

### **Penalties for the Use of Handheld Mobile Phones whilst Driving Policy**

The legislation to increase the penalty for using a hand-held phone while driving came into force on 01 March 2017. The change has been made under section 26 of the Road Safety Act 2006. The Act contains other measures to help achieve casualty reduction targets and improve safety on Britain's roads.

The use of a hand-held phone, or similar hand-held devices, while driving has been prohibited since 1 December 2003.

The roadside fixed penalty notice has increased to £200 and six penalty points added to the drivers' licence. If a case goes to court, then in addition to the points, discretionary disqualification is added.

The existing maximum fine of £1,000 (£2,500 in the case of a bus/coach or goods vehicle) remains unchanged.

Provided that a phone can be operated without holding it, then hands-free equipment is not prohibited although D of T advice will remain that drivers should switch to voicemail and not use a mobile in the car at any time.

A hand-held device is something that "is or must be held at some point during the course of making or receiving a call or performing any other interactive communication function"

A device is "similar" to a mobile phone if it performs an interactive communication function by transmitting and receiving data.

Using any mobile phone when driving has been scientifically proven to be distracting. Those who drive poorly as the result of distraction from a conversation on a hands-free phone continue to risk prosecution for not having proper control of a vehicle - this is an offence under Regulation 104 of the Road Vehicles (Construction and Use) Regulations 1986. The penalties are the same as for the hand-held phone offence.

Employers can also be prosecuted if they require their employees to use any phone to take or make calls while driving.

If you require and further information, this can be found on the Department for Transport's road safety website [www.thinkroadsafety.gov.uk](http://www.thinkroadsafety.gov.uk).