

EXPLANATORY MEMORANDUM TO

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

SR 2023 No. 191

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 55(1) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Regulations covered by this Memorandum is to 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.

3. Background

- 3.1. Regulation 125A of the Construction and Use Regulations prohibits a person from using a hand-held mobile telephone or other hand-held interactive communication device while driving a motor vehicle on a road and provides exemptions in certain circumstances.
- 3.2. These Regulations insert an additional exemption into regulation 125A to provide that a person shall not be in contravention of that regulation where a hand-held mobile telephone or other hand-held device is being used to perform a remote control parking manoeuvre, provided 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 between the motor vehicle and the telephone or device is not more than 6 metres.
- 3.3. Amendments to rules 149, 150, 160 and 239 of the Highway Code for Northern Ireland will reflect this regulatory change.

4. Consultation

- 4.1. A consultation on the introduction of remote control parking and appropriate changes to the Highway Code was carried out during the period 7 March 2018 and 2 May 2018. Three responses were received and all were supportive of the proposals.

5. Equality Impact

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the proposals and concluded that they do not have implications for equality of opportunity.

In light of this the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has been completed which concluded that there will be no financial implications for either the Department or the relevant industries as a result of this amendment. This is a deregulatory measure and no obligations are being imposed on businesses or drivers.

7. Financial Implications

- 7.1. There are no financial implications for the Department associated with the proposals.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that the proposed legislation is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. The Regulations only apply to Northern Ireland and provide parity with Great Britain.

10. Parity or Replicatory Measure

- 10.1. The Regulations replicate provisions contained in the GB Statutory Instrument "The Road Vehicles (Construction and Use) (Amendment) Regulations 2018" (S.I. 2018/592).

11. Additional Information

- 11.1. Not applicable.