

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4244 of 1 March, 2016

LEGAL NOTICE NO. 37 OF 2016.

INTERPRETATION AND GENERAL CLAUSES ACT

**TRANSPORT (MISCELLANEOUS AMENDMENTS)
REGULATIONS 2016**

In exercise of the powers conferred by sections 23(g) and 27 of the Interpretation and General Clauses Act and in order to further implement Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport, the Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Transport (Miscellaneous Amendments) Regulations 2016.

Commencement.

2. These Regulations come into operation on 2 March 2016.

Amendments to Transport Act 1998.

3.(1) The Transport Act 1998 (“the Act”) is amended in accordance with this regulation.

(2) In section 66A of the Act-

- (a) delete the definition “analogue recording equipment”;
- (b) delete the definition “the Community Recording Equipment Regulation”;

(c) after the definition “employer” insert the following definition-

“EU Tachographs Regulation” means Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport, as the same may be amended from time to time;”;

(d) in the definition “record sheet” for “Article 16(2) of the Community Recording Equipment Regulation” substitute “Article 37(2) of the EU Tachographs Regulation”;

(e) delete the definition “the relevant Annexes”;

(f) after subsection (1) insert-

“(1A) A reference to Annex IB to the EU Tachographs Regulation has effect, until the coming into force of that Annex, as a reference to Annex IB to Council Regulation (EEC) No. 3821/85 on recording equipment in road transport.”.

(3) In section 66D of the Act-

(a) in subsection (1)(a)(i) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”;

(b) for subsection (1)(a)(ii) substitute-

“(ii) complies with Annexes I and II to that Regulation; and”;

(c) in subsection (1)(a)(iii) for “Articles 13 to 15” substitute “27 to 29 and 32 to 37”;

(d) in subsection (2) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”;

- (e) in subsection (3) for “the relevant Annexes to the Community Recording Equipment Regulation” substitute “Annexes I and II to EU Tachographs Regulation”;
 - (f) in subsection (4)(b) for “Article 16(2) of the Community Recording Equipment Regulation” substitute “Article 37(2) of the EU Tachographs Regulation”;
 - (g) in subsection (5)(c) for “Articles 13 to 15 of the Community Recording Equipment Regulation” substitute “Articles 27 to 29 and 32 to 37 of the EU Tachographs Regulation”;
 - (h) for subsection (6)(b) substitute-
 - “(b) the requirements of Articles 29(2) to (5), 35 and 37(2) of the EU Tachographs Regulation;”;
 - (i) in subsection (6)(c) for “Articles 13 to 15 of the Community Recording Equipment Regulation” substitute “Articles 27 to 29 and 32 to 37 of the EU Tachographs Regulation”;
 - (j) in subsection (7) for “Articles 13 to 15 of the Community Recording Equipment Regulation” substitute “Articles 27 to 29 and 32 to 37 of the EU Tachographs Regulation”;
 - (k) in subsection (8)-
 - (i) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”;
 - (ii) after the words “used in that vehicle” insert “not being a vehicle which is exempt by virtue of Article 3(2) or (3) of that Regulation”.
- (4) In section 66F(2) of the Act for “Article 15(2) or (5) or 16(2) of the Community Recording Equipment Regulation” substitute “Articles 34(1), (3), (4) or (6) or 37(2) of the EU Tachographs Regulation”.
- (5) In section 66G(1)(b) of the Act for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.

(6) In section 66H(8) of the Act for “Annex 1B to the Community Recording Equipment Regulation” substitute “Articles 2(2)(n) of the EU Tachographs Regulation”.

(7) In section 66J(3) of the Act for “Annex 1B to the Community Recording Equipment Regulation” substitute “Articles 2(2)(n) of the EU Tachographs Regulation”.

(8) In section 66M(3) of the Act for the words “complying with the relevant Annexes (within the meaning of that section)” substitute “complying with Annexes I and II of the EU Tachographs Regulation”.

(9) In section 66O of the Act-

- (a) in subsection (1)(b) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”;
- (b) in subsection (2)(a) for “Article 15(7) of the Community Recording Equipment Regulation” substitute “Article 36 of the EU Tachographs Regulation”;
- (c) in subsection (6) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.

(10) In section 66P of the Act-

- (a) in subsection (2)(a) for “analogue recording equipment” substitute “analogue tachograph”;
- (b) delete subsection (7).

(11) In section 66S of the Act-

- (a) in subsection (1) after paragraph (d) insert-
 - “(e) if he holds more than one driver card;
 - (f) if he uses a card other than a card issued to him;
 - (g) if he uses a driver card which is defective; or
 - (h) if he uses a driver card which is damaged.”;

- (b) in subsection (2)(a) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”;
- (c) in subsection (6) for the words “produces, supplies or installs” substitute “produces, distributes, installs, advertises or sells”.

Amendment of Regulations.

4.(1) The Transport (Recording Equipment) (Minimum Conditions) Regulations 2008 (“the Regulations”) are amended in accordance with this regulation.

(2) In regulation 2 of the Regulations for “(b) Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport” substitute “(b) Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport, as the same may be amended from time to time;”.

(3) In regulation 10(1) of the Regulations for “Article 19(3) of Regulation (EEC) No 3821/85 as amended from time to time” substitute “Article 40 of Regulation (EU) No 165/2014”.

(4) In regulation 12(2) of the Regulations for “Article 15(7)(a)(i) of Regulation (EEC) No 3821/85” substitute “Article 36 of Regulation (EU) No 165/2014”.

(5) In Part A of Schedule 1 to the Regulations for “Article 15(7) of Regulation (EEC) No 3821/85” substitute “Article 36 of Regulation (EU) No 165/2014” on both occasions those words appear.

Dated 1st March 2016.

P J BALBAN,
Minister with responsibility for Transport.

EXPLANATORY MEMORANDUM

These Regulations amend the Transport Act 1998 and the Transport (Recording Equipment) (Minimum Conditions) Regulations 2008 in order to further implement Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport.

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