



RHA guide to  
**hand-held and  
hands-free mobile  
phone devices**

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Prepared by RHA Policy

Promoting safety, efficiency and compliance in the freight sector

# The use of hand-held mobile phones

Don't drive while using a mobile phone.  
It's illegal and dangerous.

The use of mobile phones has become an integral part of modern-day life. Our need to keep in contact or stay up to date with current issues at all times is leading to a habit that many find hard to break even while driving.

During a mobile phone conversation, drivers may notice fewer hazards or fail to act appropriately in response to hazards occurring in front of them. As a result, a driver can lose control over the vehicle, which will increase the likelihood of being involved in a collision.

Regulation 110(6)(a) of the Construction and Use regulations prohibits a person from using a held-hand mobile phone or hand-held device while driving

**The law is clear, it is a serious offence to use a hand-held mobile phone when:**

- driving a vehicle or motorcycle;
- stopped at traffic lights or queuing in traffic; and
- supervising a learner driver or rider.

The only exception to this is in case of a genuine emergency where a hand-held mobile phone can be used to call 999 or 112 – but only if it is unsafe or impractical to stop.

Employers needing or allowing employees who drive for work purposes to use a hand-held mobile phone while driving can also be guilty of an offence.

“ a mobile phone or device is to be treated as hand-held if it is, or must be, held at some point during the course of making or receiving a call, or performing any other interactive communication function. ”

## Penalties of using a hand-held mobile phone

If found guilty of using a hand-held mobile phone or other devices when driving, an HGV driver:

- can get the standard six penalty points and a £200 fine;
- may also lose their licence if it is less than two years old;
- can get three penalty points if they don't have a full view of the road and traffic ahead or proper control of the vehicle;
- can be banned from driving;
- can be subject to a driver conduct hearing with a traffic commissioner and be banned from driving a lorry for work; and
- if the offence occurs when driving an HGV, the driver can get an extra maximum fine of £2,500.



## The use of hands-free devices

Although it is legally permitted to use hands-free phones, satellite navigation systems and two-way radios when driving, police can still stop a driver and issue a penalty if they feel that a driver is distracted and not in control of a vehicle.

We recognise that the use of hands-free devices and telematics is an essential business tool in the road haulage industry. However, these devices must be used as safely as possible.

### **We recommend that when using hands-free mobile phones:**

- calls must always be kept short and should never include detailed discussions. If a detailed discussion is needed, the call should be made at an appropriate time when the driver is parked, not driving; and
- companies should explain to their drivers that outgoing calls when driving should be avoided, and a driver has the right to end any call at any time when driving. Extended discussions should be discouraged.



Keep hands-free calls short while driving.

Do not make outgoing hands-free calls while driving unless essential.

The Government is reviewing the law around the use of mobile devices in vehicles. Proposals for changes to current rules are expected in the first half of 2020. The RHA will keep members informed of changes to the rules and regulations related to the use of mobile devices.

For further information please contact Fahmida Khandokar on **f.khandokar@rha.uk.net**.

## Relevant rules and legislations

UK Government (2003). Using a phone or a sat nav when driving. Weblink: <https://www.gov.uk/using-mobile-phones-when-driving-the-law>.

Department for Transport (2015). General rules, techniques and advice for all drivers and riders (103 to 158). Weblink: <https://www.gov.uk/guidance/the-highway-code/general-rules-techniques-and-advice-for-all-drivers-and-riders-103-to-158#rule149>.

UK Government (2003). Penalty points (endorsements). Weblink: <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>.