIDAY,

Minister with responsibility for transport,

for the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Motor Vehicles Test Regulations 1987.