
TRANSPORT REGULATIONS 2000

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**Subsidiary
2000/059**

Regulations made under section 69 of the Transport Act 1998

TRANSPORT REGULATIONS 2000

(LN. 2000/059)

22.9.2000

Amending enactments	Relevant current provisions	Commencement date
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1. These Regulations may be cited as the Transport Regulations 2000 and come into operation on the day appointed by the Minister by notice in the Gazette.

PART I

DEFINITIONS

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“admission fees” means admission fees payable under the Nature Conservation Area (Upper Rock Nature Reserve) (Fees and Admission) Regulations 1993;

“badge” means a badge issued under regulation 5(2);

“bus route” means a course of travel along public highways approved by the Commission and incorporating bus stops;

“bus stop” means a point on a bus route at which passengers are authorised by the Commission to be set down or taken up;

“Chauffeur-driven car” means a chauffeur-driven car to which regulations 90 to 96 apply;

“courtesy vehicle” means a vehicle carrying passengers other than for hire or reward;

“Cruise Terminal” means any area within the Port where passengers embark and disembark from cruise ships;

“Gibraltar Development Corporation” shall be construed in accordance with the provisions of the Gibraltar Development Corporation Act;

“Gibraltar Tourist Board” means the Gibraltar Tourist Board formed by the Gibraltar Development Corporation under powers granted to it under the Gibraltar Development Corporation Act; and “the Board” shall be construed accordingly;

“guide” means a person licensed under regulation 107 to offer professional services as a guide;

“guide licence” means a licence issued under regulation 108 to offer professional services as a guide;

“identification disc” means an identification disc issued under regulation 5(1);

“private hiring vehicle” means a chauffeur driven hire car to which regulations 97 to 99 apply;

“route bus” means any bus authorised by the Commission to carry passengers on a bus route;

“safety glass” means glass so constructed or treated that if fractured it does not fly into fragments capable of causing severe cuts;

“Transport Inspector” means the person or persons the Minister may appoint under section 7 of the Act;

“Transport Officer” means an officer of the Ministry for Tourism and Transport;

“sightseeing tour” shall be construed in accordance with the provisions of regulation 105;

“sightseeing tour licence” means a licence issued under regulation 108 authorising the offer of sightseeing tours;

“taxi rank” means a point in a public place at which taxis are authorised by the Commission to stand for hire;

“taximeter” means any device for calculating the fare to be charged in respect of any journey in a taxi by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both;

“terminal” without further, means –

- (i) any coach park or bus park being the property of the Crown;
- (ii) any vehicle parking facilities provided by the Crown exclusively for authorised public service vehicles at the Cruise Terminal.

“terminal point” means a point on any bus route specified in a road service licence granted by the Commission as one of two points on such route between which a bus to which such licence relates may ply;

“waiting” means the stopping of the vehicle with the driver remaining at the controls and able to drive it away immediately.

PART II

LICENSING AND REGISTRATION: GENERAL

ISSUE OF LICENCES

Licensing: general provisions.

3.(1) The forms set out in Schedule 1 shall be used in all cases to which they refer, with such variations as circumstances may require.

(2) Unless otherwise provided, licences granted under the Act shall be valid until the 31 December next following the date of issue of the licence.

Cumulation of licences.

4. The Commission shall not authorise persons to cumulatively hold a road service licence and a private hire car licence.

Sightseeing tour discs and badges.

5. On granting a sightseeing tour licence, the Commission shall issue an identification disc as specified in Form 5 of Schedule 1 in respect of every vehicle to which the licence relates, and no such vehicle shall—

- (i) enter the Upper Rock Nature Reserve;
- (ii) use any terminal,

without displaying the disc.

Carrying or wearing identification discs or badges.

6.(1) Every vehicle in respect of which a licence has been granted, shall carry an identification disc, prominently displayed in such a place as to be readily seen by persons entering or leaving the vehicle.

(2) Every guide in the course of his duties shall wear a badge, prominently displayed, as to be readily seen by persons intending to engage his services.

Lost or defaced discs, badges or licences.

7.(1) The holder of an identification disc, badge or licence may apply to the Commission for a replacement if the original disc, badge or licence has been lost or become defaced.

(2) The Commission shall supply a replacement disc, badge, certificate or licence on payment of the appropriate fee and when the defaced disc, badge or licence has been returned to the Commission or an undertaking is given to the Commission that a lost disc, badge or licence will be returned if it is subsequently found.

Return of discs, badges and licences.

8. Identification discs, badges and licences shall be returned to the Commission within 7 days of their revocation, suspension or when they cease to be valid.

Returns.

9.(1) The holder of a licence issued under these regulations other than a road service licence shall make and certify as being complete and correct the following returns—

- (a) an annual return containing such details as are necessary to show his receipts during the course of the year, compiled on a day to day basis;
- (b) an annual return containing details of the equipment, vehicles, garaging, insurance and engineering facilities available, indicating, where relevant, what changes in the same have occurred in the course of the year;
- (c) such other returns, containing such information as the Commission may, from time to time, require.

(2) A person required to make returns under subsection (1) above shall furnish them to the Commission within fourteen days of the end of the year to which they relate.

Keeping and inspection of records.

10.(1) Save as the Commission may otherwise allow, the holder of a licence issued under these regulations shall keep all documents and other records which relate to his activities as a licensee and shall retain them for not less than one year from the date on which they were issued.

(2) If requested to do so by a police officer, a Transport Inspector or a person authorised by the Commission, the holder of a licence issued under these regulations shall produce any relevant documents or other records to which subsection (1) above applies for inspection at any reasonable time and place and in a readily legible form, and shall allow the police officer, a Transport Inspector or a person authorised by the Commission to make extracts from, copy or remove the documents or other records for a reasonable period.

(3) The holder of a licence issued under these regulations shall keep all the documents or other records which he is required by subsection (1) above to retain at the relevant licensed premises or at the holder's principal place of business in Gibraltar, unless the Commission allows them to be kept elsewhere; if they are kept elsewhere, the Commission must be informed in writing of the address where they are kept and may be inspected.

REGISTRATION

Register.

11.(1) The Commission shall keep a register of all licences, identification discs and badges issued under these Regulations and shall prepare and maintain an index of the register.

(2) Upon payment of the prescribed fee, the Commission shall permit any person to search the register and index during office hours and shall make and deliver to any person requiring the same a certified copy of any entry in the registers under the seal of the Commission.

(3) In January of each year, the Commission shall publish in the Gazette a list of all persons licensed under the Act or these regulations.

Registration number.

12.(1) The Commission shall allocate a registration number, which may include Latin characters, to every disc, badge or licence issued under these Regulations.

(2) The Commission may allocate different registration numbers or a different series of numbers with respect to each category of vehicle or category of disc, badge or licence; and different registration numbers or series of numbers may be in different colours or series of colours.

(3) The registration number allocated to a disc or licence in respect of a vehicle under sub-regulation (1) shall be securely displayed in a prominent position in the rear exterior of the vehicle to which the licence relates.

PART III

CERTIFICATE OF FITNESS

REGULAR EXAMINATIONS

Meaning of “examination”.

13. In this Part, “examination” means an examination intended to establish compliance by a vehicle with section 8 of the Act.

Applications for first and subsequent examinations.

14.(1) The owner of a vehicle intending to apply for a public service licence shall apply in writing to the Transport Officer for the first examination of that vehicle not more than 60 days before the date of the application for a public service licence.

(2) The owner of a vehicle wishing to renew a certificate of fitness may apply in writing to the Transport Officer for an examination not more than 60 days, and not less than 30 days, before the expiry of the certificate of fitness relating to that vehicle.

Notice of appointment.

15. On receipt of an application under regulation 14, the Transport Officer shall issue to the applicant a notice of appointment stating the date and time reserved for the examination.

Documents to be produced.

16. On the date and at the time appointed, the applicant shall produce to the Transport Inspector -

- (a) if the vehicle is registered, the certificate of registration;

- (b) in any other case, evidence of the date of manufacture or of importation; and
- (c) the latest certificate of fitness and roadworthiness, if any, issued in respect of the vehicle.

Other conditions.

17. A motor vehicle shall not be submitted for examination unless it is provided with sufficient fuel and oil to enable it to be driven sufficiently for the purpose of the examination.

Right to refuse examination.

18.(1) A Transport Inspector may refuse to examine a vehicle-

- (a) on a day or at a time other than that stated in the notice of appointment;
- (b) if the documents required by regulation 16 are not produced or if the application for examination does not accord with them;
- (c) if the vehicle does not comply with regulation 17.

(2) A Transport Inspector may refuse to complete an examination if, owing to the failure of any part of the vehicle, it cannot be driven safely.

Duty of owner.

19. The owner of a vehicle which is being examined or his representative shall be present throughout the examination and shall, when required by the Transport Inspector, drive the vehicle or operate the controls while the vehicle is stationary, in accordance with the directions of the Transport Inspector.

Issue of certificate of fitness.

20.(1) Where, on examination, a vehicle satisfies the requirements of the Act, the Transport Inspector shall issue to the owner a certificate of fitness.

Issue of notice of refusal.

21. Where on examination, a vehicle does not satisfy the requirements of the Act the Transport Inspector shall issue to the owner of the vehicle a notice of refusal of a certificate of fitness stating the grounds for refusal.

Forms of certificates of fitness and notices of refusal.

22. A certificate of fitness or notice of refusal shall—

- (a) bear a serial number;
- (b) be signed by the Transport Inspector who carried out the examination;
- (c) contain—
 - (i) the registration mark and the chassis number of the vehicle;
 - (ii) the make of the vehicle, its approximate year of manufacture and the mileage recorded by the odometer with which it is fitted;
 - (iii) the date on which it was issued and, in the case of a certificate of fitness, the date on which it will expire;
 - (iv) the registration number under regulation 12(1).

