

Fact Sheet

# Using a mobile phone while driving.

The concentration of a driver using a mobile phone is significantly reduced thereby increasing the risk of an accident.



The time it takes to react to a situation can vary significantly depending on the driver's concentration levels. The table below illustrates the distance travelled before a driver reacts to a situation on the road.



## Frequently asked questions.

### What's the definition between hand-held and hands-free phones?

A hands-free phone is one that is attached to fixed speakers and does not require the operator to hold it while it's in use. However, many hand-held phones now come with kits to give them some level of hands-free use.

### Is hands-free phone equipment allowed?

Provided that a phone can be operated without holding it, then hands-free equipment will not be prohibited. Pushing buttons on a phone while it is in a cradle or on the steering wheel or handlebars of a motorbike for example is not covered by the new offence, provided you don't hold the phone.

However, the Department for Transport (DfT) has stressed that hands-free phones are also distracting and you still risk prosecution for failing to have proper control of a vehicle under Regulation 104 of the Road Vehicles (Construction and Use) Regulations 1986. If there is an incident, the use of any phone or similar device might justify charges of careless or dangerous driving.

The penalty for the offence of using a hand-held mobile phone or other similar device while driving is three penalty points as well as a £60 fine.

The same charges also apply to not having proper control of a vehicle – a measure which can be used where a driver has been distracted by using a hands-free mobile phone.

## What about texting, internet access or video phones?

The use of a mobile phone or similar device for any of these activities while driving will be prohibited if the device has to be held in order to operate it.

The offence applies to drivers speaking or listening to a phone call, using a device interactively for accessing any sort of data, which would include the internet, sending or receiving text messages or other images, if it is held in the driver's hand during at least part of the period of its operation. A phone may therefore continue to be used to receive data when it is in a vehicle providing the driver is not holding it.

## Are drivers able to use navigation equipment, PDAs or other computer equipment?

Yes, providing that it is not a hand-held device. However, use of devices other than mobile phones is prohibited if the device performs an interactive communication function by sending and receiving data.

## Do mobile phones have to be switched off in vehicles?

No, passengers may want to use them and drivers can use them when they are safely parked.

## What if the phone rings whilst the driver is driving?

DfT advises that the driver should let it ring and return the call when safely parked. It is recommended that the driver switch to voicemail before starting to drive.

## Are drivers able to use a hand-held mobile phone when stopped in a traffic jam?

If a driver has stopped at traffic lights or in a traffic jam with their engine running, this is still regarded as driving, so mobile phone use is still prohibited. In exceptional traffic jams, such as a lengthy stoppage on a motorway, DfT has stated that it would be clear that someone wasn't driving if the engine was off.

## Are there any exemptions?

Yes. There is an exemption for calls to 999 (or 112) in genuine emergencies where it is unsafe or impractical to stop. There is also an exemption for the use of 2-way radios.

## Is the driver able to cradle a phone between their ear and shoulder?

No, the offence applies if a phone has to be "held" while making or receiving a call.

## Are employers guilty of an offence if their employees use a hand-held phone while driving?

The Government has stated that the regulations apply to "anyone who causes or permits any other person" to use a handheld mobile phone or other similar device while driving.

The Department for Transport (DfT) considers that employers are not liable just because they supplied a telephone or because they phoned an employee who was driving. However, employers are liable if they require their employees to use a hand-held phone while driving and might also be liable if they failed to forbid employees to use such phones on company business.

## The only safe way to use a mobile phone in the car is to...

- ✓ Switch it off while driving.
- ✓ Alternatively, leave it switched on but let the calls go through to voicemail.
- ✓ Find a safe place to stop before picking up the messages and returning calls.
- ✓ Ask a passenger to deal with the calls.

## Online information.

Department of Transport  
[www.dft.gov.uk](http://www.dft.gov.uk)

## To find out more

Call:  
**Driver support team**  
**0844 824 0736**