

Subsidiary Legislation made under s.60.

**Traffic (Exchange of Non-EEA State Licences)
Regulations 2019**

LN.2019/077

	<i>Commencement</i>	4.4.2019
Amending enactments	Relevant current provisions	Commencement date
LN. 2019/137	r. 3(Z1), (1)	4.4.2019

2005-26

Traffic

2019/077

**Traffic (Exchange of Non-EEA State Licences)
Regulations 2019**

ARRANGEMENT OF REGULATIONS

Regulation

1. Title.
2. Interpretation.
3. Recognition and exchange of non-EEA state driving licences.
4. Recognition of non-EEA licences: minimum ages.
5. Discretion of Chief Examiner.
6. Fees.
7. Form.

**SCHEDULE 1
LIST OF STATES**

**SCHEDULE 2
FORM 20A.**

In exercise of the powers conferred on it by section 60 of the Traffic Act 2005, the Government has made the following Regulations-

Title.

1. These Regulations may be cited as the Traffic (Exchange of Non-EEA State Licences) Regulations 2019 and come into operation on the day of publication.

Interpretation.

2. In these Regulations-

“EEA state” means a State which is party to the European Economic Area;

“non-EEA state” means a State which is not party to the European Economic Area and which is listed in Schedule 1; and

“two or more States” includes both EEA states and non-EEA states.

Recognition and exchange of non-EEA state driving licences.

3.(Z1) Subject to regulations 4 and 5, a valid national driving licence of a non-EEA state authorising the driving on any public roads in that State shall for as long as the licence continues to be valid in the non-EEA state in which it was issued have the same validity and effect as if it were a licence issued under the Traffic Act 2005.

(1) Subject to regulations 4 and 5, where the holder of a valid national driving licence of a non-EEA state authorising the driving on any public roads in that State takes up normal residence in Gibraltar that licence shall for as long as the licence continues to be valid in the non-EEA state in which it was issued and as long as the holder continues to normally reside in Gibraltar have the same validity and effect as if it were a licence issued under the Traffic Act 2005.

(2) Where the holder of a valid national driving licence issued by a non-EEA state has taken up residence in Gibraltar, he may request that his driving licence be exchanged for an equivalent licence under the Traffic Act 2005.

(3) Before issuing a licence pursuant to a request made to it under subregulation (2) the licensing authority may make such investigations as it may consider necessary to find out if the driving licence to be exchanged is at the relevant time valid, and if so in respect of which categories, and such a request may be refused where any of the following apply-

2005-26

Traffic

2019/077

**Traffic (Exchange of Non-EEA State Licences)
Regulations 2019**

- (a) the driving licence is restricted, suspended or withdrawn in a non-EEA state or a EEA state;
- (b) although the driving licence is issued in a non-EEA state it has been restricted, suspended or withdrawn in Gibraltar;
- (c) the driving licence has been cancelled in a non-EEA state or in a EEA state.

(4) Upon the issue of a driving licence under this regulation the licensing authority shall return the surrendered licence to the non-EEA state which issued the licence and shall give that State reasons why it is doing so.

(5) The licensing authority may renew an expired non-EEA licence through the issue of a Gibraltar driving licence as from 2 years after the date on which the holder took up normal residency in Gibraltar.

(6) The licensing authority may issue a replacement driving licence to a person from a non-EEA state who is resident in Gibraltar upon application to it (for example if it has been lost or stolen) and in considering such a request the licensing authority shall have regard to any information in its possession or, where appropriate to such proof as may be obtained from the competent authorities of the issuing non-EEA state.

(7) For the purpose of this Part, “normal residence” means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

(8) The normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more States shall be regarded as being the place of his personal ties, provided that such person returns there regularly, this subregulation does not apply where the person is living in a State in order to carry out a task of a definite duration, and attendance at a university or school shall not imply transfer of normal residence.

Recognition of non-EEA licences: minimum ages.

4. For the purposes of regulation 3, a driving licence shall only be deemed to be valid if the holder has attained the minimum age limit for the category of vehicle set out in section 31 of the Traffic Act 2005.