RE-EXAMINATION AFTER REFUSAL OF CERTIFICATE OF FITNESS**Application and conditions for re-examinations.**

23.(1) Where a notice of refusal of a certificate of fitness has been issued, the owner of the vehicle may at any time apply for re-examination of the vehicle.

(2) An application for re-examination shall be in writing, except where the application is for re-examination on the day of the unsuccessful examination and may be endorsed on the notice of refusal.

(3) On the date and at the time appointed for re-examination, the owner of the vehicle shall produce to the Transport Inspector the notice of refusal of a certificate of fitness.

(4) The provisions of regulations 15, 16, 17, 18 and 19 shall apply to a re-examination so far as the circumstances may require

Conduct of re-examination.

24.(1) On the re-examination of a vehicle, it shall be the duty of the Transport Inspector to determine whether the defects recorded in the notice of refusal have been rectified.

(2) Notwithstanding anything in sub-regulation (1) the Transport Inspector may, on a re-examination, determine whether the vehicle satisfies all or any of the other requirements of the Act.

(3) On the completion of a re-examination, the Transport Inspector shall issue to the owner a certificate of fitness or a notice of refusal in accordance with regulation 20 or regulation 21, as the case may be.

Notifiable alterations and re-examination.

25.(1) If any of the alterations to which this regulation applies is made to any vehicle in respect of which a certificate of fitness has been issued, the owner of the vehicle shall, within 14 days, send to the Transport Inspector particulars of the alterations.

- (2) The alterations to which this regulation applies are—
- (a) alterations likely to affect any requirements under the Act.
 - (b) alterations tending to affect the outward appearance of the vehicle;
 - (c) alterations tending to affect the range of fixed equipment carried by the vehicle for the greater comfort of passengers.

Re-examination following alteration.

26.(1) Where the Transport Inspector is notified of alterations to a vehicle—

- (a) if there is a request for amendment of the certificate of fitness, he shall; and
- (b) in any other case, he may, in his discretion,

require the vehicle to be submitted for re-examination, and shall give notice to the owner of the vehicle of the place, date and time appointed for the re-examination.

(2) Where the Transport Inspector decides that re-examination is unnecessary, he shall so inform the owner of the vehicle.

Procedure on re-examination following alteration.

27. On the completion of the re-examination following alteration of a vehicle, the Transport Inspector may—
- (a) amend the certificate of fitness relating to that vehicle, as requested by the owner;
 - (b) issue to the owner a notice of refusal to amend the certificate of fitness; or
 - (c) if he decides that in consequence of the alterations the vehicle no longer complies with the prescribed requirements, withdraw the certificate of fitness

ROAD SIDE TESTS

Power to stop vehicles.

28.(1) Where a police officer or a Transport Inspector has reason to suspect that a vehicle on a road may be in breach of any requirements under the Act, he may require the driver to stop, so that the vehicle may be examined and shall—

- (a) ask the driver for his name and address and, if he is not the owner of the vehicle or vehicles, also for the name and address of the owner;
- (b) request the driver to produce any necessary identification disc; and
- (c) inform the driver of his rights under regulation 29.

(2) The driver of a vehicle stopped under sub-regulation (1) who refuses to give the information requested is guilty of an offence and liable on summary conviction to a fine up to level 2 on the standard scale.

Right to have examination deferred.

29.(1) Subject to subsection (2), where a motor vehicle has been stopped under regulation 28, the driver may elect to have the examination of the motor vehicle deferred.

(2) The police officer or Transport Inspector who stopped the vehicle under regulation 28 may require the examination to be carried out forthwith or as soon as practicable where—

- (a) the vehicle has been involved in an accident; or
- (b) the vehicle appears to him so defective that, in the opinion of the Transport Inspector, the driver's power of election under this regulation ought, on the grounds of safety, not to be exercised.

Deferred examination.

30. Where the driver elects to have the examination of the motor vehicle deferred, it shall take place within seven days, unless the police officer or Transport Inspector agrees otherwise, and it shall be the duty of the owner of the motor vehicle to produce it, or cause it to be produced, for the deferred examination at a time and place to be appointed by the police officer or Transport Inspector and notified to the owner.

Notice of defect.

31. Where, on the examination of a motor vehicle under regulation 28 or regulation 30, it appears to the Transport Inspector that the vehicle does not satisfy any of the requirements of the Act, he may give notice in writing to the owner of the vehicle, specifying the defect and requiring him to have the defect remedied within 14 days of the date of the notice or such longer period as the Transport Inspector may allow.

Further tests.

32. Where notice has been given under regulation 31, the Transport Inspector may, by a further notice in writing, require the owner of the motor vehicle to submit it, within 14 days of the date of such further notice, for a further test to ascertain whether the defect has been remedied.

Duplicate certificate of fitness.

33. If a certificate of fitness has been lost or defaced, the owner of the vehicle shall be entitled to receive a duplicate certificate if he applies in writing to the Transport Inspector, remitting the prescribed fee.

FINAL PROVISIONS

Temporary exemption.

34.(1) The Transport Inspector may exempt any vehicle to which these Regulations apply from the provisions of regulation 14 if he is satisfied that, by reason of exceptional circumstances, it cannot be examined within the time required.

(2) Exemption under this regulation shall be granted by a certificate signed by the Transport Inspector, and shall show—

- (a) in the case of a motor vehicle, the registration mark;
- (b) the registration number under regulation 12(1);
- (c) the date of issue; and
- (d) the period, not being longer than three months, during which the vehicle is exempted from the provisions of regulation 14.

Extension of time.

35. The Transport Inspector may, for good cause, extend the time limited by these regulations for making application for the examination or re-examination of a vehicle or for submitting the vehicle for such examination or re-examination.

Saving.

36. Notwithstanding the provisions of any of these regulations, it shall not be an offence to use, or cause or permit to be used, on a road a motor vehicle—

- (a) when it is being submitted by appointment for, or is used in the course of or in connection with, any examination under these regulations;
- (b) following the refusal of a certificate of fitness, if it-
 - (i) is being delivered to or being brought away from a place where work is to be or has been done on it to remedy the defects which caused the refusal; or
 - (ii) is being towed to a place where it is to be broken up for final disposal;

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- (c) where it is being driven or towed unladen by a vehicle driven under a dealer's licence issued under the Traffic Act;
- (d) where it is being driven or towed, on first importation into Gibraltar, to the place where it is to be kept by the importer;
- (e) in the course of its seizure or detention or removal by a police officer acting in the course of his duty; or
- (f) in the course of its seizure, removal, detention, condemnation or forfeiture under the Imports and Exports Act 1986.

PART IV**SAFETY OF PUBLIC SERVICE VEHICLES**

PROVISIONS APPLICABLE TO ALL PUBLIC SERVICE VEHICLES

Construction and age.

37.(1) Every public service vehicle shall be soundly and properly constructed of suitable materials capable of withstanding the loads and stresses likely to be met by the vehicle in the course of its operations.

(2) Every public service vehicle shall be constructed in such manner as enables the driver to steer the vehicle from the left hand side of the vehicle, unless the Commission authorises otherwise.

(3) Every public service vehicle, shall, at all times, be in a good and serviceable condition, with bodywork, upholstery, paintwork and fittings, finished to such specifications and to such design as the Commission may, from time to time, authorise.

(4) Nothing in this regulation shall be construed as prejudicing the application of any other enactment relating to the construction, equipment or maintenance of motor vehicles.

Wheels and tyres.

38. *revoked*

Exhaust fumes.

39. *revoked*

Wiring.

40. *revoked*

Fire extinguishers.

41.(1) Every public service vehicle shall carry, in such position as to be readily available for use, suitable and efficient apparatus for extinguishing fire of one or more of the following types—

- (a) a 4 litre foam producing fire extinguisher;
- (b) a 2 kilogram carbon dioxide fire extinguisher;
- (c) a 2 kilogram dry powder fire extinguisher.

(2) The apparatus shall comply with any requirements prescribed by the Chief Fire Officer of the City Fire Brigade.

(3) Where, in the opinion of the Chief Fire Officer of the City Fire Brigade apparatus for extinguishing fire carried in a public service vehicle and submitted to him for inspection complies with any requirements referred to in sub-regulation (2), he shall issue a certificate attesting to that fact.

(4) Certificates issued under sub-regulation (3) shall be valid for one year from the date of issue.

(5) Fire extinguishers carried in public service vehicles in accordance with the provisions of this regulation, shall, at all times, exhibit a valid certificate issued under sub-regulation (3).

Luggage carrier.

42. Every public service vehicle shall provide an efficient and practical means for carrying the luggage of passengers using the vehicle.

Cleanliness.

43. The body, both externally and internally, and all paintwork, windows, fittings and all upholstery and seating for passengers in a public service vehicle shall be maintained in a good, clean, fit and serviceable condition.

Number of passengers.

44. The number of seated passengers carried on any public service vehicle shall not exceed the number for which the vehicle has seating capacity calculated in accordance with the provisions of Schedule 4, and except as provided otherwise by these Regulations no standing passengers may be carried on any vehicle:

Provided that where only children and, if any, not more than six necessary attendants are carried in any bus, then in reckoning the seating capacity of that bus for the purposes of this regulation three children not exceeding 15 years of age may be reckoned as two passengers; and a child who attains the age of 15 years during a school term shall not for the purposes of this regulation be deemed to be more than 15 years during the continuance of that term. In all other cases one or two children under 15 shall be counted as one person.

Obstruction of drivers.

45.(1) No person shall be carried on the left hand side of the driver of a public service vehicle registered as such after the coming into operation of these regulation.

(2) No article shall be carried in such a position as to be liable to obstruct the driver.

Refuelling.

