

# **Mobile Phones and driving: Decision letter and Summary of Responses**

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## Decision letter

24 June 2003

Dear Consultee

1. I refer to the Department's consultation letter<sup>1</sup> issued on 20 August 2002 setting out proposals for the introduction of a new offence relating to the use of hand-held phones by drivers. The consultation period closed on 25 November and a total of 1040 responses were received.

2. All the comments received were considered carefully and a summary of the key points made is attached together with a list of those who responded. In the light of the consultation, the Department has decided to go ahead with revised proposals, as set out below, with the aim of bringing the new regulation into force from 1 December 2003.

### **Driving**

3. The consultation document suggested that the proposed offence should apply unless the driver was parked with the engine switched off. Some respondents felt this was unreasonable and would prevent drivers using their phones while caught in a traffic jam.

4. We consider that drivers should not use hand-held phones while at traffic lights or during short hold-ups that may occur during a typical journey. However, we accept the view that it is unnecessary for a vehicle to be parked with the engine switched off in order to avoid prosecution. Under existing law a person may be regarded as "driving" a vehicle while the engine is running and the vehicle is stationary. We consider this satisfactory for the purposes of this offence and will not therefore include a new definition of "driving" in the regulation.

### **Vehicle**

5. The new offence will apply to all mechanically propelled vehicles, including motorbikes. Although some respondents suggested that it should be extended to cyclists, we do not consider this is a significant problem that justifies extending the offence to non-motorised traffic.

### **Cause or permit**

6. A number of driving offences in the Road Vehicles (Construction and Use) Regulations 1986 make it an offence to "cause or permit" the offence to take place. Regulation 104 makes it an offence for a person to drive a motor vehicle if he cannot have proper control of the vehicle. Anyone "causing or permitting" a driver not to have proper control, such as an employer requiring an employee to drive a vehicle which they cannot properly control, is also liable for prosecution.

7. The consultation document suggested that any new regulation on mobile phones should adopt the same wording as Regulation 104 to include liability for causing or permitting someone to use a hand-held mobile phone or similar device while driving. This will make it clear to employers, for example, that they cannot expect their employees to use a hand-held phone while driving. There was some concern among consultees that they may be liable if they called someone who answered while driving, and some employers suggested that they should be specifically exempt from any liability if they had given clear guidance to employees not to use a hand-held mobile phone while driving. The Department's view is that employers would not be liable solely because they had supplied a telephone or because they phoned an employee who was driving at the time. However, we consider that employers should continue to be liable if they require employees to commit an offence.

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<sup>1</sup> Available on-line at [www.roads.dft.gov.uk/consult/mobiles/index.htm](http://www.roads.dft.gov.uk/consult/mobiles/index.htm)

## **In control**

8. It was suggested by one of the driving instructor organisations that those who are in control of a vehicle include those accompanying learner drivers and that they should also be covered by the proposed offence. We agree with this suggestion and the new regulations will be drafted accordingly.

## **Hand-held phones**

9. During the consultation, concern was expressed about the proposed definition of hand-held phones. The consultation document suggested that only those phones that had fixed speakers should be regarded as hands-free phones. However, there are numerous types of hands-free phones and kits to convert hand-held phones to provide some level of hands-free use.

10. We now consider that a more practical approach would be to prohibit the type of activity rather than to try and define different devices. The offence will therefore apply to drivers speaking or listening to a phone call, using a device interactively for accessing any sort of data, which would include the Internet, sending or receiving text messages or other images if it is held in the driver's hand during at least part of the period of its operation. We do not wish to prohibit the carrying of hand-held phones in vehicles or require them to be switched off. A phone may therefore continue to be used to receive data when it is in a vehicle providing the driver is not holding it.

11. Within the context of holding a phone, pushing buttons on a phone while it is in a cradle or if it is being operated via buttons on the steering wheel or handlebars of a motorbike would not, in our view, breach the new regulation.

## **Hands-free phones**

12. The consultation explained that while the Department considers that drivers should not use hands-free phones, it was not proposed to include these within the scope of the new regulation due to enforcement difficulties. Although some respondents considered that further action was needed against hands-free use, the Department does not consider that hands-free phones should be prohibited unless they are being held during use.

