

Higher penalties for illegal mobile phone use from February 27

The penalty for motorists caught using a hand held mobile phone or similar device while driving will rise from £30 to £60 plus three penalty points on February 27.



Drivers face the same penalty if they do not have proper control of a vehicle; for instance if they are distracted by using a mobile phone – even hands free.

If the case goes to court under these circumstances the maximum fine is £1,000 for car drivers and £2,500 for drivers of vans, lorries, buses and coaches.

Employers and the law

Causing or permitting any other person to use a hand held mobile phone while driving is also illegal.

The guidelines say that employers would not be liable just because they supplied a phone or because they phoned an employee who was driving. However, employers would probably be liable if they required their employees to use a hand held phone while driving and might also be liable if they failed to forbid employees to use phones while driving on company business.

The maximum penalties for "causing or permitting" are the same as for using a mobile phone at the wheel – £1,000 for cars and £2,500 for vans, lorries, buses and coaches.

Offences

Government research found that 92% of people agree with the law on mobile phones in vehicles but 21% of

drivers admit breaking it. Nevertheless, nearly 74,000 fixed penalty notices were issued for offences in the first year of the law.

Depending on the circumstances, the police may charge drivers with other offences as well as breaking the mobile phone law. Drivers can be charged with driving without due care and attention, not being in proper control of the vehicle or dangerous driving.



When investigating any road traffic accident involving death or serious injury the Police will now review mobile phone records as a matter of course. If it is felt a call may have been a contributory factor the Police will draw no distinction between hand held or hands free phone use.

Research shows that drivers are four times more likely to have an accident when talking on the phone while driving.

The law

It is illegal for a driver to use a hand-held mobile phone or similar device (for example a PDA or BlackBerry) while they are in a car with the engine running. This includes waiting at traffic lights or when stuck in traffic.

The one exception to the rule is if a driver uses their mobile to call the emergency services. Passengers can use hand held mobile phones unless they are supervising a learner driver.

Even if a phone is fitted with a remote earpiece or speaker and microphone, it is illegal to hold it while

dialling a number or answering a call. Pushing buttons is allowed but the phone should be mounted in a cradle on the dashboard.

Texting or accessing the Internet from a mobile device while in control of a vehicle is covered by the law, as using a hand held satellite navigation unit. Two way radios are not covered by the legislation.

Best practice guidelines

- Advise drivers to keep their mobile phone switched off when driving and use voicemail or call diversion to take messages to be answered when they are not driving
- Instruct employees in writing that they must not use hand held mobile phones while driving on company business
- Obtain signed copies of the mobile phone policy from employees – one day the company may have to prove that drivers were forbidden from using hand held phones while driving.



Further information

Visit Arval's web site at www.arval.co.uk for the latest information on mobile phones and driving.

Contact Arval

If you have any questions about the new penalties or the mobile phone law, speak to your usual Arval contact or send an email to info@arval.co.uk