46. No person except the driver of a public service vehicle shall be permitted to remain or be in a public service vehicle while petrol or other inflammable liquid is being poured or pumped into the fuel tank or any spare or reserve tank and container in the vehicle.

Carriage of explosives.

47.(1) Except for the fuel and lubricant necessary for the use of the public service vehicle, no explosive, highly inflammable or otherwise dangerous, substance shall be carried on a public service vehicle.

(2) No container of fuel shall be carried on the roof of a public service vehicle.

Ventilation.

48.(1) Every public service vehicle shall be provided with adequate means of ventilation for both passengers and driver.

(2) All public service vehicles first licensed to carry fare-paying passengers after the coming into force of these regulations shall be fitted with an air conditioning system and a heating system approved by the Commission.

(3) The Commission may make such exceptions with regard to the application of sub-regulation (2), as, in its absolute discretion, it sees fit.

PROVISIONS APPLICABLE TO BUSES

Entrances and exits.

49.(1) Every entrance and exit in a bus other than an entrance intended for the exclusive use of the driver shall be placed in such position as ensures unencumbered access thereto by all passengers.

(2) Entrances and exits to which sub-regulation (1) applies shall not be fitted on the left hand side of the vehicle and shall be at least fifty three and a half centimetres in width.

(3) A handle or hand rail shall be fitted to each entrance or exit other than an emergency exit to assist passengers in boarding or alighting from the vehicle.

(4) Where, in the case of a double-decked vehicle which has a permanent top, access to the upper deck is obtained by means of an enclosed staircase, an emergency exit shall be provided on that deck and placed otherwise than on the rear side of the vehicle.

Entrance, etc., to be kept clear.

50. It shall be the duty of the driver and conductor of every bus to ensure that all approaches to every entrance and exit are kept, at all times, free of obstacles

Emergency exits.

51.(1) Every bus shall be fitted with emergency exits.

(2) Emergency exits shall not be fitted exclusively on the left hand side of the vehicle.

(3) The means of operation of emergency exits shall be clearly indicated in both English and Spanish.

- (4) All emergency exits shall—
- (a) be clearly marked as such in both English and Spanish;
 - (b) be easily accessible to the passengers.

Accessibility from seats to exits.

52.(1) There shall be unobstructed accessibility from every seat to at least one exit.

(2) Direct access shall be provided to the driver's seat either from the left side of the vehicle or by means of a passage which shall not be of less dimensions than those prescribed in regulation 55(1) for a gangway.

Doors.

53.(1) Every entrance and exit door shall be capable of being opened by one operation of the locking mechanism.

(2) Subject to sub-regulation (1), for the purpose of securing the vehicle when unattended it shall be permissible to fit to any entrance or exit door a supplementary lock with or without a detachable activating mechanism.

(3) Door handles or levers to door catches shall be so designed and fitted that they are not liable to be dislodged or to be operated accidentally.

(4) All doors shall remain closed when the vehicle is in motion.

(5) All doors (including those of emergency exits) shall be so designed as to be readily opened in case of need from both the inside and the outside of the vehicle.

(6) All doors shall open so as not to obstruct clear access to any entrance or exit either from inside or outside the vehicle.

Steps.

54.(1) The top of the tread of the lowest step for any entrance or exit to a bus other than an emergency exit, shall not be more than forty two and a half centimetres nor less than twenty five centimetres above the ground when the vehicle is empty.

(2) All steps shall be fitted with non-slip treads.

(3) Fixed steps shall be not less than twenty three centimetres wide, and shall have a height of not less than 25 and a half centimetres and not more than forty three centimetres and shall in no case project laterally beyond the body of the vehicle unless they are protected by the front wings (or otherwise) so that they are not liable to injure pedestrians.

(4) In the case of a double-decked vehicle—

- (a) the risers of all steps leading from the lower to the upper deck shall be closed, and no unguarded aperture shall be left at the top landing board;
- (b) all steps leading from the lower to the upper deck shall be fitted with non-slip treads;
- (c) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase, excluding any grab rail which does not project more than 105 millimetres from the back of the seat, shall not be less than 660 millimetres; and
- (d) the outer stringer of an outside staircase shall be constructed or a band shall be placed, to act as a sufficient screen to persons ascending or descending, and the height of the outer guard rail shall not be less than 1.21 metres above the front of the tread of each step.

Gangway.

55.(1) The width of every gangway shall be not less than 30 and a half centimetres up to a height of 76 centimetres from the floor level, and above that height not less than 35 and a half centimetres:

Provided that a vertical line projected upwards from the centre line of any gangway at floor level shall be laterally not less than 15 centimetres from any part of the vehicle.

(2) For the purposes of this regulation when any space is required for the accommodation of seated passengers the space within 23 centimetres of any seat facing the gangway shall not be taken into account in measuring the width of the gangway.

Internal height.

56. Save in the case of a bus with seating capacity for ten or fewer passengers, the clear height of the centre line of any gangway extending from the front edge of the foremost passenger seat to the front edge of the rearmost passenger seat shall be not less than 1.78 metres, but, in the case of the top deck of a double-decked vehicle having a permanent top, not less than 1.72 metres.

Seats.

57.(1) Save in the case of double-decked buses, seats shall not be placed parallel to the longitudinal axis of a bus.

- (2) The supports of all seats shall be firmly fixed in position.
- (3) At least 38 centimetres, measured in a straight line along the front of each seat, shall be allowed for each passenger.
- (4) Every seat shall have a back rest so closed or otherwise constructed as to prevent as far as possible the pockets of passengers being picked.
- (5) Transverse seats shall be so fitted that—
 - (a) there is a clear space of at least 66 centimetres in front of the whole length of the top of the back rest of every seat, any handles or grips which do not project more than 10 centimetres from the back rest being disregarded when measuring the clear space herein referred to; and
 - (b) there is a clear space of not less than 48 centimetres between any part of the front edge of a seat and any part of any other seat which faces it.
- (6) The shortest distance between the edge of any step well and a vertical plane passing through the front edge of a seat shall not be less than 22 centimetres.
- (7) Where any transverse seat is so placed that a passenger seated upon it is liable to be thrown forward through an entrance down a stairway, an effective screen or guard shall be placed so as to provide protection for any passenger occupying the seat.
- (8) Seats over a wheel arch shall not be placed in such a position as to cause discomfort to passengers.

(9) For the purposes of this regulation, the expression “back rest” includes any part of the vehicle which is available for passengers to lean against.

Glass facing transverse seats.

58. Glass windows or panels facing any transverse seat which are liable to be broken by passengers being thrown against them shall, unless they are of safety glass, be adequately guarded.

Interior light.

59.(1) The interior of a bus shall be fitted with a light or lights capable of giving adequate illumination to passengers travelling by night.

(2) Interior lights shall be of a strength, and shall be fitted in such manner, as will not prevent the driver exercising due skill and care.

(3) The light or lights for the internal illumination of a bus shall be kept lighted at all times when ordinary daylight inadequately lights the interior of the bus, and, in any event, during the hours of darkness.

Signal to driver.

60. Every route bus shall be fitted with a bell or other device suitable for the purpose of enabling passengers to signal the driver to stop.

Standing passengers.

61.(1) No bus shall carry standing passengers unless a Transport Inspector certifies the vehicle as fit for the carriage of standing passengers.

(2) Certificates issued under sub-regulation (1) shall state the maximum number of standing passengers which may be carried in the vehicle concerned.

(3) Certificates issued under sub-regulation (1) shall be valid for such period of time as the Transport Inspector may see fit, and may be issued subject to such conditions as the Transport Inspector may require.

Carriage of goods.

62. No goods other than the personal luggage of passengers shall be carried in a bus.

Availability of Regulations.

63.(1) Holders of current operator licences shall keep a copy of these Regulations, as amended from time to time, available for inspection in the garage in which any bus to which the operator licence relates is normally kept and shall advertise in a prominent position in that garage that these Regulations are so available.

(2) A person who pulls down, injures or defaces any advertisement posted in pursuance of this regulation is guilty of an offence.

PART V**REGULATION OF PASSENGER TRANSPORT VEHICLES****TAXIS****Distinguishing marks.**

64.(1) Every taxi shall have a sign of a type and colour approved by the Commission and bearing the word "Taxi" affixed to the vehicle at all times when it is on hire or plying or standing for hire on a road, and the letters of such word shall be capital Latin characters of a height of at least 2.5 centimetres and a breadth throughout of not less than 0.75 centimetres.

(2) Every taxi shall be painted white in colour.

(3) Every taxi shall show a red stripe along each front door and any other emblem or emblems as the Commission may require.

(4) Taxis shall not be of such design and appearance as to lead any person to believe that the vehicle is a chauffeur-driven car.

Advertising on taxis.

64A. No advertisement shall be displayed on a taxi except in accordance with the following conditions-

- (a) the written consent of the Commission (which may impose further conditions) is obtained;
- (b) the vehicle must remain clearly identifiable as a taxi;
- (c) the advertisement is professionally executed and applied;

- (d) the advertising does not carry wording or symbols with political slogans or which are defamatory;
- (e) all windows of the taxi remain fully transparent from inside and out;
- (f) only 50% of the area on the taxi where the advertisement is permissible is taken up by the advertisement;
- (g) where the advertisement is on behalf of a third party (that is to say advertising goods or services other than taxi services provided by the owner or driver of the taxi), such advertisements may only be displayed on the rear doors, rear panels and the roof.

Use of concessioned taxis.

65. Vehicles which are the subject of import duty drawback by reason of their intended use as taxis shall be used for no other purposes.

Plying or standing for hire on highway.

66. A driver of a taxi shall not ply or stand for hire on a road, unless the taxi exhibits a prominent sign with the words "FOR HIRE".

Availability of taxis.

67.(1) Drivers of taxis on a taxi rank shall stay in or beside their vehicles.

