

Mobile Phone Law Changes - The main points

The Legislation

- It has been illegal to use a hand held mobile phone while driving since December 2003. When the law was introduced it was made clear that the penalty would be increased from £30 to £60 and three penalty points as soon as the necessary changes could be made in an Act of Parliament.
- This has now happened and the new penalty comes into effect on 27th February 2007.
- It will still be possible for drivers to be taken to court. If this happens (maybe because the policeman thinks the offence so bad that a fixed penalty fine is inadequate, maybe because the driver refuses to accept the fixed penalty) fines will almost certainly be larger and disqualification is possible. The maximum fine in a court is £1000, or £2500 if the driver is driving a bus or a goods vehicle.
- These offences apply if the driver is seen using a phone. If the driving is bad, or if there is a crash while the phone is being used, drivers can be prosecuted for careless driving, dangerous driving or causing death by dangerous driving. Fines can be much greater, and prison becomes a possibility.
- The Traffic Commissioners can be involved if a commercial vehicle is being driven.

Hands-free Mobile Phones

- While it is an offence to be seen using a hand held phone, regardless of whether driving has been affected, this is not the case for hands free phones.
- However, a driver seen not to be in control of a vehicle while using a hands free phone can be prosecuted for that offence. The penalties are the same as for using a hand held phone.

Employers/Callers

- Employers may be open to prosecution if:
 - they cause or permit an employee to drive while using a phone or to not have proper control of the vehicle.
 - they require an employee to make/receive calls whilst driving.
 - an employee drives dangerously because they are using a phone installed by the employer.

Cyclists

- It is not an offence to cycle and use a hand held mobile phone. However it is possible to be prosecuted for careless or dangerous cycling.

Exemptions

- Calls can be made to 999 or 112 in a genuine emergency, provided stopping is unsafe or impractical.
- Other devices that send or receive data (for example Personal Digital Assistants) are not exempt. The one exception is two way radios.

Satnavs and other distractions

- It is not a specific offence to use the controls on a satnav while driving. However, if this causes bad driving, or leads to an accident, a driver can be prosecuted for a number of offences. This is also the case for a wide range of other in-car distractions.

Definitions

- **Hand-held device** – 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”.
- **Device** – “similar” to a mobile phone if it performs an interactive communication function by transmitting and receiving data.