



## Common Driving Offences:

Speeding, drink/drug driving, mobile phone use, driving without entitlement

**THIS BRIEFING COVERS:** Public attitudes and behaviour; speeding; drink/drugs; mobile phones; other in-car distractions; driving without entitlement; FPNs for 'careless driving'.

*Common Driving Offences* is one of a series of briefings covering various aspects of traffic law and enforcement. Others consider bad driving in the context of the legal framework in general, plus specific aspects of it including sentencing, prosecution, the courts, the vital role of the traffic police, and driver training, testing and licencing.

All at: [www.cyclinguk.org/campaignsbriefings](http://www.cyclinguk.org/campaignsbriefings) (filter by 'Safe Drivers & Vehicles').

### HEADLINE MESSAGES

Penalising bad driving offences effectively would help create a safer and more attractive environment for cycling and walking. In particular, the drink/drive limit should be lowered in England and Wales, and hands-free mobile phones banned.

### KEY FACTS

- **Speeding:** From 2011-15 (GB), around a quarter of road deaths and 15% of KSIs (killed or seriously injured) occurred in collisions where the police believed that '*exceeding the speed limit*' or '*travelling too fast for conditions*' was a contributory factor. In 2015, 84% cars exceeded the speed limit on 20 mph roads (47% by 5 mph or more), while 52% of cars exceeded the speed limit on 30 mph roads, even though 89% of people believe that drivers should obey limits.
- **Drink/Drug driving:** In 2014 (GB), 14% of all road fatalities (240 people) happened in incidents where a driver was over the limit. In December 2014, Scotland cut its drink-drive limit to 50mg alcohol per 100ml blood, bringing it in line with most EU countries except for England, Wales and Malta where the limit is still 80mg/100ml. In 2015 (GB), the police thought that a driver/rider being '*impaired by drugs (illicit or medicinal)*' was a contributory factor in incidents in which 67 people were killed, and 350 seriously injured.
- **Mobiles/other distractions:** In 2015 (GB), the police thought: that mobile phone use at the wheel contributed to collisions in which 22 people died and 99 were seriously injured; and that '*distraction in vehicle*' contributed to collisions in which 66 people died and 504 were seriously injured. Drivers are four times more likely to crash when using a mobile phone. Over two thirds of the population feel that the law on using a mobile phone whilst driving is not properly enforced.
- **Entitlement:** The Motor Insurers' Bureau settles around 25,000 claims a year made by innocent victims of uninsured/untraced drivers, including c.120 fatal cases. The risk of crash involvement for un-licenced drivers could range between 2.7 to 8.9 times greater than that for all drivers.





## Cycling UK VIEW

### Exceeding the speed limit

- Speeding fines are currently too low to have any significant impact on driver behaviour.
- Extreme speed (e.g. 20 mph+ over the limit) should be treated as dangerous driving in the first instance.
- There should be no margin over the speed limit at which a driver avoids penalty.
- When determining the severity of any speeding offence and the penalties for it, the presence (or likely presence) of vulnerable road users should be considered as aggravating factors.

### Drink/drug driving

- The drink-drive blood alcohol limit should be lowered in England, Wales and Northern Ireland from 80mg/100ml to not more than 50mg/100ml, in line with most European countries and Scotland. Novice drivers should not be allowed to drink at all before driving.
- We support the use of targeted checkpoints, but also believe that the police should be given more freedom to carry out random breath testing.
- Alcohol interlocks should be fitted in offenders' vehicles. If successful, the measure should be extended.
- The definitions and standards for drug-related driving offences should relate solely to whether a drug impairs the ability to drive; it should not relate to whether it is legal to use it - i.e. over-the-counter and prescription drugs should be included.

### Mobile phones and other in-car distractions

- Use of hands-free mobile phones whilst driving should be banned.
- More research needs to be done on the impact of other in-car distractions (e.g. SatNavs, radios, in-car computers etc.). Drivers who put others in danger because they have been distracted by such devices need to be appropriately penalised.

### Driving without entitlement

- Any driver convicted of a bad driving offence whilst unlicensed or disqualified, and those who persistently break driving bans or go on driving despite not being entitled to do so for some reason, should receive a custodial sentence for the crime.