(2) 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.

(3) If a person wishes to engage a taxi of a particular seating capacity or type, and if such a vehicle is not the first one on the rank, the driver of the first vehicle of the required seating capacity or type on the rank shall accept the hire.

(4) A driver of a taxi which is on city service (as defined by regulation 3 of the Taxis (City Service and Cruise Terminal) Regulations 1999) shall ensure that the requirements of sub-regulation (5) are observed.

(5) The requirements are—

- (a) to follow the instruction of a Transport Inspector to go to a taxi rank or a different taxi rank; and
- (b) to abide by any rota system imposed by a Transport Inspector designed to ensure that a sufficient number of taxis are available at specific taxi ranks in order to meet expected demand.

Refusing or neglecting to be hired.

68.(1) The driver of a taxi shall not, without reasonable excuse—

- (a) refuse to be hired when the taxi is standing on a taxi rank;
- (b) refuse or neglect to drive the taxi to any place in Gibraltar indicated by the hirer;
- (c) refuse or neglect to carry such number of passengers, not exceeding the number for which the vehicle has seating capacity, as he may be required to carry by the hirer; or
- (d) refuse or neglect to accept with a passenger a reasonable amount of luggage.

(2) No driver of a taxi shall make use of any abusive or insulting language or be guilty of any other offensive behaviour to any passenger.

Only fare paying passenger to sit along-side driver.

69. No person other than a fare paying passenger, or a guide licensed under these Regulations, shall sit or be carried alongside the driver of a taxi when that taxi is on hire.

No unreasonable stopping.

70. No driver of a taxi, while hired, shall, unless requested by the hirer, stop his vehicle for a longer time than is reasonably necessary having regard to traffic and road safety.

Notice to be displayed.

71.(1) There shall be exhibited inside every taxi a statement of the prescribed fares, together with a statement of the procedure to be followed should the passenger wish to lodge a complaint, printed and framed in such manner as the Commission may require, to be exhibited inside the taxi.

(2) The statements referred to in sub-regulation (1) shall not be concealed or rendered illegible at any time while the taxi is plying or being used for hire.

(3) A person who plies a taxi for hire, without having a notice displayed as required by this regulation, and the owner of the taxi are guilty of an offence.

Passenger refusing to pay fare.

72. A person who at the termination of the journey for which he has hired any taxi fails or refuses to pay on demand of the driver the fare authorised in respect of such journey by these Regulations, is guilty of an offence.

Passenger damaging taxi.

73. A person who being a passenger in a taxi wilfully damages the taxi or any of its parts or fittings is guilty of an offence and is liable on summary conviction to a fine up to level 3 on the standard scale and, in addition, to pay to the owner of the taxi such reasonable compensation in respect of the damage as the court before which the conviction takes place may determine.

Taxis to be fitted with taximeters.

74. The owner of every taxi shall cause the vehicle to be fitted with a taximeter of a type approved by the Commission and which is so constructed, attached and maintained as to comply with the following requirements—

- (a) the taximeter shall be fitted with a button or other device the use of which will bring the machinery of the taximeter into action;
- (b) the button or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the driver is entitled to demand under regulation 78 and take for the hire of the taxi in accordance with these Regulations;

- (d) the taximeter shall be so placed that all letters and figures on the face thereof are, at all times, plainly visible to any seated passenger being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (e) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be possible for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Use of taximeters.

75. The driver of a taxi provided with a taximeter shall—

- (a) when standing or plying for hire, keep the button or other device fitted in accordance with regulation 75 locked in the position in which no fare is recorded on the face of the taximeter; and
- (b) as soon as the taxi is hired by distance and time, and before beginning the journey, bring the machinery of the taximeter into action by pushing the button or other device and keep the machinery of the taximeter in action until the conclusion of the journey at which point the machinery shall be immediately stopped.

Taximeters not to be tampered with.

76. The owner or driver of any taxi who tampers with, or permits any person to tamper with, any taximeter with which the taxi is provided, or with its fittings or seals, is guilty of an offence.

Fares for hire by distance and time.

77.(1) The driver of a taxi shall be entitled to demand and take for the hire of the taxi the prescribed rate or fare, the rate or fare being in every case calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage at rates agreed between the hirer and the driver.

(2) Where a taxi furnished with a taximeter is hired by distance and time, the driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra

prescribed charges which it may not be possible to record on the face of the taximeter.

Maximum fares.

78.(1) It is an offence for any person to accept payment of any fare or charge in respect of the hire of a taxi in excess of the rates authorised.

(2) Gratuities given to the driver of a taxi at the conclusion of a journey shall not, for the purposes of sub-regulation (1), be regarded as constituting part-payment of a fare.

ROUTE BUSES

Information to be shown in route buses.

79.(1) The following information shall be prominently displayed in buses by a sign in a form approved by the Commission within the view of passengers inside the route bus-

- (a) the seating capacity;
- (b) what seats (if any) have been adapted or designated to provide for the greater comfort of the elderly, the physically disabled or persons requiring special assistance;
- (c) the registration number relating to the vehicle pursuant to regulation 12(1);
- (d) the procedure to be followed should the passenger wish to lodge a complaint;
- (e) fare information;
- (f) the following route information—
 - (i) the route taken;
 - (ii) the applicable bus stops, indicating, where appropriate, what bus stops are used by buses serving other routes.

(2) A person licensed under these regulations shall not be entitled to demand or take a fare greater than that displayed under sub-regulation (1)(e).

Direction board.

80. Every route bus shall be fitted with a board or other form of indicator, clearly visible from the front and rear exterior of the vehicle, showing the destination of the bus or, if the vehicle is on private hire, showing the word "Private."

Fares.

81.(1) The Minister may by Notice in the Gazette prescribe maximum fares for regular routes.

(2) Subject to sub-regulation (3), money tendered as payment for a fare in a bus servicing a regular route in Gibraltar shall be in Sterling.

(3) Money tendered as payment for a fare in a bus servicing a regular route in Gibraltar may be accepted in pesetas or euros at an exchange rate determined by the operator of the bus.

(4) The exchange rate set by the operator of the bus under sub-regulation (3) shall be reasonable and the Commission may direct an operator to set a different rate.

Drivers and conductors to speak English.

82. A person shall not act as driver or conductor of a route bus unless he can satisfy the Commission that he is reasonably fluent in the English language.

General duties of drivers and conductors.

83. A driver or conductor of a route bus—

- (a) shall issue a ticket to every passenger who tenders payment for a fare;
- (b) shall behave in a civil and orderly manner;
- (c) shall not smoke in the bus;
- (d) shall take all reasonable precautions to ensure the safety of passengers;

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- (e) shall not wilfully deceive or refuse to inform any passenger or intending passenger as to the destination, or route of the bus or as to the fare of any journey;
- (f) shall not, at any reasonable time, obstruct, refuse or neglect to give all reasonable information and assistance to a police officer, Transport Inspector or officer of the Ministry with responsibility for transport;
- (g) shall, to the best of his ability, take steps whenever necessary to enforce the provisions of these Regulations relating to the conduct of passengers.

Specific duties of route bus drivers.

84.(1) A driver of a route bus—

- (a) shall not, when the bus is in motion, speak to the conductor or any other person, unless it is necessary to do so on the grounds of safety;
- (b) shall, when picking up or setting down passengers, stop the bus as close as may be possible to the right hand side of the road;
- (c) shall not cause the bus to stop on a road for the purpose of picking up or setting down passengers, except at an bus stop exhibiting the sign “Bus Stop”;
- (d) shall not cause the bus to remain stationary at any such stop other than a bus stop which is the terminus of the route upon which the bus is plying for hire for a longer period than is necessary to set down passengers and to pick up passengers waiting to board the bus;
- (e) shall not pass or attempt to pass or drive alongside of or overtake another bus proceeding in the same direction unless such other bus is stationary or has signalled the overtaking bus to pass.

(2) The driver of a route bus which is stationary for reasons other than traffic congestion or the picking up or setting down passengers, shall leave his vehicle with its engine stopped and in such condition as to prevent its movement from natural causes.

Specific duties of route bus conductors.

85. A conductor of a route bus when acting as such—
- (a) shall not, when the bus is in motion, distract the driver's attention without reasonable cause or speak to him unless it is necessary to do so in order to give directions as to the stopping of the bus, or on the grounds of safety;
 - (b) shall not except for sufficient reasons by failing to signal to the driver to start, cause the bus to remain stationary on a road longer than is reasonably necessary to pick up or set down passengers, save where the bus is permitted to stay for a longer time than is necessary for the purpose.

Conduct of Passengers.

86. When a route bus is carrying passengers or waiting to pick up passengers, a passenger or intending passenger within the bus shall not—

- (a) smoke;
- (b) use obscene or offensive language or conduct himself in a disorderly manner;
- (c) enter or alight from or attempt to enter or alight from the bus otherwise than by the door or openings provided for the purpose;
- (d) spit upon or from or willingly damage, soil or defile any part of the bus;
- (e) wilfully remove, displace, deface or alter any number plate, notice board, fare-table, rate indicator or destination board or any notice or advertisement in or on the bus;
- (f) when in the bus throw any bottle, liquid or litter or any article or anything likely to cause danger, injury or annoyance to any person or damage any property;
- (g) enter or travel in a bus with petrol or any dangerous or offensive article, or, except with the consent of the driver, bring into the bus any cumbersome article or place any such article elsewhere in or on the bus other than as directed by the driver;

- (h) bring any animal into the bus without the consent of the driver or retain any animal in or on the bus after being requested by the conductor to remove it, or place any animal elsewhere in the bus other than as directed by the driver;
- (i) enter or attempt to enter or alight or attempt to alight from any bus while the bus is in motion;
- (j) enter or attempt to enter the bus when requested by the driver not to enter the bus if the bus is carrying the full number of persons which it is authorised to carry.

