

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 4067 of 20 March, 2014**

LEGAL NOTICE NO. 36 OF 2014.

TRAFFIC ACT 2005

MOTOR VEHICLES TEST (AMENDMENT) REGULATIONS 2014

In exercise of the powers conferred upon it by sections 7, 8 and 80 of the Traffic Act 2005, and all other enabling powers, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Motor Vehicles Test (Amendment) Regulations 2014 and come into operation on the day of publication.

Amendment of the Motor Vehicles Test Regulations 1987.

2. The Motor Vehicles Test Regulations 1987 are amended in accordance with the provisions of these Regulations.

3. In regulation 2—

(a) in the definition of “re-examination” after “roadworthiness certificate” insert “, roadworthiness classic certificate”.

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

““roadworthiness classic certificate” means a certificate issued by an examiner that a motor vehicle or trailer complies with the prescribed requirements under regulation 16A.”

4. In regulation 3(d) substitute—

“(d) trailers whether or not they have been used on roads in Gibraltar.”.

5. For regulation 8 substitute—

- “8.(1) Subject to sub-regulation (2), an application for the examination of a motor vehicle or trailer shall be in writing, in the form numbered MVT/2 in Schedule 4, and shall be sent with the prescribed fee, addressed to the Chief Examiner at the Centre.
- (2) An application for the examination of a motor vehicle or trailer manufactured before 1 January 1960 shall be in writing, in the form numbered MVT/2A in Part 1 of Schedule 6, and shall be sent with the prescribed fee, addressed to the Chief Examiner at the Centre.”.
6. In regulation 10(c) after “roadworthiness certificate” insert “or roadworthiness classic certificate”.
7. In regulation 13(1) for “In” substitute “Subject to regulation 13A, in”.
8. Regulation 13(1A) is deleted.
9. After regulation 13 insert–

“Objects and manner of examination –vehicles manufactured before 1 January 1960.

- 13A.(1) This regulation shall apply to any vehicle which–
- (a) was manufactured before 1 January 1960; and
- (b) by virtue of its construction will not satisfy the requirements set out in regulation 13.
- (2) In carrying out the examination of a vehicle to which this regulation applies, it shall be the duty of the examiner to determine whether the vehicle complies with the requirements set out in Part II of Schedule 6.
- (3) Nothing in Part II of Schedule 6 shall require or permit the Chief Examiner to require a vehicle to which this regulation applies to comply with any standards or requirements as to construction or maintenance which did not exist at the date of manufacture of the vehicle.

- (4) The manner in which examinations are to be carried out and the apparatus to be used shall comply with the requirements of Schedule 3 to such extent as the Chief Examiner considers appropriate having regard to the age and characteristics of the vehicle concerned.”.

10. After regulation 16 insert–

“Issue of roadworthiness classic certificate – vehicles manufactured before 1 January 1960.

16A.(1) Where on examination a vehicle to which regulation 13A applies is found to comply with the requirements prescribed by regulation 13A, the examiner shall issue to the owner of the vehicle a roadworthiness classic certificate in the form set out in Part III of Schedule 6.

- (2) The roadworthiness classic certificate referred to in sub-regulation (1) may be issued subject to conditions and such conditions shall be endorsed on the roadworthiness classic certificate.

- (3) In deciding whether to issue a roadworthiness classic certificate subject to conditions, regard shall be had to–

- (a) the safety of users of the vehicle;

- (b) the safety of other road users and pedestrians.

- (4) The roadworthiness classic certificate shall state the period of validity, which shall not exceed 24 months.”.

11. In regulation 17–

- (a) insert “(1)” before “Subject to the provisions of regulation 16(2)”;

- (b) after the newly labelled regulation “17(1)” insert–

- “(2) Where on examination a vehicle to which regulation 13A applies is found not to comply with the prescribed requirements, the examiner shall issue to the owner of the vehicle a notice of refusal of a

roadworthiness classic certificate, in the form numbered MVT/5A in Part IV of Schedule 6, which shall state the grounds for refusal.”

12. For the heading appearing after regulation 18 substitute—

“Re-examination after refusal of roadworthiness certificate or roadworthiness classic certificate.”

13. In regulation 19(1) after “roadworthiness certificate” insert “or a roadworthiness classic certificate”.

14. In regulation 20(1) after “roadworthiness certificate” insert “or a roadworthiness classic certificate as applicable”.