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## BACKGROUND INFORMATION

Bad driving intimidates existing cyclists and deters would-be cyclists – around 64% of people in Britain feel that it is too dangerous for them to cycle on the roads; and nearly half (48%) of those who do cycle share this view.<sup>1</sup>

This briefing looks at specific and common driving offences, and what Cycling UK believes could be done to tackle them. These offences are against the law even if the driving itself is unimpaired. When the driving is impaired and/or when it causes injury, the driver may be prosecuted for 'careless' or 'dangerous' driving. These offences are covered in our briefings on the legal system (see box on front page).

- More effective traffic policing is crucial to tackling bad driving. This is covered in our briefing: [www.cyclinguk.org/campaigning/views-and-briefings/traffic-police-and-other-enforcement-agencies](http://www.cyclinguk.org/campaigning/views-and-briefings/traffic-police-and-other-enforcement-agencies)



## 1. Bad driving: public attitudes and behaviour

Public attitudes and behaviour in relation to bad driving abounds with conflicts and paradoxes:

### Exceeding the speed limit:

- 89% of people believe that drivers should obey the speed limit,<sup>2</sup> but surveys suggest that many do not comply: 44% admit to breaking 30 mph urban limits; 48% to breaking 50/60 mph limits on country roads; and 46% to breaking 20 mph urban limits.<sup>3</sup>
- 60% of people believe that speed cameras save lives<sup>4</sup>, yet many subvert a camera's purpose by slowing down on the approach, only to speed up once they are past it.<sup>5</sup>
- Speeding traffic is a matter that causes local communities serious concern.<sup>6</sup>
- 85% of respondents to a 2006 survey said that they felt that travelling immediately above the speed limit on residential roads was unacceptable behaviour.<sup>7</sup>

### Drink/drug driving:

- According to a 2016 survey of 1,000 drivers by Brake, the road safety charity:<sup>8</sup>
  - A fifth (21%) admitted they had driven after drinking in the last year; and nearly a quarter (23%) admitted they had been a passenger with a driver who had been drinking alcohol;
  - More than half supported calls for a limit of 20mg/100ml blood or lower, while a further 25% favoured a limit of 50mg – the maximum recommended by the European Commission.
- Revealing the results of a survey marking the 50<sup>th</sup> anniversary of the Government's anti-drink driving campaign, the DfT reported: *"Of those surveyed, 91% agreed drink driving was unacceptable and 92% of people said they would feel ashamed if they were caught drinking and driving. This compares to over half of male drivers and nearly two thirds of young male drivers who admitted drink driving on a weekly basis in 1979."*<sup>9</sup>
- The British Social Attitudes Survey 2015 survey found that the majority of respondents (78%) agreed that if someone has drunk alcohol they should not drive.<sup>10</sup>

### Mobiles phones:

- The British Social Attitudes Survey 2015 survey found that:<sup>11</sup>
  - 90% of respondents disagreed that it is perfectly safe to talk on a hand-held phone whilst driving;
  - 68% felt that the law on using a mobile phone whilst driving is not properly enforced;
  - 48% agreed that the use of all mobile phones, including hands-free kit, is dangerous; and
  - 39% believed that all use of mobile phones, including hands-free kit, should be banned.
- Two-fifths (41%) of drivers surveyed by the RAC in 2016 said that others using hand-held phones to make or receive calls while driving was one of their top four concerns (a sharp rise on the 34% who said the same in 2015). Yet, almost a third (31%) admitted using a hand-held phone while driving at least once during the previous 12 months; 20% agreed that it is safe to text or check social media when stationary; and just 78% thought that it is unacceptable to take a quick call on a hand-held phone, compared to 83% in 2015.<sup>12</sup>
- A survey of 1,000 drivers by Brake found that almost half of those aged 25-34 use apps while driving (49%); more than half of 25-34 year-olds read or write text messages while driving (55%); and drivers aged 18-35 are most likely to text or use apps behind the wheel.<sup>13</sup>

### Driving without entitlement:

- A survey published by IAM in 2016 found that 16% of respondents felt that uninsured / untaxed / unlicensed drivers should be the top priority for police enforcement, making it the second most popular option out of a list of six. (The most popular option was drink/drug driving – 56% put this top).<sup>14</sup>