Powers of drivers and conductors.

87.(1) Any passenger contravening regulation 86 may be requested to leave the bus or may be removed therefrom by a police officer at the request of the driver, conductor or a Transport Inspector.

(2) A passenger in or on a bus who is reasonably suspected by the driver or conductor or a Transport Inspector of contravening sub-regulation (1) shall give his full name and address to a police officer or to the driver or conductor or a Transport Inspector on demand.

Luggage to be carried free.

88.(1) No charge shall be made for any luggage carried on a route bus by a passenger:

(2) The driver or conductor of a bus may refuse to carry any luggage which might endanger or soil the bus beyond fair wear and tear.

SELF-DRIVE HIRE CARS

Operation of self-drive hire cars.

89.(1) No person shall cause or permit a self-drive hire car to wait or be parked on a road or public place except whilst such car is actually on hire except in areas designated by the Commission for that purpose.

(2) The person to whom a self-drive operator's licence has been granted in respect of a self drive hire car shall maintain and retain for one year adequate records to show on a daily basis the hirings undertaken in the car (including the points of collection and delivery of the passengers), the driver of the vehicle on each hiring and the registration number of the vehicle used

and the Commission may inspect such records during normal working hours at the location at which those records are maintained.

(3) Vehicles which are the subject of import duty drawback by reason of their intended use as self-drive hire cars shall be used for no other purposes.

CHAUFFEUR-DRIVEN CARS

Use of concessioned vehicles.

90. Vehicles which are the subject of import duty drawback by reason of their intended use as chauffeur-driven cars shall be used for no other purposes.

Quality of vehicle.

91.(1) Every chauffeur-driven car shall be of a colour approved by the Commission except white.

(2) Every chauffeur-driven car shall—

- (a) be not more than 5 years of age;
- (b) possess an engine with a capacity of not less than 2.5 litres;
- (c) be of a model type in its range of vehicle which is, in the opinion of the Commission, appropriate for use as a chauffeur-driven car.

(3) Every chauffeur-driven car shall be maintained and decorated in such manner as to demonstrate that a superior service of premium value is being afforded to hirers.

(4) The Commission may exempt vehicles from any of the provisions of this regulation, subject to such conditions as it sees fit.

Chauffeurs of chauffeur-driven cars.

92.(1) A chauffeur of a chauffeur-driven car must satisfy the Commission that he is reasonably fluent in the English language.

(2) A chauffeur of a chauffeur-driven car shall be dressed as is commensurate with the high standard of service expected from a chauffeur-driven car.

Plying or standing for hire on roads or ranks.

93. No driver of a chauffeur-driven car shall ply or stand for hire on a road or taxi rank.

Passenger damaging chauffeur-driven car.

94. A person who being a passenger in a chauffeur-driven car wilfully damages the vehicle or any of its parts or fittings is guilty of an offence and is liable on summary conviction to a fine up to level 3 on the standard scale and, in addition, to pay to the owner of the vehicle such reasonable compensation in respect of the damage as the court before which the conviction takes place may determine.

Fares for hire.

95. The driver of a chauffeur-driven car shall not be entitled to take less than the prescribed rate for the hire of the car.

Minimum fares.

96. It is an offence for any person to accept payment of any fare or charge in respect of the hire of a chauffeur-driven car below the rates prescribed.

PRIVATE HIRING VEHICLES

Use of concessioned vehicles.

97. Vehicles which are the subject of import duty drawback by reason of their intended use as private hiring vehicles shall be used for no other purposes.

98. Regulations 68 to 73 and 78 shall apply to private hiring vehicles, mutatis mutandis, as they apply to taxis.

Hire of private hiring vehicles.

99.(1) No driver of a private hiring vehicle shall ply or stand for hire on a road, or taxi rank.

(2) Private hiring vehicles may only be hired by or for intending passengers by requesting the services of the vehicle in advance.

COURTESY VEHICLES

Duties of drivers of courtesy vehicles.

100. A driver of a courtesy vehicle—

- (a) shall behave in a civil and orderly manner;
- (b) shall not smoke in the courtesy vehicle;
- (c) shall take all reasonable precautions to ensure the safety of passengers;
- (d) shall not wilfully deceive or refuse to inform any passenger or intending passenger as to the destination, or route of the courtesy vehicle;
- (e) shall not at any reasonable time, obstruct, refuse or neglect to give all reasonable information and assistance to a police officer, Transport Inspector or officer of the Ministry with responsibility for transport;
- (f) shall to the best of his ability, take steps whenever necessary to enforce the provisions of these Regulations relating to the conduct of passengers;
- (g) shall not, when the courtesy vehicle is in motion, speak to any other person, unless it is necessary to do so on the grounds of safety;
- (h) shall, when picking up or setting down passengers, stop the courtesy vehicle as close as may be possible to the right hand side of the road.

(2) A driver of a courtesy vehicle which is stationary for reasons other than traffic congestion or the picking up or setting down of passengers, shall stop the engine and apply the brake.

(3) A driver of a courtesy vehicle shall not pick up or set down passengers except at the points specified by the Commission in the licence applicable to the operator of the vehicle.

Conduct of Passengers.

101. When a courtesy vehicle is carrying passengers or waiting to pick up passengers, a passenger or intending passenger within the vehicle shall not—

- (a) smoke; or
- (b) use obscene or offensive language or conduct himself in a disorderly manner.

Powers of drivers.

102.(1) Any passenger contravening regulation 101 may be requested to leave the courtesy vehicle or may be removed therefrom by a police officer at the request of the driver, conductor or a Transport Inspector.

(2) A passenger in or on a courtesy vehicle who is reasonably suspected by the driver or a Transport Inspector of contravening regulation 101 shall give his full name and address to a police officer or to the driver or conductor or a Transport Inspector on demand.

GENERAL DUTIES OF LICENSEES**Dress code.**

103. Every driver of a vehicle licensed under these Regulations any every holder of a guide licence issued under these Regulations shall, while on duty, be dressed to a standard prescribed by the Commission.

Duty to issue receipt.

104. Every driver of a taxi, a chauffeur-driven hire car or a private hire car shall issue a receipt on request, showing the name and signature of the driver and the fare paid (including any gratuity).

PART VI**LICENSING OF GUIDES AND SIGHTSEEING TOURS****Licences for the offer of professional services as a guide.**

105.(1) A person is guilty of an offence if, without a licence issued under regulation 107 or 108 he—

- (a) offers, or is concerned with offering, professional services as a guide;
- (b) offers, or is concerned with offering, sightseeing tours.

(2) For the purposes of this regulation, “professional services as a guide” means conducting sightseeing tours for money or money’s worth, and “sightseeing tour” means accompanying a person or persons on a tour of Gibraltar or part of it and familiarising them with Gibraltar’s history, geography and culture in exchange for money or money’s worth.

Licensing of sightseeing tours: private hire cars.

106.(1) The Board shall not grant a sightseeing tour licence to a holder of a licence in respect of a private hire car.

(2) A sightseeing tour may only be taken by a private hire car if the services of a guide who is not also the driver of the vehicle are engaged.

(3) A sightseeing tour taken by a private hire car shall not be paid for on the basis of a single fare; the hirer shall pay, as separate items directly to the persons to whom the money is owed, the fare for the journey, the cost of engaging the services of a guide and any other supplementary cost.

Applications for, and issue of, guide licences.

107.(1) Applications may be made, in form 8 in Schedule 1, for either an ordinary guide licence or, a specialist guide licence.

(2) The Board may issue a guide licence upon being satisfied that the applicant—

- (a) is of good character;
- (b) is a competent and effective communicator;
- (c) is fluent in at least two European languages;
- (d) has a good standard of knowledge of the geography, history and culture of Gibraltar; and
- (e) has the ability competently to guide visitors on one or more of the tours prescribed by the Board.

(3) The Board may issue a specialist guide licence upon being satisfied that the applicant meets the criteria in subsection 2(a) to (c) and in addition—

- (a) has a high standard of knowledge of the geography, history and culture of Gibraltar; and

- (b) has the ability competently to guide visitors on all the tours prescribed by the Board.

(4) Licences issued under sub-regulations (2) and (3) may be issued subject to such terms and conditions as the Board deems appropriate, and, without prejudice to the generality of the foregoing, the Board may certify a person as competent to provide his professional services as a guide only in respect of particular tours.

Sight-seeing tour licences.

108. The Board may issue a sightseeing tour licence in respect of a vehicle upon being satisfied that—

- (a) the applicant is of good character and holds a current driving licence with no endorsements; and
- (b) the vehicle and its driver are licensed under these Regulations.

Guide and sight-seeing tour licences: general.

109.(1) The Board, may, in its absolute discretion, exempt a person or persons from any of the provisions of this regulations 107 and 108 as the Board deems appropriate.

(2) A person who knowingly gives any false information to the Board in connection with an application for a licence under regulations 107 and 108 is guilty of an offence.

CONDITIONS SUBJECT TO WHICH LICENCES UNDER THIS PART MAY BE ISSUED OR HELD

Power of Board to impose conditions.

110.(1) Licences under this Part may be issued, and shall remain current, subject to such terms, conditions and restrictions as the Board may, from time to time, impose.

Conditions on sightseeing tour licences.

111.(1) Without prejudice to the generality of regulation 110 every sightseeing tour licence shall be issued subject to the following conditions—

- (a) sightseeing tours shall commence from such places as the Board may authorise in writing;

- (b) sightseeing tours shall include an itinerary and shall include visits to such places as the Board may authorise in writing;
- (c) they shall not be transferable;
- (d) it shall authorise the licensee to offer his services as a principal only and on the condition that the licensee does not enter into any transaction as a trustee, agent, nominee or otherwise on behalf of any third party;
- (e) it shall be subject to annual renewal at the discretion of the Board, subject to such conditions as the Board may deem reasonable in the circumstances.

