

# THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5275 GIBRALTAR Thursday 8th January 2026

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B. 02/26

## BILL

FOR

AN ACT to amend the Traffic Act 2005 and the Transport Act 1998.

ENACTED by the Legislature of Gibraltar.

### Title.

1. This Act may be cited as the Traffic and Transport (Amendment) Act 2026.

### Commencement.

2. This Act comes into operation on the day appointed by the Minister with responsibility for Traffic, by notice in the Gazette.

### Amendment to the Traffic Act 2005.

- 3.(1) The Traffic Act 2005 is amended in accordance with this section.

(2) In section 2-

- (a) delete the definition of “owner”; and
- (b) insert the following definition after the definition of “public service vehicle”-

““registered keeper” means the person registered on the certificate of registration under the Traffic (Licensing and Registration) Regulations as the registered keeper of a motor vehicle;”.

- (3) In section 8, in subsection (2), substitute paragraph (b) with the following-

“(b) empower the police officer or examiner to require the owner of the vehicle, or in the case where a registered keeper has been entered on to the certificate of registration, the registered keeper, to have such defects as may be found in the vehicle remedied within such a time as may be prescribed.”.

(4) In section 9-

(a) in subsection (1), for “If either” substitute “Subject to subsection (1A), if either”;

(b) insert the following subsection after subsection (1)-

“(1A) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(5) In section 10-

(a) in subsection (1), for “If, on the examination”, substitute “Subject to subsection (6), if on the examination”;

(b) in subsection (4), for “The examiner”, substitute “Subject to subsection (6), the examiner”;

(c) insert the following subsection after subsection (5);

“(6) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsections (1) and (4) shall be deemed to be a reference to the “registered keeper”.”.

(6) In section 13-

(a) in subsection (2), for “No provision” substitute “Subject to subsection (4), no provision”; and

(b) insert the following subsection after subsection (3)-

“(4) This section does not apply where a lender has not applied to the licensing authority to register a registered keeper on the certificate of registration of a motor vehicle, under the Traffic (Licensing and Registration) Regulations.”.

(7) In section 15-

(a) in subsection (3), for “The registered owner” substitute “Subject to subsection (3A), the registered owner”; and

(b) insert the following subsection after subsection (3)-

“(3A) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “registered owner” in subsection (3) shall be deemed to be a reference to the “registered keeper”.”.

(8) In section 21-

- (a) in subsection (1), for “A person who” substitute “Subject to subsection (4), a person who”;
- (b) in subsection (2), for “For the Purposes”, substitute “Subject to subsection (4), for the purposes”; and
- (c) insert the following subsection after subsection (3);

“(4) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsections (1) and (2) shall be deemed to be a reference to the “registered keeper”.”.

(9) In section 44A-

- (a) in subsection (2), for “Where the driver” substitute “Subject to subsection (9A), where the driver”;
- (b) in subsection (9), for “For the purposes” substitute “Subject to subsection (9A), for the purposes”; and
- (c) insert the following subsection after subsection (9)-

“(9A) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “registered owner” in subsections (2) and (9)(a) shall be deemed to be a reference to the “registered keeper”.”.

(10) In section 52-

- (a) in subsection (1), for “Where a person” substitute “Subject to subsection (1A), where a person”; and
- (b) insert the following subsection after subsection (1)-

“(1A) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference in-

- (a) subsection (1)(c) to “owner”; and
  - (b) subsection (1)(a)(i) to “registered owner”,
- shall be deemed to be a reference to the “registered keeper”.”.

(11) In section 54-

- (a) in subsection (1), for “If in any case” substitute “Subject to subsection (1A), if in any case”; and
- (b) insert the following subsection after subsection (1)-

“(1A) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(12) In section 74-

- (a) in subsection (1), for “If the licensing authority” substitute “Subject to subsection (1A), if the licensing authority”; and
- (b) insert the following subsection after subsection (1)-

“(1A) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(13) In section 75, in subsection (1), in COLUMN 2 of the table, for “registered owners” substitute “registered owners and registered keepers”.

(14) In section 89, in subsection (1), in paragraphs (h) and (n), for “the owners” substitute “the owners, or where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the registered keeper,” in both instances that it appears.

