

Subsidiary Legislation made under s. 97.

TRAFFIC (FIXED PENALTY) REGULATIONS 2011**(LN. 2011/058)***Commencement* **14.4.2011**

| Amending enactments | Relevant current provisions | Commencement date |
|---------------------|-----------------------------|-------------------|
| LN. 2011/084 | Sch. 1 | 9.6.2011 |
| 2012/015 | Sch. 1 | 16.2.2012 |
| 2012/068 | Sch. 1 | 26.4.2012 |

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title and commencement.
2. Offences.
3. Fixed penalty rates.
4. Form of notice under section 97.
5. Copy to be sent to the designated person.
6. Identification of notice.
7. Only full amount of penalty to be accepted.
8. Discounts for prompt payment.
9. Issue of receipt.
10. Revocation.

SCHEDULE 1
FIXED PENALTY OFFENCES**SCHEDULE 2**
FORM OF NOTICE

In exercise of the powers conferred on the Government by section 97 of the Traffic Act 2005, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Traffic (Fixed Penalty) Regulations 2011 and come into operation on publication.

Offences.

2. The offences listed in Schedule 1 to these Regulations are declared to be offences for the purposes of section 97 of the Act and to be known as “fixed penalty offences”.

Fixed penalty rates.

3. The fixed penalty for an offence described and listed in the second and third columns respectively of the table in Schedule 1 shall be that in the fourth column.

Form of notice under section 97.

4.(1) A notice under section 97(2) of the Act offering the opportunity of the discharge of any liability to conviction of an offence to which that section applies by payment of a fixed penalty (hereinafter in these regulations referred to as “a notice”) shall be in the form in Schedule 2 or in a form to the like effect or any form that contains the information required by these regulations, the Act or any other Regulations made under the Act.

(2) A notice, in specifying an alleged offence, shall contain a reference to the section of the Act or, as the case maybe, the rule, order or regulation allegedly contravened.

Copy to be sent to the designated person.

5. A copy of any notice given under section 97 shall, as soon as practicable, be forwarded by or on behalf of the police officer or authorised person giving the notice to the designated person.

Identification of notice.

6.(1) The person paying a fixed penalty shall either forward with the remittance the payment slip attached to the relevant notice or identify the notice by specifying its serial number.

(2) If, owing to the failure of the person paying a fixed penalty to comply with the provisions of sub-regulation (1), the designated person is unable to identify the relevant notice, the designated person shall, as soon as practicable, return the remittance to that person.

Only full amount of penalty to be accepted.

7. If less than the full amount of a fixed penalty payable on the date of payment is tendered to the designated person in payment of the fixed penalty the clerk shall, as soon as practicable, return to the sender the amount tendered.

Discounts for prompt payment.

8.(1) This regulation applies where a person is served a fixed penalty notice under section 97 of the Act.

(2) Where this regulation applies, a person who makes payment within 14 days of the fixed penalty notice being issued shall only be liable to pay 50% of the amount of the fixed penalty.

Issue of receipt.

9. Subject to the foregoing provisions of these regulations the designated person shall, as soon as practicable after payment of a fixed penalty has been made to him send to the payer a receipt for the payment.

Revocation.

10. The Traffic (Fixed Penalty Offences) Notice 2005, the Traffic (Fixed Penalty) Regulations and the Traffic (Fixed Penalty Rates) Order are revoked.

SCHEDULE 1

Regulations 2 and 3

FIXED PENALTY OFFENCES

| DESCRIPTION OF THE OFFENCE | ENACTMENT | FIXED PENALTY (£) |
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|----------------------------|-----------|-------------------|

CONTROL OF TRAFFIC REGULATIONS

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|----|---|--|----|
| 1. | Leaving a vehicle unattended and not drawn up to the right hand side of the road so as to permit the maximum clear passage for passing traffic. | Control of Traffic Regulations Regulation 8(a) | 50 |
| 2. | Causing a vehicle or trailer to cause unnecessary obstruction of a road or obstruct the passage of traffic. | Regulation 17 | 50 |
| 3. | Stopping a vehicle or part thereof within the limits of a pedestrian crossing. | Regulation 50 | 50 |