(2) A licensee who contravenes any condition of the licence is guilty of an offence and the Board may suspend or revoke the licence.

Conditions on Guide licences.

112.(1) Without prejudice to the generality of regulation 110, every guide licence shall be issued subject to the following conditions -

- (a) it shall not be transferable;
- (b) it shall be subject to annual renewal at the discretion of the Board, subject to such conditions as the Board may deem reasonable in the circumstances;
- (c) it shall authorise the licensee to charge such minimum consideration for his services as may be prescribed; and
- (d) it shall state which of the tours prescribed by the Board the licensee may guide visitors on.

(2) A licensee who contravenes any condition of the licence is guilty of an offence and the Board may suspend or revoke the licence.

LICENSING PROVISIONS: MISCELLANEOUS & FINAL

Duty to issue receipt.

113. Every licensee shall issue a receipt on request, showing the name, address and signature of the licensee and the services supplied and the amount paid (including any gratuity).

Duty to display licence.

114. Licensees shall, at all times, display a copy of their licenses in a prominent position on all premises from which they intend to provide services to the public.

Register of licences.

115.(1) The Board shall record in a register details of all holders of guide licences and sightseeing tour licences and, for the purposes of this regulation, a person shall be deemed to hold a valid licence until the fact of its revocation or suspension has been recorded in the register.

(2) The register mentioned in sub-regulation (1) shall be available for inspection by the public during normal working hours.

PART VII**REGULATION OF SIGHTSEEING TOURS FOR OVERLAND VISITORS****REGISTER OF BOOKINGS**

116.(1) The Board shall maintain a register of bookings of sightseeing tours for persons arriving in Gibraltar by coach whose tour is to be delivered by omnibus licensed under this Act;

- (2) The register shall set out—
- (a) the date and time of the proposed tour;
 - (b) the type of proposed tour;
 - (c) the mode of transport requested;
 - (d) the person or persons, or organisation, requested to provide the tour; and
 - (e) the places where it is proposed the tour should start and finish.
- (3) The register shall be open to inspection during office hours.

Overland visitors: Duty to book in advance.

117.(1) Subject to sub-regulation (3), no licensee other than a taxi shall provide sightseeing tours to any persons arriving in Gibraltar by the land frontier at North Front by coach unless a request for a booking in respect of those persons was received by the Board a minimum of three hours before the time when the persons booked on the tour entered Gibraltar by that frontier.

(2) When the Board has reasonable grounds to believe that any licensee has provided sightseeing tours contrary to the provisions of sub-regulation (1), the Board may, after informing the licence holder of its intention to do so and its reasons and after giving the licence holder the opportunity to be heard, cancel or suspend the licence.

(3) In exceptional circumstances the Board may exempt a licensee by notice in writing from the provisions of sub-regulation (1), either in respect of particular persons arriving or generally.

PART VIII

FINAL PROVISIONS

Miscellaneous duties.

118.(1) Licences to which Part V and Part VI apply shall be issued or renewed subject to additional or different conditions and on condition that the Commission may revoke or suspend the licence on the occurrence of any of the following—

- (a) the licensee or operator or driver of a licensed vehicle is convicted of an offence which appears to the Commission to be of sufficient gravity to justify revocation;
- (b) the licensee or operator or driver of a licensed vehicle has, for a continuous period of six months, ceased to offer the services to which the licence relates;
- (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
- (d) *revoked.*

(2) Licences issued under the Traffic Act in respect of taxis, route buses, self-drive hire cars, chauffeur-driven cars, private hiring vehicles, courtesy vehicles, guide licences and sight-seeing tour licences shall be deemed to have been issued under Part V and Part VI from the date of entry into operation of these Regulations.

(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 licence 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.

General duties of Transport Inspectors.

119.(1) It shall be the duty of Transport Inspectors to enforce or to secure the enforcement of the conditions of licences, and of the provisions of these Regulations and of the Act.

(2) In the exercise of their duties, Transport Inspectors shall have the right to enter and inspect such vehicles and premises, and inspect such documents, as they shall deem reasonable, taking all material circumstances into account.

(3) Any breach by a licensee of any term or condition of his licence or of any provision of these Regulations or of the Act shall, at the first reasonable opportunity, be reported to the Commission by a Transport Inspector.

(4) In the event of any dispute or grievance between licensees or any category of them in relation to the application of these Regulations, a Transport Inspector shall make an immediate adjudication in respect of the dispute or grievance.

(5) All licensees shall accept and abide by the adjudication made under subsection (4) and failure to do so shall be deemed to be a breach of a condition of the licence.

(6) A licensee who is dissatisfied with an adjudication made under subsection (4) may appeal to the Minister within 7 days for a ruling on whether the adjudication was appropriate in the circumstances.

Obstruction of Transport Inspectors.

120. Any person who obstructs a Transport Inspector in the execution of his duties is guilty of an offence.

Complaints procedure.

121.(1) Any person with a grievance against a person licensed under the Act may complain to the Commission.

(2) Upon receipt of a complaint under this regulation, the Commission may take such action as it deems appropriate in order to investigate its merits, and, in particular the Commission may -

- (a) instruct such persons as the Commission may consider to be suitably qualified for the purpose, to advise it regarding the merits of the complaint;
- (b) request the complainant, any person licensed under the Act, a Transport Inspector, a police officer or any other relevant person to make written or oral representations to the Commission or to any person the Commission authorises.

(3) If, following an investigation, the Commission considers that the complaint is justified, the Commission may—

- (a) warn the licensee;
- (b) impose additional conditions on the licence; or
- (c) suspend or revoke the licence.

Lost property.

122.(1) The driver, or, in the case of a bus carrying a conductor, the conductor, of any public service vehicle as the case may be, in which any property is left by any person shall, if not sooner claimed by its owner, leave it with the Commissioner of Police within twenty-four hours of finding such property.

(2) The Commissioner of Police shall cause to be entered in the presence of the driver or of the conductor, as the case may be, in a book kept for that purpose a description of the property, the name and address of the driver or conductor depositing the same, the number of the vehicle and the date of deposit and such entry shall be initialled or marked as correct by the driver or conductor.

(3) Any property so deposited shall be returned to the person who can prove to the Commissioner of Police his right to it, after paying all expenses

incurred, and, if it is not claimed by some person within six months from the date of deposit, it shall be returned to the driver or the conductor, as the case may be, who left the property with the Commissioner of Police.

Penalties.

123.(1) Without prejudice to any other provision of these Regulations, any person responsible for an act or omission contrary to any provision of these Regulations is guilty of an offence.

(2) A person convicted of an offence under these Regulations for which no specific penalty is provided is liable on summary conviction, in addition to any other penalty imposed under these Regulations, in the case of a first offence to a fine up to level 1 on the standard scale, and in the case of a second or subsequent offence to a fine up to level 2 on the standard scale.

Punishment by way of fixed penalty.

124.(1) The provisions of this regulation apply to any offence created by these Regulations.

(2) Where a police officer or Transport Inspector has reason to believe that a person is committing or has committed an offence under these Regulations, he may give that person a notice in writing in the form set out in Schedule 3 offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section before the expiration of fourteen days from the date of the notice.

(3) Where a person is given a notice under this regulation proceedings shall not be taken against any person for that offence until the end of the fourteen days following the date of service of the notice or the day after posting such notice or such longer period (if any) as may have been specified.

(4) In sub-regulations (2) and (3) "proceedings" means criminal proceedings in respect of the act or omission constituting the offence specified in the notice under sub-regulation (2), and "convicted" shall be construed in like manner.

(5) Payment of a fixed penalty under this regulation shall be made to the Clerk of the Magistrates' Court and sums paid by way of fixed penalty for any offence shall be treated as if they were fines imposed on summary conviction for that offence: and in any proceedings a certificate that payment of a fixed penalty was or was not made to the Clerk of the Magistrates' Court by a date specified in the certificate shall, if the certificate purports to

be signed by the Clerk of the Magistrates' Court, be sufficient evidence of the facts stated, unless the contrary is proved.

(6) A notice under sub-regulation (2) shall specify the offence alleged and give such particulars of the offence as are necessary for giving reasonable information of the allegation. and state also the period during which proceedings will not be taken for the offence, the amount of the fixed penalty and the address of the Clerk of the Magistrates' Court to whom the fixed penalty may be paid.

(7) The fixed penalty for an offence shall be £50.

(8) In any proceedings for an offence to which sub-regulation (1) applies, no reference shall be made after the conviction of the accused to the giving or affixing of any notice under this regulation or to the payment or non-payment of a fixed penalty thereunder unless in the course of the proceedings or in some document which is before the court in connection with the proceedings reference has been made by or on behalf of the accused to the giving or affixing of such notice, or as the case may be, to such a payment or non-payment.

124A. *Revoked*

Revocations

125. The provisions of Schedule 2 have effect.

SCHEDULE 1

Regulation 3

FORMS

FORM 1

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

Regulation 3

APPLICATION FOR ROAD SERVICE LICENCE*
APPLICATION FOR OPERATOR'S LICENCE*

To the Secretary,

Transport Commission.

I/We.....

of..... apply for a road service operator's
licence in respect of the following vehicles:

Make	Engine number	Chassis number	Registration number (if any)

I enclose copies of certificates of fitness in respect of these vehicles.

Date.....

Signed.....

FORM 2

TRANSPORT ACT

TRANSPORT REGULATIONS

APPLICATION FOR OPERATOR'S LICENCE
APPLICATION FOR RENEWAL OF AN OPERATOR'S LICENCE
APPLICATION FOR AMENDMENT OF AN OPERATOR'S
LICENCE

(delete whichever is inappropriate)

To the Secretary
Transport Commission

I/We
of

apply for a road service operator's licence.