15. For regulation 21(3) and 21(4) substitute—

“(3) Subject to sub-regulation (3a), the manner in which re-examinations are carried out and the apparatus to be used in carrying out re-examinations in relation to a vehicle to which regulation 13 applies, shall comply with the requirements of Schedule 3.

(3a) In relation to a vehicle to which regulation 13A applies, the manner in which re-examinations are carried out and the apparatus to be used in carrying out re-examinations shall comply with the requirements of Part II of Schedule 6.

(4) On the completion of a re-examination, the examiner shall issue to the owner—

(a) in relation to a vehicle to which regulation 13 applies, a roadworthiness certificate or a notice of refusal in accordance with regulation 16 or regulation 17(1), as the case may be; or

(b) in relation to a vehicle to which regulation 13A applies, a roadworthiness classic certificate or a notice of refusal in accordance with regulation 16A or regulation 17(2), as the case may be.”

16. After regulation 30 insert—

“Bringing of appeals – vehicles manufactured before 1 January 1960.

30A.(1) A person aggrieved by the refusal of a roadworthiness classic certificate following the examination or re-examination of a motor vehicle or trailer or by the suspension of a motor vehicle licence following any such examination or re-examination or by a notice of defect given under regulation 28, may, within 14 days of the day when the notice was given, appeal to the licensing authority against the refusal or the suspension or the notice of defect, as the case may be.

(2) An appeal shall be by notice in the form MVT/7A set out in Part V of Schedule 6 and shall be accompanied by the prescribed fee.”.

17. In regulation 31 after “regulation 30” insert “or regulation 30A”.

18. For regulation 32 substitute–

“32.(1) As soon as practicable after his nomination, the appeal officer shall issue to the appellant–

(a) a notice of appointment in the form MVT/8 in Schedule 4, in respect of appeals brought under regulation 30; or

(b) a notice of appointment in the form MVT/8A in Part VI of Schedule 6, in respect of appeals brought under regulation 30A.

(2) The notice shall state the date and time appointed for re-examination of the vehicle and the place where the re-examination is to be carried out, which may be the Centre or such other place as the appeal officer may determine.”.

19. For regulation 34 substitute–

“34.(1) Subject to sub-regulation (2), the provisions of regulations 9, 11 and 12(2) and of Schedules 2 and 3 shall, mutatis mutandis, apply to re-examinations on appeal as they apply to other examinations.

- (2) In the case of a vehicle manufactured before 1 January 1960 the provisions of regulations 9, 11 and 12(2) and of Part II of Schedule 6 shall, mutatis mutandis, apply to re-examinations on appeal as they apply to other examinations.”.
20. In regulation 35 after “roadworthiness certificate” insert “, a roadworthiness classic certificate”.
21. In the heading appearing above regulation 36 insert “, **roadworthiness classic certificates**” after “**roadworthiness certificates**”.
22. In regulation 36 after “roadworthiness certificate” insert “, a roadworthiness classic certificate”.
23. In regulation 36(c)(v) after “roadworthiness certificate” insert “or a roadworthiness classic certificate”.
24. In the heading above regulation 37 after “roadworthiness certificates” insert “and roadworthiness classic certificates”.
25. In regulation 37(1) after “roadworthiness certificate” insert “or a roadworthiness classic certificate”.
26. In regulation 37(1A) after “roadworthiness certificate” insert “or a roadworthiness classic certificate”.
27. In the heading above regulation 38 after “roadworthiness certificate” insert “and roadworthiness classic certificate”.
28. In regulation 38 after “roadworthiness certificate” insert “or a roadworthiness classic certificate”.
29. In regulation 40 after “roadworthiness certificates” insert “, roadworthiness classic certificates”.
30. For regulation 44 substitute—
- “44.(1) A person is guilty of an offence if he uses, or causes or permits to be used on a road a motor vehicle or trailer—
- (a) for which under these regulations a roadworthiness certificate or a roadworthiness classic certificate is

required, without being in possession of a valid certificate;

- (b) to which any alteration has been made to which regulation 22 applies, and who has failed to comply with that regulation; or
- (c) after being served with a notice under regulation 28, and not having remedied the defect.

(2) Subject to sub-regulation (3) a person who is guilty of an offence under sub-regulation (1) is liable on summary conviction to a fine up to level 1 on the standard scale.