## **Similar devices**

13. The Department consulted on the basis that devices similar to mobile phones would be included in any new offence. There are now many types of hand-held electronic devices that can be used in a similar way to a phone to text, receive and record messages, access the Internet or data held within the device, or have dual or multi-functions. We wish to avoid creating a potential loophole and therefore holding any electronic device used for accessing oral, textual or pictorial communications will also be prohibited, provided that the device must be held at some point during the course of its operation.

14. The consultation document also suggested that 2-way radio microphones should be included within the proposed ban. However, some responses requested exemption for radio systems, pointing out that these have been used over many years without giving rise to road safety concerns. Amateur radio operators, some commercial drivers such as taxi drivers and hauliers, and some of the emergency services use them to communicate with a base station. We accept that such "press to talk" devices keep conversations short and are likely to have a lower risk. Furthermore permitting their use will not open up a loophole because the vast majority of drivers are unlikely to use them as substitutes for mobile phones. They are far less convenient, generally require a dedicated frequency and permit only one-way conversations while a button is held. While the details of the extent of the exemption remain to be determined, the new offence will exempt the use of such devices.

## **Exemptions**

15. The consultation document asked if any exemptions, eg for the emergency services, should be permitted. Many considered that there should be no exemptions, particularly as hands-free use would not be prohibited. Some suggested exemptions for emergency use. The police and representatives of 5 local ambulance services requested the need for exemption for use of 2-way radios. As noted

above, it has been decided not to include 2-way radios in the new offence. It has also been decided that there should be an exemption to use a hand-held phone for a genuine emergency call to 999, if it would be unsafe for a driver to stop. However, no further exemptions will be permitted.

### **Penalties**

16. The consultation document explained that any new offence would be subject to a fixed penalty of £30 or a fine on conviction of up to £1,000 (£2,500 for drivers of goods vehicles or those manufactured or adapted to carry 9 or more passengers). Primary legislation would be required to increase the maximum penalty and views were invited on whether any new offence should be subject to penalty points and discretionary disqualification. There was a large measure of support for this. The Government announced last July that it intended to raise the penalty for Regulation 104 offences when a suitable legislative opportunity arises. We intend to do so for this new offence at the same time and consider that it should attract 3 penalty points.

### **Next Steps**

17. The new regulation will now be prepared and laid before Parliament as soon as possible. A regulatory impact assessment will be published at that time. The regulation will be subject to the negative resolution procedure and the new offence will be brought into effect from 1 December 2003.

Yours sincerely

**Sue Faulkner**

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# Report on responses to consultation on a proposal for an offence of using a hand-held mobile phone while driving

## Introduction

Following a commitment in the Road Safety Strategy *Tomorrow's roads - safer for everyone*<sup>2</sup> to keep the need for legislation under review, the Department issued a consultation document *Mobile Phones and driving - Proposal for an offence of using a hand-held mobile phone while driving*<sup>3</sup> on 20 August 2002. This invited views on the proposed new regulation.

Over 180 copies of the document were sent to organisations identified as having an interest. Several hundred further copies were sent out on request during the consultation period. The consultation document was also available on-line on the Department's web-site.

The consultation period closed on 25 November 2002. A total of 1040 separate responses were received from a wide variety of organisations and individuals. A list of those who responded is attached at Annex A. A copy of this is being sent to them.

All the views received have been considered carefully. This report provides a summary of those views. Inevitably it has not been possible to cover every issue raised but this summary covers the key issues and provides an indication of the depth and variety of views that were expressed. Some comments have been highlighted because the views are either significant or represent a typical position.

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24 June 2003

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<sup>2</sup> The Strategy may be viewed at [www.roads.dft.gov.uk/roadsafety/strategy/tomorrow/index.htm](http://www.roads.dft.gov.uk/roadsafety/strategy/tomorrow/index.htm)

<sup>3</sup> The consultation document may be viewed at [www.roads.dft.gov.uk/consult/mobiles/index.htm](http://www.roads.dft.gov.uk/consult/mobiles/index.htm)

## Summary of Responses

Considerable interest was generated by the proposal and this is reflected in the number of responses and the variety of views received. The consultation was highlighted in the national media and received wide publicity. Many of the responses come from individual members of the public. Businesses, including the mobile phone industry, local authorities, police and interest groups also made their views known. 15 respondents did not want their views made public.

