

New penalties for hand-held mobile phone offences

Fact Sheet 121 – issued February 2017

logical.
makes sense.



- You could be fined £100 and get three points (£200 and 6 points from 1 March 2017) on your licence.
- 6 points would mean losing your licence if you're less than two years from passing your test.
- Refuse to accept the fixed penalty and you could be taken to court.
- If the police think the offence so bad that a fixed penalty isn't enough you could be taken to court.
- Fines in court will almost certainly be larger and disqualification is possible – the maximum fine in a court is £1,000, or £2,500 if you were driving a bus or a goods vehicle.

Penalties set to go up from March 2017

It has been illegal to use a hand held mobile phone while driving, or while stopped with the engine on, since December 2003.

There is worldwide evidence that using any sort of phone has a considerable effect on accident risk, and while it's not a specific offence, using a hands-free phone can have a major bearing on whether or not you could be found guilty of careless or dangerous driving.

If you need to make or take a call

- Stop or leave it to go to voicemail – even if you have a hands-free phone.
- If you must talk, and have a hands-free phone, keep conversations short and simple or say that you'll find a safe and legal place to stop and phone back.
- Employers should issue specific company advice on mobile phone use.

Calling someone's mobile

If you call someone and think that they might be driving, ask:

- Are you driving?
- Is it safe to talk?
- Do you want to call me when it is safe to stop?

From March 2017 the Fixed Penalty Notice for using a handheld mobile phone while driving will increase to £200 and 6 points.

Penalties

Even if you're otherwise driving safely:

You only need to be seen

These offences apply simply if you're seen using a mobile while driving.

The police have even been **using unmarked lorries** to observe drivers who text or phone as the higher seating position means they can see and record offences not normally visible from a car.

If your driving is bad, or if there's a crash while you're using the phone, you could be prosecuted for careless driving, dangerous driving or, if someone is killed, for causing death by careless or dangerous driving.

Fines can be much greater, and prison is almost certain if a death is caused.

Hands-free

While it's 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.

If you're seen not to be in control of a vehicle while using a hands-free phone you can be prosecuted for that offence.

The penalties for 'not in proper control' are:

- £100 fine and 3 points, or
- Up to £1,000 (£2,500 if you were driving a bus or a goods vehicle) if it goes to court.

Employers

Your employer may be open to prosecution:

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- If they cause or permit you to drive while using a phone or to not have proper control of the vehicle.
- If they require you to make or receive calls whilst driving.
- If you drive dangerously because you're using a phone installed by your employer.

Cyclists

It's not a specific offence to cycle and use a hand held mobile phone but you could be prosecuted for careless or dangerous cycling.

Exemptions

- You can make an emergency call to 999 or 112 as long as it's unsafe or impractical to stop first.
- You can use a two-way radio but not any other device that sends or receives data are not.

Definitions

Handheld 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.

Article courtesy of The AA