

Subsidiary Legislation made under s.57.

Prohibition of use of Mobile Telephones while Driving Regulations 2010

LN.2010/105

Commencement

1.7.2010

ARRANGEMENT OF REGULATIONS

Regulation

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

2005-26

Traffic

2010/105

**Prohibition of use of Mobile Telephones while Driving
Regulations 2010**

This version is out of date

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 on a road if he is using—

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

(2) No person shall cause any other person to drive a motor vehicle 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 paragraph (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 paragraph (4),

at a time when the learner's licence holder is driving a motor vehicle on a road.

(4) A device referred to in paragraphs (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 performs an interactive communication function by transmitting and receiving data.

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

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- (a) he is using the telephone or other device to call the police, fire, ambulance or other emergency service;
 - (b) he is acting in response to a genuine emergency; and
 - (c) it is unsafe or impracticable for him to cease driving in order to make the call (or, in the case of an alleged contravention of paragraph (3)(b), for the learner's licence holder to cease driving while the call was being made).
- (6) 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 during the course of making or receiving a call or performing any other interactive communication function;
 - (b) a person is treated as supervising a learner's licence holder if he does so under a condition imposed on that licence by virtue of section 34 of the Traffic Act 2005;
 - (c) "interactive communication function" includes—
 - (i) sending or receiving oral or written messages;
 - (ii) sending or receiving facsimile documents;
 - (iii) sending or receiving still or moving images; and
 - (iv) providing access to the internet.

Offence.

3. A person who contravenes any provision of regulation 2 is guilty of an offence.