

# Road safety factsheet: Mobile phones and driving

May 2022

A substantial body of research<sup>1,12</sup> shows that using a hand-held or hands-free mobile phone while driving is a significant distraction, and substantially increases the risk of the driver crashing.

Drivers who use a mobile phone, whether hand-held or hands-free:

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic and;
- feel more stressed and frustrated.

They are also four times more likely to crash, injuring or killing themselves and other people<sup>3</sup>.

Using a hands-free phone while driving does not significantly reduce the risks. This is because the problems are caused mainly by the mental distraction and divided attention of taking part in a phone conversation at the same time as driving.

## 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.

---

<sup>1</sup> World Health Organisation (2011) 'Mobile Phone Use: A Growing Problem of Driver Distraction,' <https://www.who.int/publications/i/item/mobile-phone-use-a-growing-problem-of-driver-distraction> (Accessed 17 May 2022)

<sup>2</sup> Young et al. (2003) 'Driver Distraction: A Review of the Literature,' [http://www.monash.edu/\\_data/assets/pdf\\_file/0007/217177/muarc206.pdf](http://www.monash.edu/_data/assets/pdf_file/0007/217177/muarc206.pdf) (Accessed 17 May 2022)

<sup>3</sup> Dept for Transport, Think.gov.uk, Mobile phones 2022, <https://www.think.gov.uk/themes/mobile-phones/> (Accessed 20 June 2022)

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) increasing to £100 and three penalty points added to the drivers' licence in February 2007. 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'<sup>4</sup>. 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 use 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 using<sup>5</sup> 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.<sup>6</sup>

There are three exemptions:

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

---

<sup>4</sup> 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)

<sup>5</sup> 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.

<sup>6</sup> 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)

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-scooters riders taking part in one of the legal trial schemes to use their mobile when riding. However, bike users can be prosecuted for careless or dangerous cycling, which can incur a fine of up to £2,500.

## Hands-free mobile phones

Unfortunately, in RoSPA's view, this law does not ban the use of hands-free mobile phones.

This is despite evidence<sup>7,8</sup> suggesting that increasing the demands on a driver's attention by means of a telephone conversation can impair driving performance, including decreased hazard perception, longer reaction times for 'critical events', poor lane discipline and an increased risk of being involved in a collision.

A National Safety Council white paper<sup>9</sup> 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% 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 situations<sup>10</sup>. 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

---

<sup>7</sup> Briggs et al. (2016) 'Imagery-inducing distraction leads to cognitive tunnelling and deteriorated driving performance', *Transportation Research Part F*, 38: 106-117.

<sup>8</sup> Bergen et al (2013) 'The Crosstalk Hypothesis: Why Language Interferes with Driving', *Journal of Experimental Psychology*, 142(1): 119-130

<sup>9</sup> 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)

<sup>10</sup> 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)

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 conducted by Briggs et al (2016)<sup>7</sup>, consisting of two experiments, suggested that drivers are particularly distracted by a conversation which encourages them to visualise what they are talking about. Conversations of this type led to 'cognitive tunnelling' and deteriorated driving performance, suggesting that it is the conversation itself that distracts the driver from the driving task. This is because when people are talking about topics that engage 'perceptual systems' (language about visible or audible events) or 'motor systems' (language about performable actions), they may have difficulty perceiving the real world around them or performing the actions involved in driving<sup>8</sup>.

Although the government accepts the evidence that using a hands-free phone while driving distracts the driver and increases the risk of an accident, they do not think a hands-free ban would be enforceable. RoSPA disagrees.

Drivers should also note 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.

## Employers

The law includes an offence of "causing or permitting" a driver to use a hand-held phone while driving. This can apply to employers who will be guilty of an offence if they require or permit their staff who drive for work, to use a hand-held mobile phone while driving.

Employers would be unwise to respond by supplying their staff with hands-free kits. Even if the use of these while driving does not contravene the specific ban on hand-held phones, employers could fall foul of health and safety laws if an investigation determined the use of the phone contributed to an accident.

The "Driving at Work"<sup>11</sup> Guide from the Health and Safety Executive 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.

There are good reasons for providing mobile phones to staff who drive for work, especially for lone workers and staff who will be travelling through areas where access to a public phone is difficult. If a member of staff breaks down, for example, they need to be able to summon help. Some employers provide mobile phones for certain staff and others reimburse the cost of work related calls made on private mobile phones.

---

<sup>11</sup> Health and Safety Executive, 2014, Driving at Work: Managing Work Related Road Safety, <https://www.hse.gov.uk/workplacetransport/drivingforwork.htm> (Accessed 17 May 2022)

However, this should not mean that staff use the phone while driving. 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, particularly as there is a simple alternative – let the phone take messages and return calls when stopped in a safe place.

RoSPA has produced a free guide, “[Driving for Work: Mobile Phones](#)” to help employers and line managers ensure that their staff do not use mobile phones while driving.



accidents don't have to happen

