

Dept. for Transport consultation on
Mobile Phones and Driving

Proposal for an offence of using a hand-held
mobile phone while driving



THE INSTITUTION OF OCCUPATIONAL SAFETY AND HEALTH

IOSH Response to the consultation paper issued by the
Department for Transport
on 20 August 2002

About IOSH

IOSH is a not-for-profit professional body for Occupational Health and Safety (OSH) professionals. Current membership is over 25,000, with members in the United Kingdom, Republic of Ireland, Hong Kong and worldwide. We have close relations with other equivalent national OSH professional organisations, for example the American Society of Safety Engineers (ASSE) and the Safety Institute of Australia (SIA). For more information about IOSH and the work we do in support of our members, please visit our website at <http://www.iosh.co.uk>

Consultations contact

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This is the response of the Institution of Occupational Safety and Health (IOSH) to the Department for Transport Consultation on the Proposal for an offence of using a hand-held mobile phone while driving.

Our responses to consultation documents are collated after we have requested comments and opinions from across all grades of our membership, Specialist Groups and the IOSH Council of Management. The mobile phones consultation paper was circulated to the Chair and committee members of the IOSH Telecommunications Specialist Group (TSG) and our response is reflective of their opinions. The group is made up of occupational safety and health professionals who are involved in all aspects of safety within the telecommunications sector. This response is not confidential and will be circulated within the TSG and be available on the IOSH website.

Overall, our members feel that the use of hand held mobile phones while driving is likely to present real risks to vehicle drivers and other road users, and therefore we support the proposals for an addition to The Road Vehicles (Construction and Use) Regulations 1986. We agree that the proposed offence should not apply to hands-free equipment, but feel greater clarification of what constitutes 'hands-free' is required.

Question 1

Do you agree with the proposal to introduce a specific offence to ban the use of hand-held mobile phones by drivers?

Yes, we agree with the proposal to ban the use of hand-held mobile phones by drivers. We believe that holding a phone with one hand while driving reduces the amount of control a person has of their vehicle and may result in the inability to react quickly and safely enough in an emergency situation.

Question 2

Do you agree that the proposed offence should not include hands-free phones?

Yes, we agree that the proposed new offence should not include hands-free mobile phones, but feel agreement is required on what constitutes hands-free equipment. This is because the operation and use of an in-car audio system with a radio, tape or CD player requires the driver to manually select a radio station or adjust the volume, and similarly many earpieces and wire-free headsets are operated by pressing a button on the headset to receive incoming calls. This would seem to be the same level of manual activity as required for an audio system, although this kind of equipment is not considered as hands-free in Annex A,

paragraph 8. In many cases the phone does not have to be hand held, as some phones can be set up so that when used on a hands-free earpiece, the phone rings once and the call is answered automatically, so no physical action on the part of the driver is required, therefore we feel that this is an area needs further examination and clarification.

We feel hands-free equipment is important from a commercial perspective, as many organisations would find it hard to operate without contact with their workforce, and many personnel operate on a 'roving' basis, while from a safety perspective, it is important that organisations can maintain contact with employees who work alone, out-of hours or in remote locations.

Question 3

Do you agree that there should be no exemptions from the proposed offence?

If use of hands-free equipment, which includes the use of earpieces, is allowed then we agree that there should be no exemptions.

Question 4

Do you agree that the new offence should be subject to penalty points and discretionary disqualification when a suitable opportunity arises?

If use of hands-free equipment, which includes the use of earpieces, is allowed then we agree that the penalty should be raised in this way. The offence of using a hand-held mobile phone while driving should be treated the same as other breaches of traffic legislation.

Question 5

Do you have any comments on the detail of the proposed new regulation set out in Annex A?

Please see response to question 2.

Question 6

Do you have any comments on the partial Regulatory Impact Assessment (Annex B)?

No comments.

Question 7

Do you have any comments to make on the consultation process?

No comments.