(3) A person who is guilty of an offence under sub-regulation (1) in respect of a vehicle manufactured before 1 January 1960 is liable on summary conviction to a fine up to level 4 on the standard scale.”.

31. In regulation 46(b) after “road worthiness certificate” insert “or a roadworthiness classic certificate”.

32. In Form MVT/2 of Schedule 4 for “Regulation 8.” substitute “Regulation 8(1).”.

33. In Form MVT/5 of Schedule 4–

- (a) for “Regulation 17.” substitute “Regulation 17(1).”;
- (b) in paragraph (1) appearing under the heading “NOTES” for “ten” substitute “four”.

34. In Form MVT/8 of Schedule 4 for “Regulation 32.” substitute “Regulation 32(1)(a).”.

35. In paragraph 8 of Schedule 5 after “roadworthiness certificate” insert “or roadworthiness classic certificate”.

36. After Schedule 5 insert–

“SCHEDULE 6

VEHICLES MANUFACTURED BEFORE 1 JANUARY 1960

PART I

FORM MVT/2A

Motor Vehicles Test Regulations 1987

Regulation 8(2)

**APPLICATION FOR THE EXAMINATION OR
RE-EXAMINATION OF A VEHICLE MANUFACTURED BEFORE 1
JANUARY 1960**

PLEASE READ ALL THE NOTES BEFORE COMPLETING THE FORM	PLEASE USE BLOCK LETTERS
---	-----------------------------

1. REGISTRATION NO
 2. CLASS OF VEHICLE
 3. TYPE OF BODY
 4. MEANS OF PROPULSION
 5. MAKE
 6. MODEL
 7. CHASSIS NO
 8. SERIAL NO
 9. DATE OF FIRST REGISTRATION
 10. DATE OF MANUFACTURE
 11. NO OF AXLES
 12. UNLADEN WEIGHTKG
 13. GVWKG
 14. TYPE OF BRAKING SYSTEM:
 - (a) Service Brake
 - (b) Secondary brake
 - (c) Parking brake
-

*I hereby declare that to the best of my knowledge and belief all the statements in this application are true.

TELEPHONE No Signature
During normal working hours

DATE

* NAME OF OWNER

Roadworthiness Classic Certificate

The above vehicle was at the date of its examination found to comply with the statutory requirements relating to the construction and condition of the motor vehicle/trailer or their accessories and equipment and was issued with a roadworthiness classic certificate which expires on

SIGNATURE

Examiner

The above vehicle was at the date of its examination found NOT to comply with the statutory requirements relating to the construction and condition of the motor vehicle/trailer or their accessories and equipment and was issued with a Notice of Refusal of a roadworthiness classic certificate serial No

SIGNATURE

Examiner

I hereby apply for a re-examination of the above vehicle.

DATE SIGNATURE

The above vehicle was at the date of re-examination found NOT to comply with the statutory requirements.

SIGNATURE

Examiner

I hereby apply for a further re-examination of the above vehicle.

DATE SIGNATURE

The above vehicle was at the date of the re-test found NOT to comply with the statutory requirements

SIGNATURE
Examiner

NOTES:

1. Registration number of motor vehicle or trailer.
2. State whether the vehicle is a Motor Cycle, Private Motor Vehicle, Goods Vehicle.
3. State whether the type of body is Camper, Convertible, Estate, Hatchback, Motor Cycle, Pick-up, Saloon, Van, etc.
4. State whether means of propulsion runs on Diesel, Electricity, Petrol, Petrol Mixture.
14. State whether braking system is a split-system, Hydraulic, Air, Vacuum, Air/Hydraulic, Mechanical, Servo Motors, Power Assisted, Multi-Pull etc.

FOR OFFICE USE ONLY

NAME OF PERSON MAKING APPOINTMENT

DATE TIME

DATE OF EXAMINATION	
TIME	
FEE PAID	
DATE OF RE-EXAMINATION	
TIME	
FEE PAID	
DATE OF FURTHER RE-EXAMINATION	
TIME	
FEE PAID	

FOR COMPLETION AT THE CENTRE

For the purpose of the test the vehicle must/may*

*Be presented without a load

*Delete as necessary.

PART II

**PRESCRIBED REQUIREMENTS – ROADWORTHINESS CLASSIC
CERTIFICATE**

Regulation 13A

1. In considering whether to grant a Roadworthiness Classic Certificate the Chief Examiner shall have regard to the following–

- (a) whether the vehicle has a braking system operated by the driver, which is sufficiently effective to bring the vehicle to a halt within a reasonable distance or has a braking efficiency of not less than 22%;
- (b) whether the vehicle complies with the requirements contained in paragraph 4 of Schedule 2 of these Regulations.