(15) In section 94-

- (a) in subsection (1), for “Subject to this section” substitute “Subject to this section and subsection (5)”;
- (b) insert the following subsection after subsection (4)-

“(5) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner or the last registered owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(16) In section 94E-

- (a) in subsection (2), for “If at the end” substitute “Subject to subsection (2A), if at the end”; and
- (b) insert the following subsection after subsection (2)-

“(2A) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “registered owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(17) In section 94J-

(a) in subsection (1), for “Subject to subsection (3)” substitute “Subject to subsections (1A) and (3)”; and

(b) insert the following subsection after subsection (1)-

“(1A) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “registered owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(18) In section 94K-

(a) renumber section 94K. to 94K.(1);

(b) in the newly renumbered subsection (1), for “A notice to” substitute “Subject to subsection (2), a notice to”; and

(c) insert the following subsection after subsection (1)-

“(2) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “registered owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(19) In section 96-

(a) in subsection (1), for “Where the driver” substitute “Subject to subsection (1A), where the driver”; and

(b) insert the following subsection after subsection (1)-

“(1A) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the references to “owner” in subsection (1) shall be deemed to be references to the “registered keeper”.”.

(20) In section 99-

(a) renumber section 99. to 99.(1);

(b) in the newly renumbered subsection (1), for “Nothing in this Act” substitute “Subject to subsection (2), nothing in this Act”; and

(c) insert the following subsection after subsection (1)-

“(2) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(21) In section 100, for “the driver or owner” substitute “the driver or owner, or where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the registered keeper.”.

(22) In the Schedule, in paragraph 8-

(a) in subparagraph (2), for “An offence under” substitute “Subject to subparagraph (4), an offence under”; and

(b) insert the following subparagraph after subparagraph (3)-

“(4) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subparagraph (2) shall be deemed to be a reference to the “registered keeper”.”.

#### **Amendment to the Transport Act 1998.**

4.(1) The Transport Act 1998 is amended in accordance with this section.

(2) In section 2, in subsection (1), delete the definition for “owner”.

(3) In section 8-

(a) in subsection (4), for “When a transport” substitute “Subject to subsection (8), when a transport”;

(b) in subsection (5), for “A suspension of a certificate” substitute “Subject to subsection (8), a suspension of a certificate”;

(c) insert the following subsection after subsection (7)-

“(8) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsections (4) and (5) shall be deemed to be a reference to the “registered keeper”.”.

(4) In section 9-

(a) in subsection (1), for “If, at any time” substitute “Subject to subsection (5), if, at any time”;

(b) insert the following subsection after subsection (4)-

- “(5) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(5) In section 10-

- (a) renumber section 10. to 10.(1);
- (b) in the newly renumbered subsection (1), for “The Commission may” substitute “Subject to subsection (2), the Commission may”; and
- (c) insert the following subsection after subsection (1)-

- “(2) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “registered owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(6) In section 17-

- (a) in subsections (1) and (4), for “The Commission shall” substitute “Subject to subsection (10), the Commission shall”;
- (b) in subsection (5), for “It shall be a condition” substitute “Subject to subsection (10), it shall be a condition”;
- (c) in subsection (6), for “Without prejudice” substitute “Subject to subsection (10), without prejudice”;
- (d) in subsection (7), for “provisions of this Act” substitute “provisions of this Act, subsection (10)”;
- (e) insert the following subsection after subsection (9)-

- “(10) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “registered owner” in subsections (1), (4), (5), (6) and (7) shall be deemed to be a reference to the “registered keeper”.”.

(7) In section 19-

- (a) renumber section 19. to 19.(1);
- (b) in the newly renumbered subsection (1), for “A registered owner” substitute “Subject to subsection (2), a registered owner”; and
- (c) insert the following subsection after subsection (1)-

- “(2) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “registered owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(8) In section 66N-

- (a) in subsection (1), in paragraph (c), for “if that person” substitute “subject to subsection (1A), if that person”;
- (b) insert the following subsection after subsection (1)-

- “(1A) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(9) In section 66O-

- (a) in subsection (1), in paragraph (a) for “if that person” substitute “subject to subsection (1A), if that person”; and
- (b) insert the following subsection after subsection (1)-

- “(1A) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(10) In section 71-

- (a) renumber section 71. to 71.(1);
- (b) in the newly renumbered subsection (1), for “Where the driver” substitute “Subject to subsection (2), where the driver”; and
- (c) insert the following subsection after subsection (1)-

- “(2) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(11) In section 74-

- (a) renumber section 74. to 74.(1);
- (b) in the newly renumbered subsection (1), for “Nothing in this Act” substitute “Subject to subsection (2), nothing in this Act”; and



(c) insert the following subsection after subsection (1)-

“(2) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

(12) In section 75-

(a) renumber section 75. to 75.(1);

(b) in the newly renumbered subsection (1), for “Nothing in this Act” substitute “Subject to subsection (2), nothing in this Act”; and

(c) insert the following subsection after subsection (1)-

“(2) Where a person has been named as the registered keeper on the certificate of registration of a motor vehicle, the reference to “owner” in subsection (1) shall be deemed to be a reference to the “registered keeper”.”.

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### **EXPLANATORY MEMORANDUM**

This Act amends the Traffic Act 2005 and the Transport Act 1998.

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