Total number of responses	1040
Representing:	
Bus companies	3
Commercial organisations	43
Courts	3
Driver training representatives	11
Emergency Services	5
Government Departments	5
Individuals	789
Interest Groups	42
Local Authorities	32
Members of Parliament	4
Mobile phone industry	12
Motoring organisations	3
Police	24
Road Safety Organisations	10
Taxi drivers or representatives	15
Trade Associations	26
Trade Unions	13

The consultation document explained that the Department was seeking views on the possible introduction of a specific offence to prohibit the use of hand-held mobile phones or similar devices by drivers. A Reply Form, copy at Annex B, was attached identifying 7 questions and inviting comments on them.

The tables below summarise the comments made. Not everyone commented on every option. Not everyone used the Reply Form or set out the reasons for their views. Some responses gave more than

one reason for or against a particular question. Therefore, the figures in the tables do not add up to 1,040.

## Question 1 - Proposal to introduce a specific offence

This question sought views on the core proposal to introduce a specific ban on the use of hand-held mobile phones by drivers. The vast majority of responses, some 88%, were broadly in favour. They included the AA and the RAC Foundation, the Road Haulage Association, the Confederation of Passenger Transport (CPT), the Licensed Private Hire Car Association, RoSPA, Brake, the Fleet Safety Association and most of those from the police and the mobile phone service providers. However, the British Motorcyclists Federation suggested that enforcement of the existing legislation and higher penalties would be preferable to creating a specific offence. Others who supported with reservations, such as GEM, considered that other road safety issues were more important. Some organisations, such as the Association of Car Fleet Operators and Gloucestershire County Council, recorded mixed views from their members.

Those against, including the CBI, Intellect and the British Retail Federation, considered that there was a lack of evidence that phones were a distraction or were no worse than other in-car activities. Better enforcement of the existing legislation and more publicity would have the same effect as the proposed prohibition. A number, including the British Vehicle Rental and Leasing Association and the Thanet and Channel Ports Branch of the Federation of Small Businesses, thought that existing legislation was adequate and the proposal therefore unnecessary. The Association of British Drivers considered that all road users had the responsibility to others to drive in a safe manner whatever the circumstances.

### **Q1. Do you agree with the proposal to introduce a specific offence to ban the use of hand-held mobile phones by drivers?**

Yes, agree	913
No, do not agree	116
Unknown, undecided, unanswered	11

Reasons	
<b>Yes:</b>	
Driver distraction/safety for all	680
Reduce accidents	159
Need a deterrent	55
Current legislation inadequate/poorly enforced	24
Only hands-free acceptable	14
Other	10
No reasons given	154

<b>No:</b>	
Current legislation adequate	74
Lack of evidence of risk/phones no worse than other in-car activities	29
Need to consider other in-car distractions	23
Better enforcement and publicity would have same effect	21
Would be ineffective/enforcement problems	20
Decide each case on the circumstances	7
Encourage speeding/bad driving (unable to warn of delays/call may be necessary)	3
Other	16

## Question 2 - Exclusion of hands-free phones from the proposed offence

The consultation document explained that the Department considered that a ban on using hands-free phones would be difficult to enforce and that they should not therefore be included within the scope of the proposed offence. Some 48% of responses, including the RAC Foundation, the CBI, the Scottish Taxi Federation, the Royal Berkshire Ambulance NHS Trust and most of the police and mobile phone service providers, agreed. Many suggested that use of hands-free phones reduced distraction or was no worse than other in-car activities such as tuning a radio or eating while driving. Others felt that hands-free phones were an important facility for business users and that fleet operators should not be prohibited. However, some responses, for example the Association of British Insurers (ABI) and the Intelligent Transport Society (ITS UK), accepted only reluctantly that hand-held phones should not be included because of the distracting effects of any phone conversation.

Some 37% of those commenting, including the Parliamentary Advisory Council for Transport Safety, the TUC (on balance), the Association of Car Fleet Owners and Transport 2000 wanted action taken on hands-free phones. Others, such as BSM, suggested that more research into the risks was required. The Driving Instructors Association considered that a new offence dealing only with hand-held phones would encourage greater use of hands-free equipment, so confusing the safety message.

