

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**
No. 3464 of 7 April, 2005

LEGAL NOTICE NO. 65 OF 2005.

TRANSPORT ORDINANCE 1998

TRANSPORT (AMENDMENT No.2) REGULATIONS 2005

In the exercise of the powers conferred upon him by section 69 of the Transport Ordinance the Minister has made the following Regulations—

Title.

1. These Regulations may be cited as the Transport (Amendment No.2) Regulations 2005.

Amendment of Transport Regulations 2000.

2.(1) The Transport Regulations 2000 are amended in accordance with the provisions of this regulation.

(2) After Part VII insert—

**“PART VIIA
MISCELLANEOUS PROVISIONS**

Keeping and Production of Self-Drive Operator’s Licence.

117A.(1) A self-drive car licence shall not be carried or exhibited on the vehicle in respect of which it is issued, but shall be kept by the self-drive operator at the principal place where he carries on business in Gibraltar as a self-drive operator at all times during the currency of the licence.

(2) A self-drive operator, if required by a police officer or Transport Inspector, shall produce within twenty-four hours, at the principal place where he carries on business in Gibraltar as a self-drive operator, any self-drive car licence which he is required to keep under sub-regulation (1), for examination by such police officer or Transport Inspector.

(3) A person who contravenes any of the provisions of this regulation is guilty of an offence.

Prohibition of touting in connection with hire of self-drive cars.

117B.(1) No owner or operator of a self-drive car and no person acting on behalf of the owner or operator shall on a road or other public place by words or otherwise solicit for the hire of a self-drive vehicle.

(2) For the purposes of this regulation soliciting in an office situated in a public place shall not be deemed to be soliciting in a public place.

(3) A person who contravenes any of the provisions of this regulation is guilty of an offence.

**PART VIIB
LICENCES TO DRIVE AND CONDUCT
PUBLIC SERVICE VEHICLES**

Driver and conductor licences.

117C.(1) A person shall not drive or act as a conductor of a public service vehicle on a road unless he is licensed by the Commission for the purpose and a person shall not employ any person who is not so licensed to drive or act as a conductor of a public service vehicle on a road.

(2) A licence to drive a public service vehicle may be limited to such type or types of vehicles as may be specified in the licence.

(3) A licence to drive or act as a conductor of a public service vehicle may at any time be suspended or revoked by the Commission upon the ground that, by reason of his conduct or physical disability, the holder is not a fit person to hold such a licence and without prejudice to the generality of the foregoing, a licence may be suspended, revoked or not renewed, if the driver or conductor—

- (a) is convicted of an offence involving dishonesty, indecency or violence;
- (b) is convicted of an offence under, or fails to comply with any relevant provisions of the Transport Ordinance, the Traffic Ordinance or these Regulations; or
- (c) for any other reasonable cause.

(4) Any person driving or acting as the conductor of a public service vehicle shall on being so required by a police officer or Transport Inspector produce his licence to drive or to act as a conductor, as the case may be, for examination by the police officer or Transport Inspector.

(5) A person who acts in contravention of this regulation is guilty of an offence.

Application for licence.

117D.(1) Every application for a licence to drive a public service vehicle or to act as a conductor of a public service vehicle shall be made to the Commission on a form to be obtained from the secretary to the Commission.

(2) Every application shall be signed by the person requiring the licence and shall be accompanied by two photographs of the applicant, and in the case of an application for a licence to drive, a certificate of competence issued under regulation 72(2) Traffic (Licensing and Registration) Regulations and a medical certificate issued under regulation 117K.

(3) A certificate of competence submitted in connection with an application for a licence under this regulation must not be more than five years old from the date of the application.

Conditions for grant of licence to drive.

117E. Before granting a licence to drive a public service vehicle the Commission shall be satisfied that the applicant—

- (a) is over the age of 21 years;
- (b) can read and write either English or Spanish;
- (c) in the case of an applicant wishing to drive a taxi, has sufficient knowledge of the English language to be able to perform his duties.

