



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Response Form

Share Your Views - Penalties

You are invited to share your views on the proposed options for increasing the level of the **fixed penalty fine and the number of penalty points**.

Question 1:

Do you think that driving while using a hand-held mobile phone is dangerous?

Yes

No

Question 2:

Do you think there should be an increase in the Fixed Penalty Notice fine (currently £60) for this offence? (please tick only one box)

Yes - increase to £120 for all drivers (including HGV/buses)

Yes - increase to £200 for all drivers (including HGV/buses)

Yes - Other (please specify in comment section below)

No – please say why not in comment section below

Comment:

Brake is calling for a Fixed Penalty Notice for the use of a mobile phone behind the wheel of £1000. The law must act as a true deterrent to dangerous driving behaviours and this will only be the case if the punishments are appropriate to the danger caused. The current level of fine for using a mobile phone behind the wheel in Northern Ireland is lower than a parking penalty charge notice (currently £90), yet

the danger posed is much more akin to the offence of drink-driving, which has a fine of up to £5000 (25 times the £200 fine suggested in the consultation). According to research by the UK's Transport Research Laboratory (TRL), for IAM Road Smart, the increase in reaction times for various dangerous driving behaviours are as follows¹.

Driving behaviour	Increase in reaction times
Drink-driving (at the UK limit, 80mg alcohol per 100ml blood)	12.5%
Hands-free mobile phone conversation	26.5%
Texting on a mobile phone	37.4%
Hand-held mobile phone conversation	45.9%

The punishment for drink-driving is rightly severe, but this data shows that in proportion to risk, the punishments for mobile phone use behind the wheel lag far behind and should therefore be increased.

Furthermore, people face much higher fines for many minor offences that pose no threat to human life. For example, the fine for not having a TV licence is up to £1,000, more than sixteen times higher than the current fine for using a mobile phone while driving in Northern Ireland. Many bereaved and injured road crash victims agree that such a low level of fine is insulting, and unhelpful to efforts to raise awareness about the seriousness of this crime.

Questions 3:

Do you think there should be an increase in Penalty Points (currently three points) for this offence? (please tick only one box)

Yes - four points for non-HGV/bus drivers and six points for HGV/bus drivers

Yes - six points for all (including HGV/buses)

Yes - Other (please specify in comment section below)

¹ ['Don't poke me I'm driving', TRL commissioned by IAM \(2008\)](#)

No - please say why not in comment section below

Comment:

Brake believes that aligning legislation in Northern Ireland with that of Great Britain is the most appropriate solution, regarding penalties for using a mobile phone whilst driving. As stated in the consultation paper, the fear of losing a licence is a powerful factor in motivating good driver behaviour, therefore, this level of increase in the number of penalty points is likely to provide an even stronger deterrent than an increase in the fine.

Share Your Views – Offence

You are invited to share your views on the [Department's proposals](#) to amend the wording of the mobile phone offence as outlined above.

Questions 4:

The Department proposes to amend the wording of the mobile phone offence in legislation. Do you agree with the intention to make it illegal to 'hold' or 'use' a hand-held mobile phone?

Yes

No

Comment:

Brake welcomes the move to tackle any potential loophole in the law. Evidence shows that mobile phone use at the wheel is a widespread and dangerous activity that results in needless loss of life and devastation to many families every year, so it is right that any loophole which could allow a driver to get away with this type of dangerous behaviour is closed. This will make it clear to drivers that any attempts to use a mobile phone whilst driving is illegal and prevent any potential confusion about the law.

Questions 5:

Do you agree with the Department's intention to make it illegal to 'use' a hands-free phone by touching it while it is in the dashboard holder/cradle or attached to the handlebars of a motorbike?

Yes

No

Comment:

Brake would recommend that the Department goes further and bans the use of hands-free phones at the wheel altogether, in line with evidence illustrated in question 2 that calls on a hands-free device increase reaction times by 26.5% (more than double the increase of those who are drink-driving). Furthermore, research has shown that the call itself is the main distraction and therefore hands-free calls cause almost the same level of risk as hand-held - brain scanning and simulations have confirmed speaking on a hands-free phone reduces the visual processing power available in the brain and drivers experience 'visual tunnelling', narrowing their field of vision².