### Q2. Do you agree that the proposed offence should not include hands-free phones?

Yes, agree	495
No, further action is required	387
Unknown, undecided, unanswered	158

Reasons	
<b>Yes:</b>	
No worse than conversing with passenger/listening to radio	119
Unenforceable	102
Safer/reduces distraction	101
Business/emergency use of hands-free equipment important	28
Existing legislation adequate	20
To encourage development of better hands-free kits	8
Ease of legislating	5
Reasonable compromise/public acceptability	4
Recognises reality/people will use phones	4
Nature of the call is the issue not the phone	2
May not be safe to stop	2
Other	11

No reasons given	163

No:	
Hands-free calls also distract	328
Hands-free kits not always totally hands-free	23
Need to change attitudes	20
Need clear message/sends wrong message	4
Phone records available for police to check	4
Ban sales of hands-free car kits/hands-free to be disabled when engine running	4
Need further research	3
Other	10
No reasons given	25

### Question 3 - Exemptions

The Department's initial view was that no exemptions should be allowed, particularly as the use of hands-free phones would be outside the scope of the proposed offence. The majority of respondents, including the CBI, RoadPeace and the RAC Foundation, supported this view. The Justices' Clerks' Society suggested that the defence of duress (ie necessity) would be available in cases of emergency use. The Motorcycle Action Group supported the need for mitigation in cases of extreme emergency. The ABI pointed out however that road users had the right to be protected whether or not the use of a phone by others might be justified.

A sizeable minority was in favour of exemptions. Many of these considered that the emergency services should be exempt or that calls to the emergency services should be permitted. Some (the Road Operator Safety Council for instance) supported an exemption while stationary or in slow moving traffic.

The consultation document suggested that devices similar to hand-held mobile phones should fall within the proposed prohibition. The police and the Air Wave Radio Police User Group requested exemption for hand-held 2-way radios for operational reasons. Several other professional bodies such as the CPT, the Licensed Private Hire Car Association, the Road Haulage Association and the Federation of Communication Services, together with commercial users, also wanted exemption for "press-to-talk" equipment. The Radio Society of Great Britain pointed out that amateur radios had been operated from motor vehicles without any recorded accidents since 1955. It was also pointed out that similar equipment is used by motorcycle trainers and pupils and for motorcycle intercoms.

### **Q3 - Do you agree that there should be no exemptions from the proposed offence?**

Yes, agree	482
No, there should be exemptions	313
Unknown, undecided, unanswered	245

Reasons	
<b>Yes:</b>	
Dangerous in any situation/ exemption unjustified	160
Unnecessary if hands-free use allowed	37
Would weaken action against hand-held phones	34
Discretion of courts/police for mitigating circumstances	20
Other	24
No reasons given	228
<b>No (there should be exemptions):</b>	
For emergency services, doctors and specific classes of drivers	142
For slow or stationery traffic	91
For reporting emergencies and emergency situations	89
For hands-free kits/kits with voice dialling and ear-piece	33
On motorways (given distance between stopping places)	9
For business related calls	5
Other	20
No reasons given	11

## Question 4 - Penalties

Many respondents, including the AA, the ABI and the police considered that penalty points and discretionary disqualification would provide a significant deterrent and raise awareness of the issue - a fixed penalty fine on its own was considered insufficient. The Magistrates' Association pointed out that a fine might not deter high mileage company drivers. Others, including the TUC and Transport 2000, suggested that the level of the current fixed penalty fine (£30) was too low and should be raised. A few suggested that the fine and the penalty points level should be raised or that disqualification should be compulsory.

Others, such as ITS UK, supported the application of penalty points but not discretionary disqualification, which they believed should be reserved for the more serious offences where careless or dangerous driving charges were applied.

Some such as the CBI, the Despatch Association and Jabra Europe, suggested that the existing penalties were adequate, or that disqualification or penalty points were inappropriate for such an offence.

