

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE  
No. 4361 of 20 April, 2017**

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LEGAL NOTICE NO. 77 OF 2017.

**TRAFFIC ACT 2005**

**TRAFFIC (FIXED PENALTY) (AMENDMENT)  
REGULATIONS 2017**

In exercise of the powers conferred upon him by section 94A and 94C of the Traffic Act 2005 the Minister has made the following Regulations.

**Title.**

1. These Regulations may be cited as the Traffic (Fixed Penalty) (Amendment) Regulations 2017.

**Commencement.**

2. These Regulations come into operation on the day of publication.

**Amendment of Regulations.**

3.(1) The Traffic (Fixed Penalty) Regulations 2011 are amended in accordance with the provisions of this regulation.

(2) Regulation 4 is revoked.

(3) In regulation 8-

(a) in subregulation (1) for “section 97” substitute “Part VIIA”;  
and

(b) after subregulation (2) insert-

“(3) This regulation does not apply to an offence listed in Schedule 1 which is marked with the entry “Regulation 8(2) (50% discount) does not apply.”

(4) Schedule 1 is amended by inserting the following-

(a) before paragraph 1 insert-

“

|      |  |   |      |
|------|--|---|------|
| 1ZA. | Overtaking traffic other than on the left<br><i>Regulation 8(2) (50% discount) does not apply.</i> | Control of Traffic Regulations<br>Regulation 3(2) | £100 |
|------|--|---|------|

”;

(b) after paragraph 1 insert-

“

|     |  |                  |      |
|-----|--|------------------|------|
| 1A. | Failing to indicate change of direction<br><i>Regulation 8(2) (50% discount) does not apply.</i> | Regulation 15(1) | £100 |
|-----|--|------------------|------|

”;

(c) after paragraph 2 insert-

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|     |  |                             |      |
|-----|--|-----------------------------|------|
| 2A. | Failing to wear protective headgear<br><i>Regulation 8(2) (50% discount) does not apply.</i> | Regulations 32(1) and 32(4) | £100 |
|-----|--|-----------------------------|------|

|     |  |  |      |
|-----|--|--|------|
| 2B. | Protective headgear not securely fastened<br><i>Regulation 8(2) (50% discount) does not apply.</i> | Regulations 32(2)(b), 32(2)(c) and 32(4) | £100 |
|-----|--|--|------|

|     |  |                  |      |
|-----|--|------------------|------|
| 2C. | Driving against the flow of traffic<br><i>Regulation 8(2) (50% discount) does not apply.</i> | Regulation 45(1) | £100 |
|-----|--|------------------|------|

”;

(d) after the heading "TRAFFIC ACT 2005" insert-

“

- |      |  |   |      |
|------|--|---|------|
| 37A. | Speeding<br><i>Regulation 8(2) (50% discount) does not apply.</i>                    | Traffic Act 2005<br>Section 44(1) (in conjunction with Regulations 43 and 44 of the Control of Traffic Regulations) | £100 |
| 37B. | Contravening a Traffic sign<br><i>Regulation 8(2) (50% discount) does not apply.</i> | Traffic Act 2005<br>Section 85(1)(b)  | £100 |

”;

(e) after paragraph 39 insert-

“

PROHIBITION OF USE OF MOBILE TELEPHONES WHILE DRIVING  
REGULATIONS 2010

- |     |  |   |      |
|-----|--|---|------|
| 40. | Using a mobile telephone or device whilst driving<br><i>Regulation 8(2) (50% discount) does not apply.</i> | Prohibition of Use of Mobile Telephones while Driving Regulations 2010<br>Regulations 2(1)(a) and 3 | £100 |
|-----|--|---|------|

TRAFFIC (WEARING OF SAFETY BELTS) REGULATIONS 2008

- |     |   |   |      |
|-----|---|---|------|
| 41. | Failing to wear a seat belt – driver<br><i>Regulation 8(2) (50% discount) does not apply.</i> | Traffic (Wearing of Safety Belts) Regulations 2008<br>Regulations 4(2)(a) and 7 | £100 |
|-----|---|---|------|

42. Failing to wear a seat belt – passenger  
*Regulation 8(2) (50% discount) does not apply.* Regulations 4(2)(a) and 7 £100
43. Driver carrying unbelted child  
*Regulation 8(2) (50% discount) does not apply.* Regulations 4(2)(b) and 7 £100
44. Driver carrying child under 135 cms without proper restraint  
*Regulation 8(2) (50% discount) does not apply.* Regulations 4(3)(b) and 7 £100

TRAFFIC (TRAFFIC LIGHTS) REGULATIONS, 1986

45. Contravening a traffic light  
*Regulation 8(2) (50% discount) does not apply.* Traffic (Traffic Lights) Regulations, 1986 Regulations 4(1)(a) and 6 (in conjunction with section 85(1)(b) Traffic Act 2005) £100

TRAFFIC (PELICAN PEDESTRIAN CROSSINGS) REGULATIONS, 1986

46. Contravening a traffic light (pelican crossing)  
*Regulation 8(2) (50% discount) does not apply.* Traffic (Pelican Pedestrian Crossings) Regulations, 1986 Regulation 8 £100

VEHICLES (CONSTRUCTION, EQUIPMENT AND MAINTENANCE) REGULATIONS

- |     |  |   |      |
|-----|--|---|------|
| 47. | Inefficient/Defective exhaust<br><i>Regulation 8(2) (50% discount) does not apply.</i> | Vehicles<br>(Construction, Equipment and Maintenance) Regulations<br>Regulation 30(2) | £100 |
| 48. | Excessive noise<br><i>Regulation 8(2) (50% discount) does not apply.</i>               | Regulation 32   | £100 |

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(5) Schedule 2 is revoked.

Dated 20th April, 2017.

P J BALBAN,  
Minister with responsibility for Traffic.

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**EXPLANATORY MEMORANDUM**

These Regulations amend the Traffic (Fixed Penalty) Regulations 2011 to allow for some offences to be disposed of by way of fixed penalty notice.