TRAFFIC (PARKING AND WAITING) REGULATIONS 2011

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| 4. | Parking a vehicle where prohibited by a traffic sign | Traffic (Parking and Waiting) Regulations 2011, Regulation 3(1) | 50 |
| 5. | Parking a vehicle in contravention of a traffic sign. | Regulation 3(2) | 50 |
| 6. | Parking without the requisite permit in a place indicated by signs to be for permit holders only | Regulation 3(3) | 60 |

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| 7. | Parking a vehicle on a footpath | Regulation 3(4) | 50 |
| 8. | Parking a motorcycle in a space demarcated for a motor car or in between such spaces | Regulation 3(6) | 50 |
| 9. | Parking a motor car in a space demarcated for motor cycles | Regulation 3(7) | 50 |
| 10. | Parking a vehicle in a communal area. | Regulation 3(8). | 50 |
| 11. | Parking a caravan in a public place not authorised therefor | Regulation 3(9) | 50 |
| 12. | Parking adjacent to the air terminal in a non-demarcated place | Regulation 3(10) | 50 |
| 13. | Parking and disrupting the free flow of traffic | Regulation 3(11) | 60 |
| 14. | Parking at a taxi rank | Regulation 3(12) | 50 |
| 15. | Waiting or parking in a loading bay | regulation 3(13) | 50 |
| 16. | Parking at a bus stop | Regulation 4(1) | 100 |
| 17. | Parking in a manner obstructing access to a bus stop | Regulation 4(2) | 100 |
| 18. | Parking for a period exceeding the specified maximum | Regulation 5(1) | 50 |
| 19. | Parking for a continuous period exceeding 14 days | Regulation 5(2) | 50 |
| 20. | Parking in a space reserved for official vehicles | Regulation 6(2) | 50 |
| 21. | Parking or waiting with a vehicle, other than a motor vehicle, in a car park | Regulation 12(2) | 50 |

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| 22. | Parking or waiting with a motor cycle, or bicycle, in a place other than one demarcated for their use | Regulation 12(3) | 50 |
| 23. | Parking a vehicle not a motorcycle in a space demarcated for motorcycles | Regulations 13(2) | 50 |
| 24. | Parking a vehicle in a demarcated place where the vehicle or part of it is outside the demarcated area. | Regulation 14(2) | 50 |
| 25. | Parking in a Pay and Display Zone for more than five hours | Regulation 23(1)(c) | 50 |
| 26. | Parking in a Pay and Display Zone without having paid the required fee. | Regulation 23(1)(a) | 50 |
| 27. | Parking in a Pay and Display Zone without displaying the ticket as required by regulations. | Regulation 23(1)(b) | 50 |
| 28. | Waiting with or parking a vehicle in a manner interfering with the free flow of traffic except for loading or unloading goods. | Regulation 24(1) | 50 |
| 29. | Waiting with or parking a vehicle at a place where waiting is prohibited by traffic signs or yellow line on the ground. | Regulation 24(2) | 50 |
| 30. | Waiting in a vehicle adjacent to the air terminal at a place not demarcated for alighting or unloading | Regulation 24(3) | 50 |
| 31. | Waiting with a vehicle at a taxi rank | Regulation 24(4) | 50 |
| 32. | Waiting in a place reserved for | Regulation 24(5) | 50 |

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official vehicles

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| 33. | Waiting in a bus stop or restricting access to a bus stop | Regulation 24(6) | 100 |
| 34. | Stopping in a Red Zone | Regulation 27(3) | 100 |
| 35. | Parking a vehicle in a disabled bay or waiting with a vehicle in a disabled bay without displaying a badge in accordance with regulations. | Regulation 42 | 100 |
| 36. | Leaving a derelict vehicle on the road or public place | Regulation 47 | 200 |

