

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4366 of 18 May, 2017

LEGAL NOTICE NO. 96 OF 2017.

INTERPRETATION AND GENERAL CLAUSES ACT

**TRAFFIC ACT 2005 (AMENDMENT)
REGULATIONS 2017**

In exercise of the powers conferred on it by sections 23(g)(ii) of the Interpretation and General Clauses Act, and for the purpose of transposing, in part, into the law of Gibraltar Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles, the Government has made these Regulations-

Title.

1. These Regulations may be cited as the Traffic Act 2005 (Amendment) Regulations 2017.

Commencement.

2. These Regulations come into operation on 20 May 2018.

Amendment of Act.

3.(1) The Traffic Act 2005 is amended in accordance with the provisions of this regulation.

(2) In section 2-

(a) after the definition “bicycle” insert-

““cancellation of a registration” means the cancellation of an authorisation for a vehicle to be used in road traffic;”;

(b) after the definition “Services vehicle” insert-

““suspension”, in relation to a motor vehicle, means a limited period of time in which a vehicle is not

authorised to be used in road traffic following which, provided the reasons for suspension have ceased to apply, it may be authorised to be used again without involving a new process of registration;”.

(3) In section 10-

(a) for subsection (4) substitute-

“(4) The examiner shall lift the suspension as soon as he is satisfied that the defects have been remedied, and shall give notice that the suspension has been lifted to the owner of the vehicle and to the Commissioner of Police and in any such a case it now further process of registration may be required.”;

(b) after subsection (4) insert-

“(5) The suspension under subsection (1) and the lifting of the suspension under subsection (4) shall be recorded electronically in the register maintained under section 14.”.

(4) In section 14 after subsection (3) insert-

“(4) The register referred to in subsection (1) must be capable of electronically recording data on all vehicles registered under this Act.

(5) The register referred to in subsection (1) must include data in respect of the following-

- (a) all mandatory elements in accordance with point II.5 of Annex I of Directive 1999/37/EC as well as the elements of points II.6(J) and II.6(V.7) and (V.9) of that Annex, where the data are available;
- (b) other non-mandatory data listed in Annex I or data from the certificate of conformity as provided for in Directive 2007/46/EC of the European Parliament and of the Council, where possible;

- (c) the outcome of mandatory periodic roadworthiness tests in accordance with Directive 2014/45/EU of the European Parliament and of the Council and the period of validity of the roadworthiness certificate.
- (6) The licensing authority may exchange information contained in the register with equivalent competent authorities, in particular so as to check, before any registration of a vehicle, the latter's legal status, where necessary in the Member State in which it was previously registered.
- (7) The processing of personal data in the context of this section must be carried out in accordance with Directives 95/46/EC and 2002/58/EC of the European Parliament and of the Council.
- (8) In this section, a reference to "the Directive 1999/37/EC" means Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles, as the same may be amended from time to time."

Dated 18th May, 2017.

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

EXPLANATORY MEMORANDUM

These Regulations amend the Traffic Act 2005 to transpose, in part, Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles.

