
STATUTORY INSTRUMENTS

1986 No. 1078

The Road Vehicles (Construction and Use) Regulations 1986

PART IV

CONDITIONS RELATING TO USE

F

AVOIDANCE OF DANGER

[^{F1}Mobile telephones

110.—(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 or permit 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 provisional 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 provisional 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, which [^{F2}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 is using the telephone or other device to call the police, fire, ambulance or other emergency service on 112 or 999;
- (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 provisional licence holder to cease driving while the call was being made).

[
^{F3}(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

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- (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.]
- [
- ^{F4}(5B) 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) 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 is stationary.]
- (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 [^{F5}while being used];
 - (b) a person supervises the holder of a provisional licence if he does so pursuant to a condition imposed on that licence holder prescribed under section 97(3)(a) of the Road Traffic Act 1988 (grant of provisional licence);
- [^{F6}(c) in paragraphs (1) to (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;
 - (vii) sending, receiving or uploading a photo or video;
 - (viii) utilising 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) “two-way radio” means any wireless telegraphy apparatus which is designed or adapted—
- (i) for the purpose of transmitting and receiving spoken messages; and
 - (ii) to operate on any frequency other than 880 MHz to 915 MHz, 925 MHz to 960 MHz, 1710 MHz to 1785 MHz, 1805 MHz to 1880 MHz, 1900 MHz to 1980 MHz or 2110 MHz to 2170 MHz; and
- (e) “wireless telegraphy” has the same meaning as in section 19(1) of the Wireless Telegraphy Act 1949;

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- [“contactless payment” means a payment made at a contactless payment terminal using the
F7(f) contactless payment facility of a card, mobile telephone or other device;
(g) “an application” means a software programme that runs through a web browser or offline
on a mobile telephone or other device.]]

Textual Amendments

- F1** Reg. 110 inserted (1.12.2003) by The Road Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 2003 (S.I. 2003/2695), regs. 1, **2**
- F2** Words in reg. 110(4) substituted (25.3.2022) by The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/81), regs. 1(1), **3(1)(a)**
- F3** Reg. 110(5A) inserted (11.6.2018) by The Road Vehicles (Construction and Use) (Amendment) Regulations 2018 (S.I. 2018/592), regs. 1, **2(2)**
- F4** Reg. 110(5B) inserted (25.3.2022) by The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/81), regs. 1(1), **3(1)(b)**
- F5** Words in reg. 110(6)(a) substituted (25.3.2022) by The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/81), regs. 1(1), **3(1)(c)**
- F6** Reg. 110(6)(c) substituted (25.3.2022) by The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/81), regs. 1(1), **3(1)(d)**
- F7** Reg. 110(6)(f)(g) inserted (25.3.2022) by The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/81), regs. 1(1), **3(2)**

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