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Know the Rules and Penalties on Use of Mobile Phones and What Might Change

Introduction

This briefing note reminds members of the rules and penalties related to the use of mobile phones when driving on roads. There is also a consultation on proposals to increase the level of penalties applied if an offence is committed. The NFU would like to respond and include views from our members.

The Law

Section 110 of the Road Vehicle (Construction and Use) Regulations 1986 bans the use of any hand held device (when driving) which performs any “interactive communication function”.

What this means is that not only is using a mobile to talk when driving prohibited but that there is also a ban on using a mobile when driving to do things like:

- read or send a text
- check social media e.g. facebook, snapchat
- read or send a tweet
- take a photo
- programme route guidance

The prohibition on the use of a hand held mobile device applies not only when actually driving but when queuing in traffic or stopped at traffic lights. The ban also extends to a qualified driver supervising the holder of a provisional license.

Hand held mobiles can only be used when a car is safely parked up.

The use of hands free devices and sat-navs is however allowed but motorists can be penalised if they are found not to be in proper control of a vehicle when using them.

Penalties

If an offence has been committed the police can issue a fixed penalty notice (FPN) with a fine of £100 and 3 penalty points.

If the use of a mobile results in loss of control or dangerous driving the more serious offences of failure to maintain proper control of a vehicle or dangerous driving may be committed.

The penalty for failure to maintain proper control is:

- a fine up to £1,000
- three penalty points

The penalties for dangerous driving are heavier to reflect the more serious nature of the offence and are:

- up to 2 years imprisonment
- an unlimited fine

- between 3 and 11 penalty points.

Is Using a Mobile Whilst Driving Dangerous?

There is considerable evidence to support the view that the use of a mobile phone impairs driving ability. A study by the Road Safety Observatory concluded that talking on a hand held mobile phone impairs driving more than driving above the drink drive limit¹.

In research by the Institute of Advanced Motorists 9% of the drivers surveyed stated that they had taken a selfie whilst driving and that 19% of drivers aged 23 to 35 surveyed had taken a selfie whilst at the wheel².

From 2009 to 2014 Government figures record mobile phone use occurred in 3,611 accidents.

Consultation

The Government made a commitment in its election manifesto to reduce the number of road casualties and has published a consultation on proposals to increase the current level of fine and penalty points awarded when an offence is committed. The Government has identified three options for change.

Option 1

Increase the FPN from £100 to £150 to show the seriousness of the offence.

Option 2

Increase the penalty points from 3 to 4 for non HGV drivers and from 3 to 6 for HGV drivers when the offence was committed in a HGV.

Option 3

Increase the FPN from £100 to £150 to show the seriousness of the offence. Increase the penalty points from 3 to 4 for non HGV drivers and from 3 to 6 for HGV drivers when the offence was committed in a HGV.

The Government's preferred option is Option 3. The Government considers that:

- an increase in the level of fine is appropriate to show the seriousness of the offence;
- an increase in the penalty points awarded will lead to an increase in the fear that a driving licence will be lost and that this is an effective way of increasing compliance with the rules;
- it is appropriate to have greater sanctions for those driving HGV and PSV vehicles because of the fact that accidents involving such vehicles often result in fatalities due to their size and weight.

The consultation is open until 15 March 2016 and can be found in full at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/494672/hand-held-mobile-phone-driving.pdf

Any members who wish to contribute to the NFU consultation response should send their comments to thomas.price@nfu.org.uk by no later than 26 February 2016.

¹ <http://www.roadsafetyobservatory.com/Evidence/Details/10900>

² <http://www.iam.org.uk/media-and-research/media-centre/news-archive/20671-the-new-driving-dangers-selfies-video-calls-or-just-watching-the-telly>