



Road Safety Act 2006

2006 CHAPTER 49

Increases in penalties

26 Breach of requirements as to control of vehicle, mobile telephones etc.

(1) Before section 42 of the Road Traffic Act 1988 insert—

“41D Breach of requirements as to control of vehicle, mobile telephones etc.

A person who contravenes or fails to comply with a construction and use requirement—

- (a) as to not driving a motor vehicle in a position which does not give proper control or a full view of the road and traffic ahead, or not causing or permitting the driving of a motor vehicle by another person in such a position, or
- (b) as to not driving or supervising the driving of a motor vehicle while using a hand-held mobile telephone or other hand-held interactive communication device, or not causing or permitting the driving of a motor vehicle by another person using such a telephone or other device,

is guilty of an offence.”

(2) In section 42(a) of that Act (breach of other construction and use requirements), before “of” insert “ or 41D ”.

(3) In Schedule 1 to the Road Traffic Offenders Act 1988 (offences to which certain sections apply), before the entry relating to section 42 of the Road Traffic Act 1988 insert—

“RTA section 41D.	Breach of requirements as to control of vehicle, mobile telephones etc.	Sections 11 and 12(1) of this Act.”
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Changes to legislation: Road Safety Act 2006, Section 26 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) In Part 1 of Schedule 2 to that Act (prosecution and punishment of offences: offences under the Traffic Acts), before the entry relating to section 42 of the Road Traffic Act 1988 (c. 52) insert—

“RTA section 41D	Breach of requirements as to control of vehicle, mobile telephones etc.	Summarily. (a) Level 4 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers. (b) Level 3 on the standard scale in any other case.	Discretionary. 3.”	Obligatory. 3.”
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- (5) In Schedule 3 to that Act (fixed penalty offences), before the entry relating to section 42 of the Road Traffic Act 1988 insert—

“RTA section 41D	Breach of requirement as to control of vehicle, mobile telephone etc.”
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Commencement Information

I1 S. 26 in force at 27.2.2007 by [S.I. 2007/237](#), [art. 2\(a\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 6 para. 8A inserted by [2016 c. 16 s. 3\(3\)](#)
- Sch. 6 para. 10A inserted by [2016 c. 16 s. 4\(2\)](#)
- Sch. 6 para. 13(9) inserted by [2016 c. 16 s. 4\(5\)](#)