
EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Construction and Use Regulations 1986 by inserting a new regulation 110.

Regulations 110(1) and (2) prohibit a person from driving, or causing or permitting a person to drive, a motor vehicle on a road if the driver is using a hand-held mobile telephone or similar device. Regulation 110(3) prohibits a person from using a mobile telephone or similar device while supervising a holder of a provisional licence at a time when the provisional licence holder is driving a motor vehicle on a road. It is an offence under section 42 of the Road Traffic Act 1988 to contravene these regulations. Regulation 110(4) provides a definition of devices that are considered similar to hand-held mobile telephones for the purpose of these regulations. This definition excludes two-way radios.

Regulation 110(5) provides that in specific circumstances a person will not breach the regulation. Where a person makes a call to the emergency services on 999 or 112 in response to a genuine emergency where it is unsafe or impracticable for him (or the provisional licence holder) to cease driving while the call is being made, the regulation is not breached.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from Road Safety Division, Zone 2/11, Department for Transport, Great Minister House, 76 Marsham Street SW1P 4DR, telephone 020 7944 2046, facsimile 020 7944 2029, email road.safety@dft.gsi.gov.uk. A copy has been placed in the library of both Houses of Parliament.