2. Where due to the design and construction of the vehicle–

- (a) the brakes do not comply with the requirement in paragraph 1(a), the Chief Examiner shall impose a condition that the vehicle may not be driven at a speed exceeding 15 kilometres per hour;
- (b) the lights do not comply with the requirement in paragraph 1(b), the Chief Examiner shall impose a condition that the vehicle is not driven during the hours of darkness or in conditions of poor visibility.

3. Any restriction imposed shall be endorsed on the roadworthiness classic certificate.

PART III

Regulation 16A

ROADWORTHINESS CLASSIC CERTIFICATE

The vehicle, of which the registration number is.....
has been examined under the regulation 13A of the Motor Vehicles Test Regulations 1987. It is hereby certified that at the date of the examination

the statutory requirements prescribed by the regulations were complied with in relation to the vehicle.

Class of Vehicle.....
Make.....
Chassis No.....
Serial No.....
Unladen weight
Gross weight.....
Recorded mileage.....
Date of manufacture.....

Restrictions imposed as to permitted use of vehicle:

Stamp

Signature
Of/on behalf of Chief Examiner

ISSUE DATE.....

EXPIRY DATE.....

WARNING

A roadworthiness classic certificate should not be accepted as evidence of the satisfactory mechanical condition of a used vehicle offered for sale

KEEP THIS CERTIFICATE SAFELY

NOTES:

1. You are advised to keep this certificate readily available. It need not be carried in the vehicle, but it must be produced if required by a Royal Gibraltar Police Officer and on renewal of the vehicle licence.
2. If this certificate is lost or defaced an application for a duplicate may be made to the Chief Examiner.

Anyone finding this certificate is required to send it to the Motor Vehicle Test Centre, Gibraltar.

PART IV

MVT/5A

Motor Vehicles Test Regulations 1987

Regulation 17(2)

Serial No.

R

NOTICE OF REFUSAL OF A ROADWORTHINESS CLASSIC CERTIFICATE.

The vehicle of which the registration number is having been examined under the Motor Vehicles Test Regulations 1987, it is hereby notified that a roadworthiness classic certificate in respect of the vehicle is refused on the grounds that:

(a) A full examination of its braking system or systems as required by the regulations could not safely be carried out because at the date of the examination there were the following defects:-

.....
.....
.....

(b) In so far as the examination of the vehicle was carried out it was found that the statutory requirements prescribed by the regulations were not complied with for the following reasons-

.....
.....
.....
.....
.....

CLASS OF VEHICLE

MAKE

CHASSIS NO

TRAILER SERIAL NO.

DATE OF ISSUE DATE OF EXPIRY

Signature

Examiner

(See notes overleaf)

Keep this Notice save you may need it when your vehicle is re-tested.

NOTES:

1. Your vehicle has been refused a roadworthiness classic certificate for the reasons shown overleaf. If you intend to continue to use it on the road you should have it repaired without delay. As soon as the necessary repairs have been carried out, you should have your vehicle re-tested. You are permitted to drive the vehicle without a roadworthiness classic certificate when submitting it by previous arrangement for or bringing it away from an examination, or taking it or bringing it away from a place where repairs are to be or have been done to remedy the defects for which the vehicle was failed. You are advised that if you use a defective vehicle on a road for any other reason you could be prosecuted.
2. If your vehicle is returned for a re-test within 14 days of the date on this notice, half the current fee will be payable. If it is brought after 14 days of the date of failure, a full current fee is payable.
3. If you do not agree with the refusal notice, you may appeal. If you wish to appeal against all or any of the grounds for refusal you must use a special form which you can obtain from the Motor Vehicle Test Centre. The completed appeal form with the current appeal fee must be received within 14 days of the date of the Refusal Notice. If your appeal is successful, the fee or, if appropriate, part of it may be returned to you. Do not have your vehicle repaired before the appeal test is carried out since any change in the condition of the vehicle may preclude the successful outcome of the appeal.