Conditions for grant of licence to conduct.

117F. Before granting a licence to act as a conductor of a public service vehicle the Commission shall be satisfied that the applicant—

- (a) has a sufficient knowledge of the English language to enable him to perform his duties and can read and write either in English or Spanish;
- (b) is in good health;
- (c) is over the age of 18 years;
- (d) is of good character.

Renewal of licence.

117G.(1) An application for the renewal of a licence issued under regulation 117D shall be in such form as the Commission prescribes and be accompanied by the prescribed fee.

(2) A licence that has not been renewed within the period of 5 years ending on the date of the application for renewal, must not be renewed unless a new certificate of competence is submitted with the application.

Duplicate licence.

117H. The Commission upon being satisfied that any licence issued under these regulations has been lost, destroyed or defaced may issue a duplicate so marked and the duplicate so issued shall have the same effect as the original licence:

Provided that in the case of a licence which has been defaced the duplicate shall be so issued only after the surrender of the original to the Commission.

Forms and fees.

117I.(1) Form 18 in Schedule 1 shall be used in the case to which it refers.

(2) The fees payable for the grant of licences to drive and conduct public service vehicles and for the issue of duplicate licences shall be those set out in Part VI of Schedule 5 and shall be payable to the licensing authority.

Periodical examination of drivers of public service vehicles.

117J.(1) The holder of a licence to drive public service vehicles shall from time to time submit himself for examination by a medical practitioner registered in Gibraltar, so that—

- (a) where the holder is under the age of 40 years, not more than five years; or
- (b) where the holder is 40 years of age but is under 60 years of age, not more than three years; or
- (c) where the holder is 60 years of age or over, not more than twelve months

shall elapse between any such examination and the next succeeding one.

(2) Where the medical practitioner is satisfied that the holder of the licence is physically and mentally fit to drive, he shall give the holder a certificate to that effect and the holder shall deliver it to the Commission.

(3) If no such certificate is delivered within the period of five years, three years or twelve months, as the case may be, the Transport Commission may order that the licence be suspended.

Medical Certificates.

117K. A medical certificate required by these regulations shall be in such form as the Commission prescribes.”.

(3) In Schedule 1 after Form 17 insert—

“Schedule 5

Fees

ROAD SERVICE LICENCES

	£
1 For every application for a road service licence	50.00
2 For every road service licence (per vehicle)	250.00
3 For every transfer of a road service licence .	250.00
4 For every duplicate road service licence	25.00
5 For every application for the amendment of a road service licence	50.00
6 For every renewal of a road service licence	100.00

HORSE DRAWN VEHICLES.

	£
1 Licence for hackney carriage	10.00
2 Licence for horse drawn vehicle other than hackney carriage	5.00
3 Licence to drive hackney carriage	2.00
4 For a duplicate of any licence	2.00

LICENCES TO DRIVE AND CONDUCT PUBLIC SERVICE VEHICLES.

	£
1 For a licence to drive	20.00
2 For a licence to act as conductor	20.00
3 For a duplicate of any licence	20.00
4 For renewal of licence	20.00

OPERATOR LICENCES.

	<i>£</i>
1 For every application for an operator licence	50.00
2 For every operator licence	250.00
3 For every transfer of operator licence	250.00
4 For a duplicate operator licence	25.00
5 For every application for the amendment of an operator licence	50.00
6 For every renewal of an operator licence	100.00".

Dated this 7th day of April, 2005.

F. VINET,

Minister for the Environment,
Roads and Utilities.

EXPLANATORY MEMORANDUM

These Regulations insert two Parts in the Transport Regulations 2000. The first relates to operators of self-drive vehicles and the second Part provides for the licensing of drivers and conductors of public service vehicles. A form for a licence to be issued to such drivers or conductors is inserted in Schedule 1. The fees set out in Schedule 5 are amended to make provision for fees to be charged in relation to certain licences.