Laws that only ban hand-held phones are less effective in reducing crashes, because many drivers simply switch to hands-free phones, so are still distracted. A [Brake and Direct Line survey](#) found that following the UK's introduction of a ban on using hand-held phones at the wheel in 2003, between 2006 and 2014, the proportion of UK drivers using hand-held mobile phones dropped from 36% to 13%, but those using hands-free rose from 22% to 32%.

Questions 6:

Do you have any further comments about penalties or the proposed change to legislation for the mobile phone offence?

Comment:

Brake welcomes the Department's acknowledgement that change is needed and its preferred approach of combining option 2 and 4: increasing the fixed penalty fine from £60 to £200 and increasing the level of penalty points from three to six for all drivers; bringing Northern Ireland's laws into line with the rest of Great Britain.

² Hole, G. et al, [Imagery-inducing distraction leads to cognitive tunnelling and deteriorated driving performance](#), the University of Sussex, 2016

However, as mentioned previously, Brake believes that the proposed changes could and should go further. Driving is a highly unpredictable and risky activity and requires full concentration at all times. Through our extensive work with bereaved and injured road crash victims, Brake sees first-hand the devastation caused by people who kill and seriously injure, just because they couldn't wait a few more moments to make a phone call. Urgent action is required to stop these needless and preventable deaths now.

The statistics referenced in section 1 of the consultation paper highlight the prevalence of mobile phone use by drivers and the number of devastating road crashes that it causes in Northern Ireland.

Brake would therefore recommend that the Department:

- bans the use of hands-free phones at the wheel, in line with evidence that they increase crash risk just as much as using a hand-held phone, due to the distraction of the phone conversation.
- implements much higher penalties for any driver using a phone of any type at the wheel. We support an increase from the current £100 fixed penalty fine to £1,000 and at least six penalty points – this will ensure that drivers understand the seriousness of this offence, acting as a strong deterrent to illegal activity.
- work cross-department and with the police to ensure increased and adequate resourcing for traffic enforcement, including by making traffic policing a national policing priority.

Additional Information

Question 7. What Age Category do you fall into?

<input type="checkbox"/>	0-16	<input type="checkbox"/>	17-24	<input checked="" type="checkbox"/>	25-34
<input type="checkbox"/>	35-49	<input type="checkbox"/>	50-64	<input type="checkbox"/>	65+

Question 8. What Identification Category do you fall into?

Please tick all that apply

<input type="checkbox"/>	Novice Driver/Rider (those within two years of passing your test)
<input type="checkbox"/>	Experienced Driver/Rider

Learner Driver/Rider

HGV Operator / Driver

Bus / Coach Operator / Driver

Mobile Phone Retailer

Legal Professional

Other

Group or Organisation

Question 9. If you have selected ‘Other’ or ‘Group or Organisation’ in Question 8. e.g. Road Safety Organisations, Councils, please provide details here:

<input type="checkbox"/>	Other	Please specify
<input checked="" type="checkbox"/>	Name of Group or Organisation	Please specify Brake, the road safety charity

The Department will prepare a summary of all the responses to this consultation and publish it online. Copies of individual responses may also be made available to anyone that requests them – please complete question below.

Are you content for a copy of your response to be made available, if requested?

Please note that if you ask for your response to be kept confidential this will only be possible if it is consistent with our obligations under the Freedom of Information Act 2000.

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

Thank you for completing the questionnaire. Please return to either of the addresses shown below:

Email: safeandsustainabletravel@infrastructure-ni.gov.uk

Post: Mobile Phone Consultation Responses
Safe and Sustainable Travel Division
Department for Infrastructure
Room 4-20 Clarence Court
10-18 Adelaide Street
Town Parks
Belfast BT2 8GB