I/we enclose the following information that is required by the Commission in order to process the application:

- (a) the licence is to cover:
- (i) both national transport operations and international operations, or
 - (ii) national transport operations only.

(please delete as appropriate)

- (b) the following vehicle(s) will be used in respect of this licence

Make	Engine Number	Chassis Number	Registration No.

- (c) I/we enclose evidence that I/we have available sufficient financial resources to ensure the establishment and proper administration of the road transport undertaking carried on, or proposed to be carried on, under the licence. (see Notes 1 and 2).

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This version is out of date

**Subsidiary
2000/059**

- (d) I/we enclose evidence of professional competence. (see Note 3)
- (e) Details of the place from which the business is proposed to be carried out are as follows:
- (f) I/we enclose particulars of any convictions or road traffic offences during the five years preceding the making of this application recorded against myself, my company or my transport manager. (see Note 4) or
- (g) I/we certify that no convictions or road traffic offences have been recorded against me/us, my/our company or my/our transport manager in the 5 years immediately preceding this application (delete as appropriate).

I give below details of other applications made for the issue, renewal or amendment of an Operator's Licence within the last 24 months.

I certify that the information given in this application is complete and accurate and I authorise the verification of any part as may be required.

Signed (see Note 5)

Date

N.B. Every application must be sent to the Commission so as to reach it not less than eight weeks before the date on which the applicant desires the licence, renewal or amendment applied for to take effect.

NOTES

These notes are to be read in conjunction with the Application for Operator's Licence and the Transport Act, 1998 and serve as an aide-memoire only.

NOTE 1

If the application is for international transport operations you are required to provide proof to the Commission that you have available capital and reserves of an amount equal to at least:

- (i) 3,000 Euro multiplied by the number of vehicles which are to be or are used under the licence; or
- (ii) in the case of road haulage operator licences, 150 Euro multiplied by the number of tonnes of the aggregate of the maximum authorised weight of such vehicles; or

- (iii) in the case of road passenger transport operator licences, 150 Euro multiplied by the number of passenger seats in that number of vehicles,

whichever is the less.

NOTE 2

In assessing the financial resources available to an applicant for or a holder of a licence, the Commission will have regard to—

- (a) the annual accounts, if any, of the applicant or the holder;
- (b) the extent that they are available for the road transport undertaking, in respect of which the application is made or the licence is held—
- (i) funds available to the applicant or the holder, including money in bank accounts, overdraft and loan facilities;
- (ii) any assets of the applicant or holder, including property, and the extent to which such assets are available by way of security;
- (c) the costs to the applicant, or the holder of the road transport undertaking in respect of which the application is made or the licence is held, including, but not limited to—
- (i) the purchase cost of or initial payment in respect of the vehicles the applicant proposes to operate in the undertaking, and in respect of which the licence is to be issued or is issued;
- (ii) the cost of purchase or rent in respect of premises, plant and equipment used in the operation of the undertaking;
- (d) whether the amount and cost of working capital is adequate in respect of the undertaking.

The applicant or holder must provide such evidence as the Commission may require for the purpose of establishing that these requirements are met, including, if so required, guarantees by a bank or other similar institution.

NOTE 3

An individual or a company satisfies the requirement as to professional competence if, and as long as, in respect of its road transport undertaking, he has a transport manager, or managers who, or if more than one each of whom, is of good repute and professionally competent.

An individual is regarded as professionally competent for the purposes of this application if, and only if—

- (a) he has demonstrated possession of the requisite skills by passing a written examination, which may take the form of a multiple-choice examination, organised by an approved body and he is the holder of a certificate to that effect issued by the approved body; or
- (b) he is the holder of any other certificate of competence, diploma or other qualifications recognised for the purposes of this subparagraph by the Commission.

“the requisite skills” at (a) above means skills in the subjects listed in Part A of the Annex to Council Directive (EEC) 89/438 of 21 June 1989; and, in the case of a licence to cover international operations, also skills in the subjects listed in Part B of the Annex to that Directive.

An individual is regarded as professionally competent if he was authorised to engage in the occupation of road passenger transport if he was so authorised prior to 22 September 2000 for a period of 2 years during the period 1 January 1975 to 31 December 1979 or at any time between 1 January 1970 and 31 December 1974.

NOTE 4

(1) In determining whether an individual is of good repute, the Transport Commission will have regard to any relevant matter, and in particular to—

- (a) relevant convictions of the individual and his employees and agents; and
- (b) such other information as the Transport Commission may have as to his previous conduct appearing to relate to his fitness to hold a licence.

(2) In determining whether a company is of good repute, the Commission will have regard to all the material evidence and in particular to—

- (a) relevant convictions of the company, its officers, employees and agents; and

- (b) such other information as the Transport Commission may have as to previous conduct of—
 - (i) the company's officers, employees and agents appearing to relate to the company's fitness to hold a licence; and
 - (ii) each of the company's directors, in whatever capacity, appearing to relate to the company's fitness to hold a licence.
- (3) The Transport Commission will determine that an individual is not of good repute if he has been convicted—
 - (a) of a serious offence;
 - (b) of an offence under the Transport Act which has resulted in the exercise by the Transport Commission of its powers under section 29 of the Transport Act to suspend or revoke a licence;
 - (c) on two or more occasions of road transport offences that is to say—
 - (i) an offence under the Transport Act relating to drivers' driving and rest periods, the weight and dimension of commercial vehicles, road safety, vehicle safety or falsification of documents;
 - (ii) an offence under the Employment and Training Act relating to the employment of persons in a business in respect of which a licence is required;
 - (iii) any corresponding offence under the law of a country or territory outside Gibraltar of which the person was convicted in the seven years preceding the date of application.
- (4) For the purposes of sub-paragraph (3)(a) above a serious offence is—
 - (a) an offence under the law of Gibraltar for which a sentence of imprisonment for a term exceeding three months or a fine exceeding level 4 on the standard scale was imposed; and
 - (b) any corresponding offence (in the seven years preceding the date of the application) under the law of a country or territory outside Gibraltar for which a corresponding punishment was imposed.

(5) In sub-paragraph (4)(a) above “a sentence of imprisonment” includes any form of custodial sentence or order other than one under the enactments relating to mental health.

(6) Paragraph (3) above of this Note is without prejudice to the power of the Transport Commission to determine that an individual is not of good repute for reasons other than convictions of the kind there mentioned.

(7) In this Note references to an individual include references to a transport manager as well as to an individual who is an applicant for, or the holder of, a licence.

NOTE 5

Every application must be signed—

- (i) if made by an individual person, by that individual,
- (ii) if made by a body corporate, by an individual person authorised for the purpose by the body or under its common seal, and
- (iii) if made by persons in partnership, by one of the partners with the authority of the others.

FORM 3

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

Regulation 3

**APPLICATION FOR AMENDMENT TO
A ROAD SERVICE LICENCE/
AN OPERATOR'S LICENCE**

To the Secretary,
Transport Commission.

I/We.....of.....
request that Road Service Licence No....., /Operator's Licence
No....., issued on..... be amended as follows:-

Date

Signed.....

FORM 4

Regulation 3

PUBLIC SERVICE VEHICLE

IDENTIFICATION DISK



FORM 5

Regulation 3

SIGHTSEEING TOUR LICENCE

IDENTIFICATION DISK



FORM 6

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

APPLICATION FOR SELF-DRIVE OPERATOR'S LICENCE

Regulation 3

To the Secretary,

Transport Commission.

I/We.....

apply for a self-drive operator's licence

I/We intend to use the following vehicles for the business of self-drive operations.

Make	Engine number	Chassis number	Registration number(if any)

Date.....

Signed.....

FORM 7

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

SELF-DRIVE OPERATOR'S LICENCE

Regulation 3

.....of.....

is licensed under the Transport Act 1998 to let out motor vehicles on hire as self-drive cars subject to the following conditions:

1. The number of suitable vehicles available for the operator's business of hiring out self-drive cars must not be less than three.

2.

etc.....

Fee paid £.....

Date.....

Secretary.

Transport Commission.

FORM 8

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

APPLICATION FOR A GUIDE LICENCE/SIGHTSEEING TOUR
LICENCE

Regulation 3

To: The Gibraltar Tourist Board

1. Full name(s) of applicant:
2. Nationality of applicant:
3. Address of applicant:
4. Date of birth of applicant:
5. Home telephone number of applicant:
6. Business details:

Business name.....

Telephone number.....

Business address.....

7. (For a guide licence) Languages spoken.....

8. Additional information:

If this application is for a sightseeing tour licence, please give full details of all vehicles to which this application relates, including the age, make and model, registration number and date of first registration.

9. Date/year of previous guide licence/sightseeing tour licence held.

10. I declare that I/We have not at any time been convicted of any offence contrary to the provisions of the Transport Act 1998 or the Transport Regulations 2000.

11. Address at which all documents required to be kept under the Transport Act 1998 or the Transport Regulations 2000 will be kept and available for inspection–

DECLARATION:

I/We hereby apply to the Transport Commission for a guide licence/a specialist guide licence/a sightseeing tour licence under the provisions of the Transport Act 1998 and the Transport Regulations and declare that the information given above is true to the best of my/our knowledge and belief.

SIGNATURE:

Applicant.....

Signature.....

Date.....

WARNING: IT IS AN OFFENCE KNOWINGLY TO GIVE FALSE INFORMATION IN CONNECTION WITH THIS APPLICATION OR TO MAKE A FALSE ENTRY ON THIS APPLICATION FORM.

FORM 9

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

GUIDE LICENCE

Regulation 3

LICENCE NO.