TRAFFIC (PELICAN PEDESTRIAN CROSSINGS) REGULATIONS 1986

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| 37. | Stopping a vehicle or part thereof within the limits of a “pelican” crossing. | Traffic (Pelican Pedestrian Crossings) Regulations 1986, Regulation 10(1) | 50 |
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TRAFFIC ACT 2005

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| 38. | Neglecting to pay the authorised parking fee or causing or permitting a vehicle to remain in a parking place after the expiry of the period for which payment of the fee authorises parking. | Traffic Act 2005 section 92(5) | 50 |
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TRAFFIC (PEDESTRIANISATION) REGULATIONS 2001

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| 39. | Driving or parking on a road within a Pedestrianised zone established under the Traffic (Pedestrianisation) Regulations 2001 without | Traffic (Pedestrianisation) Regulations 2001, Regulation 5 | 50 |
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2005-26

Traffic

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displaying a permit or other
than in accordance with the
terms of a valid permit.

SCHEDULE 2

Regulation 4

FORM OF NOTICE

Notice Number:

Notice Served on:

By Highways Enforcement Officer:

Who had reason to believe that the following contravention had occurred and that a penalty charge is now payable:

Date of contravention: Time:

Vehicle observed from:

Location:

Vehicle Registration:

Make: Colour:

A penalty charge of X is now payable. Payment must be received by Gibraltar Car Parks Ltd at Unit 11, 45 North Mole Road, no later than the last day of the period of 28 days beginning with the date on which this notice was issued.

The fixed penalty will be reduced by a discount of 50% to X if Gibraltar Car Parks Ltd receives payment no later than the last day of the period of 14 days beginning with the date on which this Fixed Penalty Notice was issued.

SEE OVERLEAF FOR

How to pay

What happens if the charge is not paid

-----DETACH HERE -----

Payment Slip

Fixed Penalty Notice number:

Notice issued on:

Vehicle registration:

Contravention:

The penalty charge is X or X if payment is received by Gibraltar Car Parks Ltd no later than the last day of the period of 14 days beginning with the date on which this payment was served.

DO NOT IGNORE THIS NOTICE

Within 14 days from the date of issue of this notice you can

- Pay the reduced fixed penalty detailed overleaf which will be accepted as full settlement.
Payment **must** be received by Gibraltar Car Parks Ltd within 14 days from the date of service of this notice to be eligible for the reduced penalty charge.

After the expiry of the 14 day discount period you can

- Pay the full fixed penalty detailed overleaf.

After 28 days from the date of service of this notice

- If the fixed penalty is not paid in full the notice will be forwarded to the Magistrates' Court and a Summons issued.

HOW TO PAY

By cash or cheque in person or by post, in all cases to Gibraltar Car Parks Ltd, Unit 11, 45 North Mole Road. A receipt for the payment will be given. Part payment will not be accepted. The person paying the penalty must forward with the remittance the payment slip of the notice. This notice is deemed to have been given to the person liable for the offence indicated above. If the fixed penalty is not paid within the time limit set, the offender is liable to be prosecuted.

FOREIGN VEHICLE FIXED PENALTY DEPOSIT REQUIREMENT

A vehicle not registered in Gibraltar which is committing or has committed an offence contrary to the Traffic Act 2005 will be imposed a fixed penalty deposit requirement. Payment of the appropriate amount will be immediately made to the authorised person. The person can then, within 90 days, request a hearing.

Where a hearing is not requested and proceedings are not brought in respect of the offence, the fixed penalty deposit will be used in payment of the fixed penalty.

Where a hearing is requested, the person making the request must designate a person resident or carrying on business in Gibraltar to accept service on his behalf of the summons or other legal process document in respect of the alleged offence.

If a fixed penalty deposit requirement is not paid immediately the vehicle used to commit the alleged offence may be immobilised or removed until payment (together with applicable additional removal charges) is effected or the fixed penalty deposit requirement cancelled.

FOR ALL ENQUIRIES IN RELATION TO THIS FIXED PENALTY NOTICE PLEASE CONTACT GIBRALTAR CAR PARKS LTD.