**Q4. Do you agree that the new offence should be subject to penalty points and discretionary disqualification when a suitable opportunity arises?**

Yes	673
No	134
Unknown, undecided, unanswered	233

Reasons	
<b>Yes:</b>	
Raise awareness/provides deterrent	349
Should attract high fines	62
Disqualification should be compulsory	29
Should be treated the same way as careless driving or other more serious offences	24
Should attract high number of penalty points	22
Range of penalties appropriate to circumstances	22
Make Regulation 104 endorsable	16
Increase penalties if injury or death caused	14
Penalty should be high/higher than proposed	8
Need better/strong enforcement	7
Custodial sentence/community service	4
Confiscate phone as well	3
Confiscate vehicle as well	3
Retest should be compulsory	3
Penalties should include cost of/be used for enforcement	2
Lower penalty for first offence	2
Introduce on-the-spot fines	2
Should be implications for insurance premiums	2
Driver re-education course	2
Other	15
No reasons given	171
<b>No:</b>	
Existing penalties adequate	53
Disqualification/penalty points inappropriate for this type of offence	32
Penalty should reflect the degree of danger	22
Need better publicity	7
Raise fine level instead	5
Penalty points will not deter - confiscate the phone	3

Other	11
No reasons given	11

## Question 5 - Details of the proposed new regulation

Comments were invited on the content of the proposed new regulation set out in Annex A of the consultation document. Nearly half of the respondents commented and a significant number felt that the proposed description of a hands-free phone was inadequate to deal with the range of hands-free equipment currently available. Others, such as the Association of Industrial Road Safety Officers, suggested that all hands-free equipment should be permitted. The Licensed Private Car Hire Association suggested that any regulation should be balanced and not unreasonably restrictive or inhibit the sensible use of technological improvements.

The mobile phone industry in particular wanted a clearer definition of a hands-free phone to avoid confusion. They drew attention to the range of equipment available to users including hands-free kits permanently wired into a vehicle, plug-in cradle units with their own speakers, personal hands-free kits that required users to handle the phone or those that used voice activation. New developments included bluetooth headsets that provided wireless connection and voice activation. The range of this equipment was demonstrated to the Department in meetings with mobile phone service providers and equipment suppliers.

The consultation document suggested that the proposed offence should apply unless the vehicle was parked with the engine off. A number of responses suggested that the prohibition on hand-held phones should only apply in moving vehicles, so that they could be used in traffic jams. Others suggested that vehicles should be legally parked to avoid encouraging indiscriminate stopping to take a phone call. The Air Wave Radio Police User Group pointed out that the engines of some hybrid vehicles might be programmed to stop running when the vehicle was stationary. Others that a requirement to switch the engine off would be unreasonable as some hands-free kits (and other vehicle equipment) could only be used with the engine running. RAC Motoring Services were also concerned about this provision. The CPT noted that many 2-way radios fitted to commercial vehicles or buses only operate while the engine is running.

There was support (for example from the TUC and Unison) for the proposal to include in the offence those who "cause or permit" drivers to use hand-held mobile phones. However, the Road Haulage Association was concerned that such a provision might be unfair on responsible employers. They and others wanted clarity on the steps that an employer must take to ensure compliance by employees. The CBI noted that the Road Traffic Act 1988 provides no defence for employers, which they considered unjust.

BSM suggested that those who supervise learner drivers should be included within the proposed new offence, as they also have a responsibility to concentrate on the driving task.

### **Q5. Do you have any comments on the detail of the proposed new regulation set out in Annex of the consultation document?**

Need better definition of hands-free phones	114
Ban all phones as distraction is the issue	67
Should only apply to moving vehicles/allow in traffic jams	55

Should not require engine to be switched off	54
Include other potentially distracting in-car activities	43
All hands-free equipment should be allowed	41
Support "cause or permit" provision	40
Allow voice activated phones	30
Include cyclists	22
Agree with proposals in Annex A	21
Employers should ensure employees use phones safely	18
Ban to include police/emergency services	18
Allow use of two-way/CB radios and similar equipment	11
Regulation unnecessary/unjustified	11
Need better training for drivers	10
Include two-way/CB radios and other hand-held equipment in ban	8
Grant/finance fitting of hands-free phones	5
Phones should not work or be switched off when vehicle moving/ignition on	5
Include pedestrians	4
Police to report phone use to insurers and obtain data from phone companies about usage	4
Making/sending calls/text messages/pictures should be banned at all times	4
Difficult to police	4
Phones should ring to indicate driving	2
Do not support "cause or permit" provision	2
Ban radio stations from taking calls from drivers	2
Better standards for equipment	2
Other	9
No comments	180
Not answered	429

## Question 6 - Regulatory impact

Comments were requested on the partial Regulatory Impact Assessment. The majority of respondents did not comment. However, the lack of statistical information on casualties and prosecutions resulting from the use of mobile phones was highlighted with a suggestion from some (the CBI for instance) that the proposed offence could not be justified without them. However, the ABI noted (in its response to Question 1) that motor insurers were aware of the number of claims arising from the

use of mobile phones. Quite a few respondents suggested here and elsewhere in their responses, that greater police enforcement was needed. Others (for example RoadPeace, the RAC Foundation and the TUC) supported more publicity about the dangers of using a phone in order to discourage the use of hands-free phones.