PART V

**FORM MVT/7A
Motor Vehicles Test Regulations 1987**

Regulation 30A

**NOTICE OF APPEAL – ROADWORTHINESS CLASSIC
CERTIFICATE**

**BEFORE COMPLETING THIS NOTICE PLEASE READ THE
NOTES OVERLEAF
PLEASE USE BLOCK LETTERS**

Name and Address of Appellant
.....
Telephone Number
During normal working hours

Indicate day of the week on which it will be convenient for the vehicle to be submitted for the appeal test.

PARTICULARS OF VEHICLE	
Registration No	
Class	Type
Make	Model
Chassis no	Trailer Serial No.
Date of manufacture	

I/We, being aggrieved by the refusal of a roadworthiness classic certificate, or the grounds upon which the roadworthiness classic certificate was refused, or the suspension of a licence, in respect of the vehicle, particulars of which are given above, hereby appeal to the Licensing Authority against such refusal or suspension.

The grounds on which the appeal is made are:

The Notice of Refusal or a Roadworthiness Classic Certificate Serial No. TC was issued on

I have read Note 6 overleaf and declare that the following changes have taken place in the condition of the vehicle since that date:–

(If the vehicle's condition has remained unchanged since the test please write unchanged"):

DATE SIGNATURE.

1. An appeal against the refusal to grant a roadworthiness classic certificate or against the suspension of a licence cannot be considered unless this form is completed and signed and is received by the Licensing Authority within 14 days from the date of the Notice of Refusal of a Roadworthiness Classic Certificate.
2. The Form must be accompanied by your remittance for the appeal fee.
3. DO NOT send the Notice of Refusal of a roadworthiness classic certificate with this form.
4. The vehicle will be examined by an Appeal Officer appointed by the Licensing Authority, probably, but not necessarily, at the Motor Vehicle Test Centre.
5. Every effort will be made to arrange the examination day in accordance with the preference expressed, but no guarantee can be given that this will be possible.
6. It is important that the Appeal Officer should see the vehicle in the same condition in which it was examined at the Motor Vehicle Test Centre. Any changes in the condition of the vehicle or its equipment which may have occurred by reason of repairs, adjustments, accidents or other events must therefore be declared. Such changes, if they directly or indirectly affect the condition of the particular items on which the appeal is based, may preclude the successful outcome of the appeal.

PART VI

**Form MVT/8A.
Motor Vehicles Test Regulations 1987**

Regulation 32(1)(b)

NOTICE OF APPOINTMENT FOLLOWING APPEAL

Registration No
Class Type
Make Model
Chassis No Trailer Serial No.
Date of Manufacture

Dear Sir/Madam

With reference to your appeal against the refusal of a roadworthiness classic certificate or the suspension of a licence in respect of the above vehicle arrangements have been made for a further examination of the vehicle to be carried out by an Appeal Officer at
.....at hours at

2. You or the person submitting the vehicle on your behalf, should bring:

- (a) This appointment notice.
- (b) The Notice of Refusal of a roadworthiness classic certificate or the Notice of Suspension of a licence in connection with which the appeal is made.

3. Please be prompt for the appointment.

4. If it is impossible to submit the vehicle at the time or date stated, please notify this office immediately and say if you wish:

- (a) To withdraw the appeal, or
- (b) For arrangements to be made, if practicable, for the appeal examination to be carried out at another time or date.

If the later, please suggest two alternative times or dates for another appointment.
.....

5. IF THE VEHICLE IS NOT SUBMITTED AT THE PLACE AND TIME STATED ABOVE THE FEE CANNOT BE REPAID unless notification that it is not proposed to keep the appointment is given not less than two clear days (excluding Saturdays, Sundays and Public Holidays) before that time.

6. NO GUARANTEE can be given that arrangements can be made for the examination to be carried out at another time.

Yours faithfully

Licensing Authority”.

Dated 20th March, 2014.

P J BALBAN,
Minister with responsibility for traffic,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Motor Vehicle Test Regulations 1987 to enable the issue of a Roadworthiness Classic Certificate in respect of vehicles manufactured before 1 January 1960. Such vehicles will not require a Roadworthiness Certificate, but will require a Roadworthiness Classic Certificate. The criteria for the issue of a Roadworthiness Classic Certificate may not require that a vehicle manufactured before 1 January 1960 complies with any standards as to construction or manufacture which did not exist at the date of manufacture of the vehicle.

**Printed by the Gibraltar Chronicle Printing Limited
Unit 3, New Harbours
Government Printers for Gibraltar,
Copies may be purchased at 6, Convent Place, Price £1.45.**