

Road safety factsheet: Mobile phones and driving

December 2023

The law

On 1 December 2003, a law, "[The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 4\) Regulations 2003](#)", came into force to prohibit drivers using a hand-held mobile phone, or similar device, while driving. It also made it an offence to "cause or permit" a driver to use a hand-held mobile phone while driving, or to use a hand-held mobile phone while supervising a driver who only has a provisional licence.

The penalties were initially a fixed penalty of £30 or a fine of up to £1,000 if the offender goes to court (£2,500 for drivers of goods vehicles or passenger carrying vehicles with nine or more passenger seats). From 1st March 2017, the penalty increased to a £200 fine and six penalty points added to the drivers' licence.

In March 2022, the law on mobile phones was changed to cover 'any device which is capable of interactive communication even if that functionality is not enabled at the time'¹. The amendment has clarified the existing law, to state that the driver should not be holding a mobile phone or similar device and ensuring that there is now no distinction between 'interactive' or 'standalone' use regardless of whether that use involves interactive communication. This makes handheld mobile phone behind the wheel for virtually any use, including to take photos or videos, scroll through playlists or play games, illegal.

The definition of a hand-held mobile phone or similar device

The 2022 amendment states that "the offence of using² a hand-held mobile phone or similar device is triggered when a driver holds a mobile phone or similar device and uses it regardless of whether that use involves interactive communication." The regulation covers all devices that are capable of interactive communication, even if that functionality is not enabled at that time.³

There are three exemptions:

- 2-way "press to talk" radios, such as used by the emergency services and taxi drivers

¹ UK Parliament, House of Commons Library, Changes in law on driving while using a mobile phone, 7 March 2022 <https://commonslibrary.parliament.uk/changes-in-the-law-on-driving-while-using-a-mobile-phone/> (Accessed: 17 May 2022)

² Using includes the following; illuminating the screen; checking the time; checking notifications; unlocking the device; making, receiving or rejecting a telephone or internet based call; sending, receiving or uploading oral or written content; sending, receiving or uploading a photo or video; utilising camera, video or sound recording functionality; drafting any text; accessing any stored data; accessing an application; accessing the internet.

³ Legislation.gov.uk, UK Statutory Instruments, 2022 No. 81, The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2022, <https://www.legislation.gov.uk/uksi/2022/81/made> (Accessed 17 May 2022)

- Using a hand-held phone for a genuine emergency call to 999 or 112 if it would be unsafe for the driver to stop
- Making a contactless payment using a mobile phone or similar device (including a card). The conditions are that the vehicle must be stationary, and the goods or services must be provided or delivered at the time or after the contactless payment is made.

The definition of driving

Under existing law in the Road Traffic Act 1988, driving is defined as: a person acts as a steersman of a mechanically propelled vehicle as well as any other person 'engaged in driving' of the vehicle. The court of appeal defined this as 'the drivers controls for the purpose of directing the movement of the vehicle'. The offence applies to all motor vehicles, including motorcycles, but not to pedal cycles. At present, it is not an offence for cyclists or e-scooter riders taking part in one of the legal trial schemes to use their mobile when riding. However, cyclists can be prosecuted for careless or dangerous cycling, which can incur a fine of up to £2,500.

Hands-free mobile phones

A National Safety Council white paper⁴ states that drivers using hands-free mobile phones have a tendency to 'look at' but not 'see' objects, with estimates indicating that drivers using a mobile phone look but fail to see up to 50 per cent of the information in their driving environment. This is known as 'inattention blindness'. This means that although drivers are looking through the windscreen, they do not process everything in the road environment that they must know to effectively monitor their surroundings, identify potential hazards and respond to unexpected situations⁵. Although hands-free phones reduce visual (eyes off the road) and mechanical (hands off the wheel) distraction, they do not reduce cognitive distraction. Most people are able to recognise when they are visually and mechanically distracted and seek to disengage from these activities as quickly as possible. However, people often do not realise when they are cognitively distracted, such as taking part in a mobile phone conversation, and this risk lasts much longer.

A study published by the Transport Research Laboratory published in 2020⁶ examined the effects of using Android Auto and Apple CarPlay infotainment systems on driver performance measures. Results indicated that using touch controls on the infotainment system led to a reduction in average speed, an increase in deviation of headway, and larger deviation of lane position for most tasks compared than the control group who had no infotainment system to interact with. Participants reported that interacting through touch was more difficult and distracting than using voice control, which had a lesser effect on driving performance.

