

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 3,188 of 22nd September, 2000

LEGAL NOTICE NO.73 OF 2000

TRANSPORT ACT 1998

TRANSPORT (AMENDMENT) REGULATIONS 2000

In exercise of the powers conferred on him by section 69 of the Transport Act 1998, and all other enabling powers, the Minister has made the following Regulations-

Title.

1. These Regulations may be cited as the Transport (Amendment) Regulations 2000.

Amendments to the Transport Regulations 2000

2. The Transport Regulations 2000 are amended as follows-

- (a) in regulation 45(1), after “vehicle” insert “registered as such after the coming into operation of these regulations”;
- (b) in regulation 64(1), delete “securely fastened to the roof of” and substitute “affixed to”;
- (c) delete regulation 67(2) and substitute “No owner or driver of a taxi and no person acting on behalf of a driver or owner of a taxi shall act so as to cause inconvenience or annoyance to any person.”;
- (d) delete regulation 77(2) and renumber sub-regulation (3) as “(2)”;
- (e) in regulation 91(1), add “except white” at the end;
- (f) in regulation 117(1), delete “the commencement of the tour” and substitute “the time when the persons booked on the tour entered Gibraltar by that frontier”;

- (g) in regulation 117(3), add at the beginning “In exceptional circumstances,”, replace “T” with “t” in the first “The” and add a full stop at the end of the sub-regulation.
- (h) delete regulation 118(1)(c) and substitute the following-
 - “(c) the licensee or operator of a licensed vehicle has, without reasonable excuse, failed to abide by any decision or instruction given in the course of his duties by a Transport Inspector or an officer of the Ministry of Tourism and Transport duly designated as an ex-officio Transport Inspector.”;
- (i) in regulation 118, add the following as sub-regulation (3)-
 - “(3) The Commission shall not revoke or suspend any licence under this regulation before the expiry of at least one week’s written notice to the licensee warning him of the Commission’s proposed course of action and informing him of the opportunity to make representations (whether in writing or orally) to the Commission on why the licence should not be revoked or suspended.”;
- (j) after regulation 124, the following regulation is added-

“Appeals

124 A.(1) This regulation applies to the following decisions of the Commission taken on or after the date this regulation comes into operation –

- (a) a decision to grant or renew, or refuse to grant or renew, a licence;

(b) a decision to include additional or different conditions to a licence;

(c) a decision to revoke or suspend a licence.

(2) Subject to sub-regulation (5), a person aggrieved by a decision to which this section applies may appeal against the decision on any one or more of the following grounds:

(a) that a material error as to the facts has been made;

(b) that there was a material procedural error;

(c) that a material error of law has been made;

(d) that there was some other material illegality.

(3) An appeal of the nature referred to in sub-regulation (2) lies to the Supreme Court.

(4) The Supreme Court determining an appeal of the nature referred to in sub-regulation (2) may:

(a) dismiss the appeal; or

(b) quash the decision and may refer the matter to the Commission with a direction to reconsider it and reach a decision in accordance with the findings of the Supreme Court.

(5) No appeal under this regulation shall be brought unless the leave of the Supreme Court has been obtained in accordance with such rules as may be made under paragraph (a) of sub-regulation (9).

(6) An appeal under this regulation shall be brought as soon as reasonably practicable and in any event not later than three months from the date on which the Commission made its decision or within such other period as may be specified in such rules as may be made under paragraph (b) of sub-regulation (9).

(7) The bringing of an appeal under this regulation shall not operate to suspend the effect of the decision appealed against.

(8) If by reason of any default on the part of the person who has instituted an appeal in accordance with this regulation, the appeal has not been determined by the Supreme Court within three months of the date of the notice of appeal or application by which the appeal was instituted, the Commission may apply to the Supreme Court, by a summons served on the person who has instituted the appeal in accordance with this section, to show cause why the appeal should not be dismissed for want of prosecution; and upon the making of such an application the Supreme Court may dismiss the appeal or make such other order as it considers just.

(9) The Chief Justice may make rules prescribing any one or more of the following:

- (a) a procedure for obtaining the leave referred to in sub-regulation (5);
- (b) the other period referred to in sub-regulation (6);
- (c) the court fees payable in making an appeal of the nature referred to in sub-regulation (2);
- (d) the forms and the procedure for such appeals.”.

GIBRALTAR GAZETTE, No 3,188, Friday 22nd September, 2000

Dated this 22nd day of September, 2000

J.J. HOLLIDAY,

Minister for Tourism and Transport.