The Royal Berkshire Ambulance NHS Trust and Vodafone suggested that a long lead-in time was needed before any new legislation to come into force to provide time for the installation of permanently wired hands-free equipment.

A range of respondents, including the Go-Ahead Group and the CPT, noted that there would be significant costs if the use of hand-held 2-way radios were prohibited. For the police, that included the implications of always using dual-crewed vehicles. The Road Haulage Association noted that if the definition of hands-free equipment failed to deal with the wide variety of devices and systems available, then costs to industry would rise, as drivers would need to stop more frequently to use the phone.

The Association of British Drivers, among others, suggested there was a social exclusion issue in relation to the cost of hands-free equipment that the proposed new regulation would force on drivers. They also considered that an environmental impact study was needed to consider the issue of cars pulling onto grass verges to answer a hand-held mobile phone.

**Q6. Do you have any comments on the partial Regulatory Impact Assessment?**

Need to collect better accident, use and prosecution data	55
Better police enforcement is needed	54
Need publicity campaign	39
Should consider increased costs for drivers/businesses	21
New offence not justified	15
Agree with RIA	15
Take action against hands-free and other electronic devices	11
Support action to tackle mobile phone use	11
Offences should be based on carelessness or danger rather than just use	8
Some situations necessitate calls	5
Take account of other benefits including to other road users	5
Should take account of moral/casualty issues as well as financial costs	5
Do not agree/have concerns with "cause or permit" provision	4
Vehicle manufacturers should agree a standard for car phones	4
Support "cause or permit" provision	3
Lead-in time required	2
Other in-car activities as distracting/more unsafe	2
Penalties should include costs of enforcement	2

Exemption needed for the police	2
Should take account of increase in fuel consumption/congestion	2
Include other road users, eg cyclists	2
Drivers may drive badly if they can't take calls	2
Other	17
No comments	250
Not answered	516

## Question 7 - Consultation process

Comments were also invited on the consultation process. Only a small proportion did so but a good number of these welcomed the opportunity to make their views known. However, a notable number were concerned that had only heard about the consultation through a third party or by chance, and suggested that publicity and dissemination could be improved. A few suggested that decisions on the way forward had already been made before the consultation was started.

The Licensed Private Hire Car Association considered the Reply Form was too restrictive because it used only "Yes/No" boxes. The British Motorcycle Federation noted that Question 1 failed to provide for a conditional response and that Questions 2, 3 and 4 appeared to presume agreement to introduce a new offence.

Q7. Do you have any comments on the consultation process?

Welcome the process	122
Inadequate publicity/dissemination	64
Concern that decision already made	12
Speed up/slow down consultation process	7
Include (named) others in list of consultees/do not include phone manufacturers	7
Concern about influence of vested interests	6
Make better use of IT in consultation process	5
Other	18
No comments	209
Not answered	581

Road Safety Division

Department for Transport

24 June 2003

## **Annex A** - List of those who responded to the Consultation

### **Bus companies**

FirstGroup plc

Go-Ahead Group plc

London Bus Services Ltd

### **Commercial organisations**

Agents for Change

Andover Controls Ltd

Andy Price Associates

Bedfordshire Pilgrims Housing  
Association

British Coatings Federation Ltd

Bullen Consultants Ltd

Cambridge Water plc

City Post (London) Ltd

Contact Industrial

Cycle Training UK Ltd

Deloitte & Touche

Dexbra Accessories Ltd

Driver Hire - Reading

Driver Hire (Bradford)

Driver Hire (East Kilbride)

Driver Hire (Maidstone)

Driver Hire (Warrington)

