

2023 No. 191

ROAD TRAFFIC AND VEHICLES

**The Motor Vehicles (Construction and Use) (Amendment No. 2)
Regulations (Northern Ireland) 2023**

Made - - - - - *23rd November 2023*

Coming into operation - - - - - *8th January 2024*

The Department for Infrastructure^(a) makes the following Regulations in exercise of the powers conferred by Articles 55(1) and 110(2) of the Road Traffic (Northern Ireland) Order 1995^(b) and now vested in it^(c).

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 2023 and shall come into operation on 8th January 2024.

Amendment of the Motor Vehicles (Construction and Use) Regulations

2. In regulation 125A of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999^(d) (mobile telephones)—

- (a) in paragraphs (1) to (3) for “paragraph (5)” substitute “paragraphs (5) and (5A)”; and
- (b) after paragraph (5) insert—

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

- (a) he is using the telephone or other device only to perform a remote controlled parking function of the motor vehicle; and
- (b) that 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 the case may be, is maintained; and
 - (iii) the distance between the motor vehicle and the telephone or the motor vehicle and the device, as the case may be, is not more than 6 metres.”.

(a) Formerly the Department for Regional Development: *see* section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment was dissolved

(b) S.I. 1995/2994 (N.I. 18)

(c) *See* Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No.76)

(d) S.R. 1999 No. 454; regulation 125A was inserted by regulation 2 of S.R. 2003 No. 537

Sealed with the Official Seal of the Department for Infrastructure on 23rd November 2023



Chris Hughes
A senior officer of the
Department for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 (“the Construction and Use Regulations”) to facilitate the introduction of remote control parking systems.

They insert an additional exemption into regulation 125A of the Construction and Use Regulations to provide that a person is not in contravention of that regulation when using a hand-held mobile telephone or other hand-held communication device to perform a remote control parking manoeuvre so long as the telephone or device is continuously activated by the driver, the signal between the motor vehicle and the telephone or device is maintained and the distance from the motor vehicle is not more than 6 metres.

These Regulations were notified to the European Commission pursuant to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 (O.J. L241, 17.9.2015, p1-15) under notification number 2022/7001/XI. No comments were made during the three-month standstill period. The Directive is available online at <http://eur-lex.europa.eu>

A Regulatory Impact Assessment and Explanatory Memorandum have been produced and are available from Safe and Accessible Travel Division, Department for Infrastructure, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB or online alongside this Statutory Rule at <http://www.legislation.gov.uk/nisr>

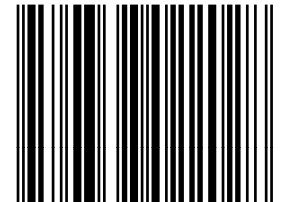
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