

Subsidiary Legislation made under s.69(1)(u).

## **Transport (Combined Operations) Regulations 2003**

### **LN.2003/052**

		<i>Commencement</i>	8.5.2003
Amending enactments	Relevant current provisions	Commencement date	
LN. 2019/237	rr. 2-4		28.11.2019

**Transposing-**  
Directive 92/106/EEC

**1998-44**

Transport

**2003/052**

**Transport (Combined Operations) Regulations 2003**

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**ARRANGEMENT OF REGULATIONS**

Regulation

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*In exercise of the powers conferred on him by section 69(1)(u) of the Transport Act 1998 and all other enabling powers, and for the purposes of transposing into the law of Gibraltar Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States, the Minister has made the following Regulations—*

**Title.**

1. These Regulations may be cited as the Transport (Combined Operations) Regulations 2003.

**Interpretation.**

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

“combined transport” means the transport of goods between Gibraltar and a relevant State where the lorry, trailer, semi-trailer, with or without tractor unit, swap body or container of 20 feet or more uses the road on the initial or final leg of the journey and, on the other leg, rail or inland waterway or maritime services where this section exceeds 100 km as the crow flies and make the initial road transport leg of the journey—

- (a) between the point where the goods are loaded and the nearest suitable rail loading station for the initial leg, and between the nearest suitable rail unloading station and the point where the goods are unloaded for the final leg, or
- (b) within a radius not exceeding 150 km as the crow flies from the inland waterway port or seaport of loading or unloading.

“Directive” means Council Directive 92/106/EC on the establishment of common rules for certain types of combined transport of goods between Member States as may be amended from time to time;

“foreign goods vehicle” means a goods vehicle—

- (a) which is operated by a haulier who is not established in Gibraltar and has been brought temporarily into Gibraltar;
- (b) which is not being used for international carriage by a haulier who is established in a relevant State;
- (c) which is engaged in carrying goods by road on a journey some part of which has taken place, outside Gibraltar; and

- (d) which except in the case of use in a cabotage operation permitted under Regulation (EC) No 1072/2009, is not used at any time during the said journey for the carriage of goods loaded at one place in Gibraltar and delivered at another place in Gibraltar;

“international carriage” has the meaning which it bears in Article 2 of Regulation (EC) No. 1072/2009;

“loading” includes attaching to a drawing vehicle a trailer which has been loaded with goods before it is so attached, and “loaded” shall be construed accordingly;

“relevant State” means the United Kingdom or a member State of the European Union; and

“Act” means the Transport Act 1998.

#### **Exemption from requirements of operator licence.**

3. The requirements of section 25(1)(a) of the Act shall not apply to the use in Gibraltar of foreign goods vehicles for the carriage of goods between Gibraltar and relevant States where the vehicle is being used on a journey for combined transport and there is carried on the vehicle, or, in the case of a trailer, on the vehicle drawing it, a document which satisfies the requirements of Article 3 of the Directive, or a document issued by the competent authority of the relevant State where the vehicle, or in the case of a trailer, the vehicle drawing it, is registered certifying that the vehicle is being used on such a journey.

#### **Initial or final road haulage legs in Gibraltar.**

4. A haulier established in the territory of a relevant State who meets the conditions of access to the occupation and access to the market for transport of goods between relevant States shall have the right to carry out, in the context of a combined transport operation between relevant States, initial or final road haulage legs in Gibraltar which form an integral part of the combined transport operation.

#### **Exemption from presentation of a document under Article 3.**

5. Where a trailer or semi-trailer belonging to an undertaking engaged in own-account transport is hauled on a final section by a tractor belonging to an undertaking engaged in transport for hire or reward, the transport operation so effected shall be exempt from the requirements of presentation of the document provided for in Article 3 of the Directive, but another document shall be provided giving evidence of the journey covered or to be covered by rail, by inland waterway or by sea.

#### **Own account carriage operation.**

6.(1) Where, as part of a combined transport operation, the dispatching undertaking carries out the initial road haulage leg for its own account within the meaning of the First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road, the undertaking which is to receive the goods transported may, notwithstanding the definition given in the said Directive, carry out for its own account the final road haulage leg to transport the goods to their destination using a tractor owned by it, bought by it on deferred terms or hired by it pursuant to Council Directive 84/647/EEC of 19 December 1984 on the use of vehicles hired without drivers for the carriage of goods by road, and driven by its employees, even though the trailer or semi-trailer is registered or hired by the undertaking which dispatched the goods.

(2) The initial road haulage leg in a combined transport operation which the dispatching undertaking carries out using a tractor owned by it, bought by it on deferred terms or hired by it pursuant to Council Directive 84/647/EEC referred to in subregulation (1), and which is driven by its employees, whereas the trailer or semi-trailer is registered or hired by the undertaking which is to receive the goods transported, shall also, notwithstanding the Directive of 23 July 1962 as referred to in subregulation (1), be considered an own account carriage operation if the final road haulage leg is carried out for its own account in accordance with the latter Directive by the recipient undertaking.