Written evidence submitted by Alan Williams (RSA0144)

Summary

- The current legislation only covers use of phone while holding it, the main issue is distractions caused by talking on or interacting with the phone when you are actually driving along a road.
- The current legislation deems you to be driving even if parked, this makes a mockery of the law to the extent that the CPS say it’s not in the public interest to prosecute when stationary.

As a telecoms professional since 1991 I followed the introduction of the legislation in 2003 and was featured on my local radio station as an expert to give advice to drivers in the lead up to the law commencing.

My current role looks at the legislation from the opposite angle, my customers want to be able to enter data into a mobile device while stationary but are concerned they will be breaking the law.

Current legislation for using a mobile phone in a car (Section 41D,b of the Road Traffic Act 1988, Regulation 110) only talks about holding a phone while using it, if the phone is secured it is specifically excluded from Regulation 110 which prohibits a person from driving, or causing or permitting a person to drive, a motor vehicle on a road if the driver is using a held-hand mobile telephone or a hand-held device. So with the device secured in a holder a police officer would have to use other road traffic regulations such as dangerous driving or careless driving not the mobile phone legislation.

I contacted several police forces, the department for transport & the health and safety executive to find out their stance on entering data into a mobile device while parked, none were able to give definitive answers.

Advice from the Crown Prosecution Service who state on the page linked below “If the vehicle is stationary and parked safely at the time the mobile phone is used, it will not normally be in the public interest to prosecute the offence”


So my point is the law isn’t fit for purpose for today’s devices and needs to focus on the cognitive effects of using technology while in charge of a vehicle in motion, and not while parked.

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