

2018 No. 592

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) (Amendment)
Regulations 2018**

<i>Made</i> - - - -	<i>10th May 2018</i>
<i>Laid before Parliament</i>	<i>16th May 2018</i>
<i>Coming into force</i> - -	<i>11th June 2018</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 41(1) and (5) of the Road Traffic Act 1988 (“the Act”)(a).

The Secretary of State has consulted representative organisations in accordance with section 195(2) of the Act and Scottish Ministers in accordance with section 41(2B)(b) of the Act.

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) Regulations 2018 and come into force on 11th June 2018.

Amendment of the Road Vehicles (Construction and Use) Regulations 1986

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986(c) are amended as follows.

(2) In regulation 110 (mobile telephones) after paragraph (5) insert—

“(5A) A person does not contravene a provision of this regulation if, at the time of the alleged contravention—

- (a) that person is using the mobile telephone or other device only to perform a remote controlled parking function of the motor vehicle; and
- (b) that mobile telephone or other device only enables the motor vehicle to move where the following conditions are satisfied—
 - (i) there is continuous activation of the remote control application of the telephone or device by the driver;
 - (ii) the signal between the motor vehicle and the telephone or the motor vehicle and the device, as appropriate, is maintained; and
 - (iii) the distance between the motor vehicle and the telephone or the motor vehicle and the device, as appropriate, is not more than 6 metres.”.

(a) 1988 c. 52. Section 41(1) was amended by section 43(6) of the Scotland Act 2016 (c. 11).

(b) Section 41(2B) was amended by section 43(7) of the Scotland Act 2016.

(c) S.I. 1986/1078; relevant amendments were made by S.I. 2003/2695. There are other amendments but none is relevant to this instrument.

Signed by the authority of the Secretary of State

10th May 2018

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 110 of the Road Vehicles (Construction and Use) Regulations 1986 (“the 1986 Regulations”) prohibits the use, while driving a motor vehicle, of hand-held mobile telephones or other hand-held devices, when performing an interactive communication function.

This instrument amends regulation 110 of the 1986 Regulations by inserting an additional exemption to provide that a person is not in contravention of that regulation where the hand-held mobile telephone or the hand-held device is being used to perform a remote control parking manoeuvre, in compliance with the requirements as set out in this instrument.

A draft copy of this instrument was notified to the EU Commission for the purposes of the Technical Standards and Regulations Directive (2015/1535/EU; OJ L 241, 17.9.2015, p.1). No comments were made during the three month standstill period.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum for this instrument has been published alongside these Regulations at www.legislation.gov.uk.

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