Discretion of Chief Examiner.

5.(1) Subject to subregulation (2), the Chief Examiner of the Driver and Vehicle Licensing Department may impose such restrictions as he sees fit for the recognition and exchange of driving licences under these Regulations to be implemented by the licencing authority.

(2) The Chief Examiner of the Driver and Vehicle Licensing Department may-

- (a) limit the extent of recognition of a non-EEA state licence or class of licence;
- (b) suspend, withdraw or cancel the right to drive of the holder of a non-EEA state driving licence.

Fees.

6. The prescribed fee shall equate to that for the exchange of an EEA driving licence under Schedule 2 to the Traffic (Licensing and Registration) Regulations.

Form.

7. The prescribed form for a request for the exchange of a non-EEA driving licence under these Regulations shall be as contained in Form 20A in Schedule 2.

2005-26

Traffic

2019/077

**Traffic (Exchange of Non-EEA State Licences)
Regulations 2019**

SCHEDULE 1

(Regulation 2)

LIST OF STATES

Andorra
Australia
Barbados
British Virgin Islands
Canada
Falkland Islands
Faroe Islands
Guernsey
Hong Kong
Isle of Man
Japan
Jersey
Monaco
New Zealand
Singapore
South Africa
South Korea
Switzerland - Category C vehicles (restricted to large vehicles only)
Zimbabwe

SCHEDULE 2

(Regulation 7)

FORM 20A.

APPLICATION FOR A GIBRALTAR DRIVING LICENCE IN EXCHANGE FOR A DRIVING LICENCE ISSUED BY A NON-EEA STATE

TRAFFIC (EXCHANGE OF NON-EEA STATE LICENCES) REGULATIONS 2019

Please read Notes then complete in BLOCK LETTERS

Surname

Forenames.

Address (see Note A)

Date and place of birth

Date your Gibraltar residence started

Do you hold a Gibraltar driving licence covering you in another category if YES, which

Country and address where current licence was issued
.

Categories covered

Date of expiry

Are you currently disqualified by a court from holding a driving licence if YES, give date and period of disqualification

has a Court disqualified or endorsed your licence for any offence in the last 4 years (or in the last 11 years for any offence in Note B), if YES, give details
.

Can you read a car number plate in good daylight (with glasses if worn) at a distance of 23 metres

2005-26

Traffic

2019/077

**Traffic (Exchange of Non-EEA State Licences)
Regulations 2019**

Are you without hand or foot or have you any defect in limb movement or power
.

Have you now or have you ever had: (See Note C)

- (i) epilepsy, seizures, fainting or any mental illness or defect
 - (ii) or any other disability or medical condition which could affect your fitness as a driver either now or in the future,if the answer to either question is YES give details
-

DECLARATION

WARNING. You are liable to prosecution if you knowingly make a false statement to obtain a driving licence or do not give details of current endorsements.

I declare that I have checked the answers given in this application, that to the best of my knowledge and belief they are correct, and that I am not disqualified by reason of age or otherwise from holding or obtaining the licence for which I am applying.

Signature of Applicant.

Date

For Official Use.

Medical advice sought

Legal advice sought

Exchange Approved/Refused

Reason for refusal

Member state licence returned to

Date

A. A business, club or hotel address cannot be accepted unless you live there permanently.

B. Driving or attempting to drive while under the influence of drink or drugs.

Driving or attempting to drive with an excess of alcohol in the body.

Failure to provide a specimen of breath, blood or urine at a police station after driving or attempting to drive a motor vehicle.

Aiding or abetting one of the above offences.

C. Among the reasons for answering YES and giving details are:

that you have been treated for drug addiction in the last three years;

that you have diabetes;

that you have a heart condition or are fitted with a cardiac pacemaker.

Other conditions you must report include:

blackouts, strokes, multiple sclerosis, Parkinson's disease, angina, coronaries, high blood pressure, arthritis, disorder of vision, alcoholism.