⁴ National Safety Council (2012) 'Understanding the distracted brain: why driving while using hands-free cell phones is risky behaviour', <https://www.nsc.org/getmedia/2ea8fe8b-d7b7-4194-8ea5-306d30a73972/cognitive-distraction-white-paper.pdf> (Accessed 17 May 2022)

⁵ Maples et al. (2008) cited in National Safety Council (2012) 'Understanding the distracted brain: why driving while using hands-free cell phones is risky behaviour', <https://www.nsc.org/getmedia/2ea8fe8b-d7b7-4194-8ea5-306d30a73972/cognitive-distraction-white-paper.pdf> (Accessed 17 May 2022)

⁶ TRL (2020) 'Interacting with Android Auto and Apple CarPlay when driving' <https://www.trl.co.uk/publications/interacting-with-android-auto-and-apple-carplay-when-driving> (Accessed 5 May 2023)

The research found that using Android Auto and Apple CarPlay to select music through Spotify significantly increased participants' reaction time to a stimulus on the road ahead, compared to the control drive with no infotainment setup. The reaction times were also higher when using touch controls on the infotainment systems, compared to previous research on driver impairment, such as texting and hand-held calls.

This study demonstrates that using Android Auto and Apple CarPlay with touch controls could significantly impair driver performance, including reaction time to road stimuli, lane positioning, and headway. These results suggest the need for further research and potential policy changes to reduce distracted driving caused by infotainment systems.

Employers

The law includes an offence of “causing or permitting” a driver to use a hand-held phone while driving and therefore may mean that employers who require or permit their staff who drive for work becoming guilty of an offence. It is not advisable for employers to supply their staff with hands-free kits as this could still contribute to a collision and violate health and safety laws. Guidance from the Health and Safety Executive (HSE) makes it clear that employers have a duty under health and safety law to manage the risks faced by their employees on the road. One of the biggest risks they face is when using mobile phones while at the wheel.

While providing mobile phones to staff who drive for work may be necessary, as part of the management of work-related road safety, employers should provide employees with clear guidance on the use of mobile phones. The use of hand-held or hands-free phones while driving should be prohibited.

RoSPA's policy position on mobile phone use

Whilst the recent changes to the law regarding mobile phone use while driving are a positive step, it is important to note that the focus remains on hand-held devices. As technology evolves, the law struggles to keep up with the changing ways in which phones are used while driving, and more research is needed to fully understand the potential distractions caused by hands-free devices.

RoSPA continues to advocate for effective enforcement of the law with the aid of new technologies, including the use of new-generation enforcement cameras.

Furthermore, we acknowledge the advancements in vehicle technology, and how the current laws may not fully encompass all possible scenarios in which a phone may be used while driving. As mobile phones can be used in a number of ways in modern vehicles, RoSPA offers the following pre-drive advice based on circumstances:

		Pre-drive to do checks	
	Use cases	Mode	Phone usage
1	Mobile phone not connected to the vehicle	Do Not Disturb	Before driving, put your phone away and out of reach and ensure that the screen is not visible.
2	Mobile phone with Bluetooth enabled and connected to vehicle	Do Not Disturb	Before driving, ensure that the phone is connected to the audio system and audio is selected if playing off your phone before driving off.

			While driving, put the phone away and out of reach and ensure that the screen not visible.
3	Mobile phone being used as a sat nav	Do Not Disturb	<p>Before driving, input your destination. Display the phone securely in a cradle, ensuring that this does not obstruct your vision.</p> <p>If you need to make any changes to the destination during your journey, do so when parked in a safe place.</p>
4	Mobile phone connected through infotainment system, including Android Auto or Apple CarPlay	Do Not Disturb	<p>Check that your phone is connected to the infotainment system. Before driving, select any audio and if you are using the sat nav, check that the destination is inputted and displayed. Ensure voice controls are activated.</p> <p>Put your phone away and out of reach and ensure that the screen is not visible.</p>

Motorists are reminded that the existing law requiring drivers to be in proper control of their vehicle, or careless or dangerous driving laws could be applied to driving while using a hands-free phone, if the police believe the nature of the driving warrants it.