
STATUTORY INSTRUMENTS

2022 No. 81

**The Road Vehicles (Construction and Use)
(Amendment) (No. 2) Regulations 2022**

Amendment of the Road Vehicles (Construction and Use) Regulations 1986

- 3.—(1) In regulation 110 (mobile telephones)—
- (a) in paragraph (4), from “performs” to the end, substitute “is capable of transmitting and receiving data, whether or not those capabilities are enabled.”;
 - (b) after paragraph (5A), insert—
 - “(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.”;
 - (c) in paragraph (6)(a), from “during the course of” to the end, substitute “while being used.”;
 - (d) for paragraph (6)(c), substitute—
 - “(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.”.
- (2) After paragraph (6)(e) insert—
- “(f) “contactless payment” means a payment made at a contactless payment terminal using the 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.”.