



Employment Briefing

Construction Confederation

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New Mobile Phone Law as of 27 February 2007

INTRODUCTION

From 27th February, if you are caught using a hand held mobile in your car, the penalty goes up to a £60 fine and three points on your licence. These penalties can also apply if you don't control your vehicle because you are distracted by a conversation on a hands-free mobile.

Using a mobile phone whilst driving includes:

- When you are stopped at traffic lights
- When you are queuing in traffic
- If you receive or make incoming calls, pictures, or send text messages, or try to access the internet

YOU DON'T HAVE TO BE AT THE SCENE TO KILL SOMEONE

Under these laws, employers can face prosecution penalties if they cause or permit employees to take or make calls or send texts etc whilst driving. Callers will also be targeted if they phone a driver and don't hang up.

YOU CAN EXPECT TO GET CAUGHT

The police will be stepping-up enforcement. It is very easy for an officer to spot a driver who is on the phone. Please note that a mobile with an earpiece is not regarded as "hands free".

Advice for safe driving

- Use voicemail/message diversion while driving
- Only use your phone when parked in a safe place
- Avoid calls on hands-free phones – these can be just as distracting
- If you phone someone who is driving tell them you will phone them later and then hang up

Exceptions apply for genuine 999/112 emergency calls, provided it was unsafe to stop.

HANDS FREE KITS

It is illegal to drive a vehicle or ride a motorbike and use a hand held mobile phone or similar device. It is also illegal to supervise a learner and use a hand-held phone. A hand held device is something that "is or must be held at some point during the course of making or receiving a call or performing any other interactive communication function".

A device "similar" to a mobile phone includes a device that can be used for sending or receiving spoken or written messages, sending or receiving still or moving images or providing Internet access. It is for users, the police and ultimately the Courts to decide on a particular device.

The police retain the option to pursue evidence of failing to have proper control of a vehicle, without concerning themselves about the details of the device used.

FOREIGN VEHICLE DRIVERS

The Road Safety Act 2006 empowers the Department to create a 'ghost' driver record for anybody without a UK driving licence committing a road traffic offence on UK roads. Any penalty points will be recorded against that record, and - on reaching the 12-point limit - the driver will be disqualified from driving on UK roads in the same way as a UK licence holder.

Further information may be obtained from the Construction Confederation Industrial Relations Department on 020 7227 4522 ■

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