

Subsidiary Legislation made under s.57.

Prohibition of use of Mobile Telephones while Driving Regulations 2010

LN.2010/105

Commencement **1.7.2010**

Amending enactments	Relevant current provisions	Commencement date
LN. 2022/275	rr. 2(1)(b), (2)(b), (3)(b), (4), (5)(a), (c), (5A), (6)(a), (c)-(e), 3	22.9.2022
2023/011	rr. 2-3	26.1.2023

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ARRANGEMENT OF REGULATIONS

Regulation

1. Title and commencement.
2. Mobile telephones.
3. Offence.

**Prohibition of use of Mobile Telephones while Driving
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In exercise of its powers under section 57 of the Traffic Act 2005, and all other enabling powers, the Government has made the following Regulations—

Title and commencement.

1. These regulations may be cited as the Prohibition of use of Mobile Telephones while Driving Regulations 2010 and shall come into operation on 1 July 2010.

Mobile telephones.

2.(1) No person shall drive a motor vehicle, ride a bicycle or operate a personal light electric transporter on a road, if he or she is using—

- (a) a hand-held mobile telephone; or
- (b) a hand-held device of a kind specified in subregulation (4).

(2) No person shall cause any other person to drive a motor vehicle, ride a bicycle or operate a personal light electric transporter on a road while that other person is using—

- (a) a hand-held mobile telephone; or
- (b) a hand-held device of a kind specified in subregulation (4).

(3) No person shall supervise a holder of a Learner's licence if the person supervising is using—

- (a) a hand-held mobile telephone; or
- (b) a hand-held device of a kind specified in subregulation (4), at a time when the learner's licence holder is driving a motor vehicle on a road.

(4) A device referred to in subregulations (1)(b), (2)(b) and (3)(b) is a device, other than a two-way radio operated by the police, emergency services, or a person authorised to drive a vehicle under a road service licence issued under the Transport Act 1998, which is capable of transmitting and receiving data, whether or not those capabilities are enabled.

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

- (a) he or she is using the telephone or other device to call the police, fire, ambulance or other emergency service;

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- (b) he or she is acting in response to a genuine emergency; and
 - (c) it is unsafe or impracticable for the person to cease driving, cycling or operating a vehicle in order to make the call (or, in the case of an alleged contravention of subregulation (3)(b), for the learner's licence holder to cease driving while the call was being made).
- (6) 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 to make a contactless payment;
 - (b) that payment is for a good or service which is received at the same time as, or after, the contactless payment is made; and
 - (c) the motor vehicle, bicycle or personal light electric transporter is stationary.
- (7) For the purposes of this regulation-
- (a) a mobile telephone or other device is to be treated as hand-held if it is, or must be, held at some point while being used;
 - (b) a person is treated as supervising a learner's licence holder if he or she does so under a condition imposed on that licence by virtue of section 34 of the Traffic Act 2005;
 - (c) in subregulations (1), (2) and (3), the word "using" includes the following –
 - (i) illuminating the screen;
 - (ii) checking the time;
 - (iii) checking notifications;
 - (iv) unlocking the device;
 - (v) making, receiving or rejecting a telephone or internet based call;
 - (vi) sending, receiving or uploading oral or written content;

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- (vii) sending, receiving or uploading a photo or video;
 - (viii) utilizing camera, video or sound recording functionality;
 - (ix) drafting any text;
 - (x) accessing any stored data such as documents, books, audio files, photos, videos, films, playlists, notes or messages;
 - (xi) accessing an application;
 - (xii) accessing the internet;
- (d) “contactless payment” means a payment made at a contactless payment terminal using the contactless payment facility of a card, mobile telephone or other device;
- (e) “an application” means a software programme that runs through a web browser or offline on a mobile telephone or other device.

Offence.

3.A person who contravenes any provision of regulation 2 is guilty of an offence and is liable on summary conviction to a fine at level 3 on the standard scale.