

*Draft Order laid before Parliament under section 28(9) of the Road Traffic Offenders Act 1988, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2016 No. 0000**

**ROAD TRAFFIC**

**The Road Traffic Offenders Act 1988  
(Penalty Points) (Amendment) Order 2016**

*Made* - - - - 2016  
*Coming into force* - - 1st March 2017

The Secretary of State, in exercise of the powers conferred by section 28(7) of the Road Traffic Offenders Act 1988(1), makes the following Order.

In accordance with section 28(9) of that Act, a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament.

**Citation, commencement and application**

1.—(1) This Order may be cited as the Road Traffic Offenders Act 1988 (Penalty Points) (Amendment) Order 2016 and comes into force on 1st March 2017.

(2) This Order does not apply to offences committed before this Order comes into force.

**Amendment of the Road Traffic Offenders Act 1988**

2. In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988(2) (prosecution and punishment of offences under the Traffic Acts), in column 7 of the entry relating to section 41D of the Road Traffic Act 1988(3), for “3” substitute—

- “(a) 3, in the case of an offence under section 41D(a).
- (b) 6, in the case of an offence under section 41D(b).”.

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(1) 1988 c. 53; section 28 was substituted by section 27 of the Road Traffic Act 1991 (c. 40) and amended by section 4 of, and paragraph 34 of Schedule 3 to, the Road Safety Act 2006 (c. 49).  
(2) The entry in relation to section 41D was inserted by section 26 of the Road Safety Act 2006.  
(3) Section 41D was inserted by section 26 of the Road Safety Act 2006, and was extended by SI 2006/2167.

Signed by authority of the Secretary of State for Transport

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 to change the number of penalty points attributable to the offence under section 41D(b) of the Road Traffic Act 1988 of contravening or failing to comply with a construction and use requirement as to the use of hand-held mobile telephones, or other hand-held interactive communication devices, while driving.

Prior to this Order coming into force, a person committing an offence under this provision would have received three penalty points. A person committing such an offence after this Order comes into force will receive six penalty points.

An impact assessment has been produced and is available from the Road User Licensing, Insurance and Safety Division, Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR (telephone 020 7944 4769). The impact assessment and an Explanatory Memorandum are available alongside the instrument on the UK Legislation website, [www.legislation.gov.uk](http://www.legislation.gov.uk).