Earth Tech Engineering Ltd

Fuel Oil Supply Co Ltd

Great Yarmouth Port Authority

Halfords Ltd

Isotrak

Karcher (UK) Ltd

London Electricity Group plc

McAndrew Management

Meywell Plant Hire Ltd

Michelin Tyre plc

Nelson Stud Welding UK

Northlight IT Ltd

P L Workforce

Railway Safety

Redland Roofing Systems Ltd

Ross Silcock

Safety Consultancy

Shell UK Oil Products Ltd  
(Commercial)

Somerfield Stores

Strand Lighting

Sutton and East Surrey Water plc

TECALEMIT Garage Equipment Co  
Ltd

Thales Information Systems

Topstaff Employment

Warden Housing Association

Yorkshire Water Services

### **Courts**

City of Salford Magistrates

Justices' Clerks' Society

Magistrates Association

## **Driver training representatives**

AA (Driving School)  
British School of Motoring  
Drive & Survive UK plc x 2  
Driver Education Research Foundation  
Driver Training Services  
Driving Instructors Association  
Driving Instructors Association  
member  
Driving Instructors Scottish Council  
Institute of Advanced Motorists  
Institute of Master Tutors Driving

## **Emergency services**

Essex Ambulance Service NHS Trust  
Merseyside Ambulance Service NHS  
Trust  
North East Ambulance Service  
Royal Berkshire Ambulance Service  
NHS Trust  
Surrey Ambulance Service NHS Trust

## **Government Departments**

Crown Prosecution Service  
Lord Chancellor's Department  
MOD  
States of Jersey  
Welsh Assembly Government

## **Individuals**

789

## **Interest Groups**

Albion Resident's Association  
Association of British Drivers  
Bexley Police Community Consultative  
Group  
Bristol Cycling Campaign  
British Motorcyclists Federation  
Caravan Club  
Children's Society  
Chilterns Conservation Board  
CTC Basingstoke  
CTC Bristol District Association  
CTC HQ Godalming  
CTC member x 2  
Cutting your Car Use  
Faculty of Public Health Medicine  
Federation of Essex Womens Institute  
Finchampstead Womens Institute  
Gloucester City Cycling Club  
Learn & Live  
Learn 2 Live Motorway Safety  
Campaign  
London Cycling Campaign  
London Cycling Campaign member  
Madron Women's Institute  
Merton Cycling Campaign  
Motorcycle Action Group (UK)  
Motorcycle Action Group (UK) member  
National Council of Women of GB  
Norman Cross Area Road Safety  
Committee  
Norwich Cycling Campaign  
Radio Society of Great Britain  
Reading Motorcycle Action Group

Roadpeace  
Roadpeace members x 2  
Safe Speed  
Southwark Pedestrians Rights Group  
St Albans Cycle Campaign  
Suffolk West Federation of Women's  
Institutes  
SUSTRANS  
Transport & Health Study Group  
Transport 2000  
Victims Voice & Roadpeace Member

### **Local Authorities**

Adur District Council  
Babergh District Council  
Bedford Borough Council  
Bexley Council  
Bradford Metropolitan District Council  
Cheshire County Council Road Safety  
Unit  
City of Wakefield Metropolitan Council  
Croydon Council  
Derby City Council  
Derwentside District Council  
East Hampshire District Council  
Gloucestershire County Council  
Hampshire County Council  
Havant Borough Council  
LB Croydon South Road Safety  
Committee  
LB Croydon West Road Safety  
Committee  
LB of Barking & Dagenham  
LB of Hammersmith & Fulham

Leeds Dept of Highways &  
Transportation  
Leeds Road Safety Promotion Unit  
Manchester City Council  
North Yorkshire County Council  
Shropshire County Council  
Somerset County Council  
South Northamptonshire Council  
Staffordshire County Council  
Tayside Contract  
TfL Street Management Unit  
Wakefield Metropolitan District Council  
Warrington Borough Council  
Worcestershire County Council  
Worcestershire County Council Road  
Safety Office

### **Members of Parliament**

4

### **Mobile phone industry**

Caird Communications  
Hutchison 3G (UK) Limited  
JABRA Europe, GN Netcom (UK) Ltd  
Kondor Ltd, Kondor House  
Motorola  
O2 (UK) Ltd  
Orange PCS Ltd  
Pama & Co Ltd  
TDK Systems Europe Ltd  
T-Mobile UK  
Virgin Mobile