(To be quoted in all correspondence)

Name:

Address:

is licensed as an ordinary guide/specialist guide until
subject to the provisions of the Transport Act 1998 and the Transport
Regulations, and subject to the following additional conditions—

1. This licence is not transferable.
2. You must keep and produce for inspection when required the receipts specified in the Transport Regulations.
3. You must prominently wear a copy of the badge supplied when acting as a guide.

This licence is subject to annual renewal subject to the discretion of the Gibraltar Tourist Board upon written application prior to its expiry.

Date:

Signed:

Gibraltar Tourist Board

Warning: The Gibraltar Tourist Board may cancel this licence if it has reasonable grounds to believe that the holder has breached any of the terms and conditions subject to which it has been issued.

FORM 10

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

SIGHTSEEING TOUR LICENCE

Regulation 3

LICENCE NO.
(To be quoted in all correspondence)

Name:

Address:

is hereby licensed to provide sightseeing tours until subject to the provisions of the Transport Act 1998 and the Transport Regulations 1999, and subject to the following additional conditions—

1. This licence is not transferable.
2. You must keep and produce for inspection when required the receipts specified in the Transport Regulations.
3. You must prominently display a copy of the identification disc supplied on each of the vehicles listed in the Schedule.
4. etc.

The licence is subject to annual renewal subject to the discretion of the Gibraltar Tourist Board upon written application prior to its expiry.

SCHEDULE

Vehicles to which this licence applies –

- 1.....
- 2.....
- 3.....

Date:

Signed

Gibraltar Tourist Board

Warning: The Gibraltar Tourist Board may cancel this licence if it has reasonable grounds to believe that the holder has breached any of the terms and conditions subject to which it has been issued.

FORM 11

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

Regulation 3

**APPLICATION FOR A PRIVATE HIRING VEHICLE
OPERATOR'S LICENCE**

To the Secretary,

Transport Commission.

I/We

of.....

apply for a private hiring vehicle operator's licence.

I/We intend to use the following vehicles for the business of private hiring vehicle operations.

Make	Engine number	Chassis number	Registration number (if any)

Date.....

Signed.....

FORM 12

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

Regulation 3

PRIVATE HIRING VEHICLE OPERATOR'S LICENCE

..... of is licensed under the Transport Act 1998 to let out private hire motor vehicles subject to the following conditions:

1.

etc.

Fee paid £.....

Date

Secretary
Transport Commission

FORM 13

BADGE FOR LICENSED GUIDES

Regulation 3

The badge to be worn by guides under these Regulations shall be a plasticised card bearing a photograph of the licensee and a brief explanation of the purpose of the badge in a format approved by the Minister.

FORM 14

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

**APPLICATION FOR A CHAUFFEUR-DRIVEN CAR OPERATOR'S
LICENCE**

Regulation 3

To the Secretary,

Transport Commission.

*I/We.....

apply for a chauffeur-driven car operator's licence

I/We intend to use the following vehicles for the business of chauffeur-driven car operations

Make	Engine Number	Model Number	Chassis Number	Date of Manufacture	Registration number (if any)

Date.....

Signed.....

FORM 15

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

CHAUFFEUR-DRIVEN CAR OPERATOR'S LICENCE

Regulation 3

.....of.....

is licensed under the Transport Act 1998 to let out motor vehicles on hire as chauffeur-driven cars subject to the following conditions:

1.

etc.....

Fee paid £.....

Date.....

Secretary,
Transport Commission.

FORM 16

TRANSPORT ACT 1978

TRANSPORT REGULATIONS

APPLICATION FOR A COURTESY VEHICLE OPERATOR'S
LICENCE

Regulation 3

To the Secretary
Transport Commission.

I/We

apply for a courtesy vehicle operator's licence.

I/We intend to use the following vehicles for the business of courtesy
vehicle operations.

Make	Engine Number	Model Number	Chassis Number	Date of Manufacture	Registration number (if any)

Date.....

Signed.....

FORM 17

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

COURTESY VEHICLE OPERATOR'S LICENCE

Regulation 3

.....of.....

is licensed under the Transport Act 1998 to operate courtesy buses subject to the following conditions:

1. The points between which the service may be offered areand

2.

etc.....

Fee paid £.....

Date

Secretary
Transport Commission

SCHEDULE 2

Regulation 125

REVOCATIONS

1. The following provisions of the Traffic (Licensing and Registration) Regulations are revoked—

- (a) regulations 36 to 42.
- (b) regulation 44.
- (c) regulations 56, 57 and 58.
- (d) regulation 63.
- (e) the following provisions of Schedule 1—
 - (i) Form 8,
 - (ii) Form 9,
 - (iii) Form 10, and
 - (iv) Form 11.
- (f) the following provisions of section 4 of Schedule 2—
 - (i) paragraph 1 (taxis), and
 - (ii) paragraph 2 (other public service vehicles).

2. Regulations 34 to 36 of the Control of Traffic Regulations are revoked.

3. The Public Service Vehicles Regulations are revoked.

4. The following provisions of the Traffic (Parking and Waiting) Order are revoked—

- (a) paragraphs 5,6, 7, 16, 18A, 23, 24, 25, 26.
- (b) Schedules 2,3, 4 and 6.
- (c) paragraphs (b), (c) and (d) of Schedule 8.

5. Part VII - Licensed Guides - of the Licensing Rules is revoked.

SCHEDULE 3

Regulation 124

FIXED PENALTIES

1. A notice under regulation 125 offering the opportunity of the discharge of any liability to conviction of an offence to which that regulation applies by payment of a fixed penalty (hereinafter in this Schedule referred to as “a notice”) shall be in the form set out below or in a form to the like effect.

2. A notice, specifying an alleged offence, shall contain a reference to the provision of the Regulations creating the offence.

3. A copy of any notice given under regulation 136 shall, as soon as practicable, be forwarded by or on behalf of the police officer giving the notice to the Clerk of the Magistrates’ Court.

4. The person paying a fixed penalty shall either forward with the remittance Part 2 of the relevant notice or identify the notice by specifying its serial number.

5. If, owing to the failure of the person paying a fixed penalty to comply with the provisions of paragraph 4, above the Clerk of the Magistrates’ Court is unable to identify the relevant notice, the Clerk shall, as soon as practicable, return the remittance to that person.

6. If less than the full amount of a fixed penalty is tendered to the Clerk of the Magistrates’ Court in payment of the fixed penalty the Clerk shall, as soon as practicable, return to the sender the amount tendered.

7. Where criminal proceedings in respect of the act or omission constituting the offence specified in a notice are taken by a police officer, notification thereof shall, as soon as possible, be given by or on behalf of the police officer to the Clerk of the Magistrates’ Court.

8. The Clerk shall not, after receiving the said notification, accept payment of the fixed penalty to which the notice relates.

9. Subject to the foregoing provisions of this Schedule the Clerk of the Magistrates’ Court shall, as soon as practicable after payment of a fixed penalty has been made to him,—

- (a) send to the payer a receipt for the payment; and

(b) inform the Commissioner of Police of the payment.

FORM OF NOTICE

PARAGRAPH 1.

Serial No. (of notice).....

TRANSPORT ACT 1998

TRANSPORT REGULATIONS

Regulation 124

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY.

PART 1.

Motor vehicle, registration No.....,was seen in (insert name of road or parking place).....
from.....to.....(at.....) on the
.....day of....., 20 , in circumstances giving me reasonable cause to believe that an offence, particulars of which are given below, was being or had been committed.

(here insert particulars of the offence alleged).

Signature.....

Rank.....

If before the end of.....days from the above date, the sum of £50 (being the fixed penalty for the offence) is paid to the Clerk of the Magistrates' Court 277, Main Street, the police will not take proceedings for the offence, and any liability to conviction of the offence will be discharged. Cash should be sent by registered post; cheques, postal orders or money orders should be made payable to the Clerk of the Magistrates' Court.

A receipt for the payment will be given. Part payment will not be accepted by the Clerk.

The person paying the fixed penalty must forward with the remittance Part 2 of this notice or identify the notice by quoting its serial number.

If the fixed penalty is not paid, the offender is liable to be prosecuted.

PART 2.

Serial No. (of notice).....

To the Clerk of the Magistrates' Court, 277, Main Street.

I enclose the sum of £.....as payment of the fixed penalty for the offence mentioned in Part I of this notice.

Name (in block capitals).....

Address(in block capitals).....

SCHEDULE 4

Regulation 44

**PROVISIONS RELATING TO THE SEATING CAPACITY OF
PUBLIC SERVICE VEHICLES**

TAXIS

The seating capacity of taxis must not exceed eight persons excluding the driver.

2. OTHER PUBLIC SERVICE VEHICLES

For the purposes of this paragraph, the seating capacity of a vehicle shall be determined as follows.

2.1 Where separate seats for each person are provided one person shall be counted for each separate seat provided.

2.2 Where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 37 centimetres measured in a straight line lengthwise on the front of each seat and where any such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it had not been fitted with such arms.

2.3 In calculating the seating capacity of any vehicle the driver's seat shall be excluded, and, for the purposes of this paragraph, the expression "the driver's seat" means any separate seat occupied by the driver of the vehicle, or, where no such separate seat is provided and the driver occupies a portion of a continuous seat, so much of that seat as extends from the right edge of the seat in the case of a vehicle steered from the right hand side, or from the left edge of the seat in the case of a vehicle steered from the left hand side, to a point 45 centimetres left or right, as the case may be, of the point on the seat directly in rear of the centre of the steering column.

2.4 Where on any vehicle there are seats alongside the driver's seat, whether separate from, or continuous with, the driver's seat, and the Commission is satisfied that those seats will not, during the currency of the licence to be granted, be permitted to be used by members of the public travelling on the vehicle, those seats shall be excluded in calculating the seating capacity of the vehicle.

2.5 In calculating the seating capacity of a vehicle constructed for the carrying of children not exceeding twelve years of age, two seats shall count as three.