Vodafone Group Services Limited

Wiltshire Constabulary

### **Motoring organisations**

Automobile Association

Guild of Experienced Motorists

RAC Motoring Services

### **Police**

ACPO of England & Wales and NI

ACPO Scotland

British Transport Police

Cheshire Constabulary

Cumbria Constabulary

Desk

Durham Constabulary Traffic Dept

Dyfed-Powys Police

Greater Manchester Police

Hampshire Police

Hertfordshire Constabulary

Humberside Police

Lothian & Borders Police

Metropolitan Police Service

Metropolitan Police, Traffic Legislation

North Wales Police

North Yorkshire Police

Northamptonshire Police

South Wales Police

South Yorkshire Police

Suffolk Constabulary

Thames Valley Police

West Mercia Constabulary

West Yorkshire Police

### **Road Safety Organisations**

Association of Industrial Road Safety

Officers

Brake

European Transport Safety Council

London Accident Prevention Council

London Accident Prevention Council  
member

PACTS

RAC Foundation

Road Operators' Safety Council

RoSPA

Scottish Accident Prevention Council

### **Taxi drivers or representatives**

"AMERICAB"

41 41 41 Carcabs Ltd

Alpha Taxi

Best Taxis

Driver Hire Cleveland

Drivers-on-Call Ltd

Express Taxi (Proprietor)

Hackney Carriage Taxis

Keighley Taxi

London Private Hire Car Association

Michael Sage Cars

Scottish Taxi Federation

Surrey Heath Taxi Drivers Association

Taxis (West Berks)

Wallington Cars & Couriers Ltd

## **Trade Associations**

### ALBUM

Association of British Insurers  
Association of Car Fleet Operators  
Association of Car Fleet Operators  
member  
Association of Personal Injury Lawyers  
x 2  
British Chemical Distributors and  
Traders Association  
British Retail Consortium  
British Soft Drinks Association  
British Vehicle Rental & Leasing  
Association  
CBI  
Confederation of Passenger Transport  
UK  
Despatch Association  
Electricity Association  
Federation of Communication Services  
Federation of Small Business  
Fleet Safety Association  
Freight Transport Association  
(Midlands Region)  
IAATI  
Institution of Occupational Safety  
and Health  
Intellect  
Intelligent Transport Society for the UK  
Joint Radio Company Ltd  
Recruitment and Employment  
Confederation

Road Haulage Association Ltd

Road Rescue Recovery Association

## **Trade Unions**

Communication Workers Union (SW  
Lancs)  
GMB - Britain's General Union  
Health & Safety, UCATT  
Prospect  
TGWU HQ  
T&GWU local representatives x 5  
Trade Union Congress  
Union of Shop, Distributive and Allied  
Workers  
UNISON



*Questionnaire issued with August 2002 Consultation Document*

**PROPOSAL FOR AN OFFENCE OF USING A HAND-HELD MOBILE PHONE WHILE DRIVING**

**Annex B - Reply Form**

Name .....

Organisation (if applicable) .....

Address .....

.....

..... Postcode .....

Contact details (if different) .....

**Please tick the appropriate box**

Question 1 <i>Do you agree with the proposal to introduce a specific offence to ban the use of hand-held mobile phones by drivers?</i>	
Yes, I agree with the proposal to ban the use of hand-held mobile phones by drivers.	<input type="checkbox"/>
No, I do not agree with this proposal.	<input type="checkbox"/>
Please explain your reasons:	

**Question 2*****Do you agree that the proposed offence should not include hands-free phones?***

Yes, I agree that the proposed new offence should not include hands-free mobile phones.

No, I consider that further action is required on the use of hands-free phones by drivers.

Please explain your reasons (if you have answered "no" please say what action you think should be taken):

**Question 3*****Do you agree that there should be no exemptions from the proposed offence?***

Yes, I agree that there should be no exemptions.

No, I consider that there should be exemptions.

Please explain your reasons (if you consider that exemptions should be permitted, please say what they are and why you think each one is necessary):

**Question 4*****Do you agree that the new offence should be subject to penalty points and discretionary disqualification when a suitable opportunity arises?***

Yes, I agree that the penalty should be raised in this way.

No, I do not agree that the penalty needs to be raised.

Please explain your reasons:

***Question 5***

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

***Question 6***

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

***Question 7***

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