## 2. Exceeding the speed limit

### Cycling UK view:

- Speeding fines are currently too low to have any significant impact on driver behaviour
- Extreme speed (e.g. 20mph+ over the limit) should be treated as dangerous driving
- There should be no margin over the speed limit at which a driver avoids penalty
- When determining the severity of any speeding offence and the penalties for it, the presence (or likely presence) of vulnerable road users should be considered as aggravating factors

### • The offence

The speed limits above which it is an offence to drive are set out in the *Road Traffic Regulation Act 1984*, sections 81, 86, 89 & schedule 6 (England, Wales and Scotland).<sup>15</sup> Speed limits in Northern Ireland

Depending on the severity of the offence, offenders may be given a Fixed Penalty Notice (FPN)<sup>16</sup> of £100 and a minimum of three penalty points, required to attend a speed awareness course as an alternative to prosecution, or issued with a summons.<sup>17</sup>

### • The speeding problem

The ubiquity of speeding has done much to create the hostile and unwelcoming road conditions that deter people from cycling. In recent years, speed camera partnerships and various other initiatives at local and national level have attempted to tackle the issue with automatic enforcement and anti-speeding campaigns. This has met with some undoubted success, but exceeding the speed limit remains a persistent risk and nuisance for both road users and communities.

- Each year, around a quarter (23%) of road fatalities and 15% of KSIs (killed or seriously injured) occur in collisions where the police believed that '*exceeding the speed limit*' or '*travelling too fast for conditions*' was a contributory factor.<sup>18</sup>
- In 2015 (England and Wales):
  - The police issued 1,016,800 mixed penalty notices (FPNs) for motoring offences, around 78% of which related to speeding (790,956).<sup>19</sup>
  - Around 167,000 people were found guilty of offences related to exceeding the speed limit in the courts in England and Wales (accounting for c.93% of those who were proceeded against).<sup>20</sup>
  - 1,216,000 drivers were sent on speed awareness courses.<sup>21</sup>
- The DfT found that, in 2015 in 'free flow' conditions, 84% cars exceeded the speed limit on 20 mph roads (47% by 5 mph or more), while 52% of cars exceeded the speed limit on 30 mph roads.<sup>22</sup>
- According to research commissioned by the DfT, the risk of fatality for a pedestrian "... increases slowly until impact speeds of around 30 mph. Above this speed, risk increases rapidly - the increase is between 3.5 and 5.5 times from 30 mph to 40 mph."<sup>23</sup>
- An earlier (and much quoted) study by Ashton and Mackay in 1979, found that:<sup>24</sup>
  - Only about 2.5% of fatalities occur at speeds below 20 mph
  - About 20% of fatalities occur at speeds below 30 mph
  - About 50% of fatalities occur at speeds below 35 mph
  - About 90% of fatalities occur at speeds below 40 mph



- **Fines:** Given the harm that speed can cause and the intimidating effect it can have on other road users and communities – and the fact that many drivers still regularly exceed the speed limit – the financial penalty needs to be high enough to be a strong and effective deterrent. In 2013, the FPN for speeding (and other endorsable offences) increased to £100, having remained at £60 since 2000. This is still a modest sum.
- **Extreme speed:** Cycling UK believes that there should be an assumption that exceeding the speed limit by more than 20 mph should be prosecuted as a ‘dangerous driving’ offence and treated with the severity it deserves. The same principle should also apply to less extreme speeding offences (e.g. more than 10 mph above the limit) in residential areas or other streets where there are significant numbers of cyclists and pedestrians. Fines and penalty points are insufficient in these cases.
- **Speed margins:** Cycling UK believes that drivers should not be allowed to drive marginally above the speed limit and escape penalty. Thanks to modern detection technology (speed guns etc.), the police can now prove that a driver has exceeded the limit even if it is by a very small margin. In our view, therefore, advice issued to the police on speed enforcement policy should not suggest that they need only take action if the limit is exceeded by a certain percentage.<sup>25</sup> *There should be no difference between the law and the speed at which enforcement begins.*
- **Aggravating factors:** in our view, magistrates should be expected to consider the presence of any vulnerable road users, including cyclists, as an aggravating factor when determining the severity and penalty for any speeding offence. The location should also be considered, e.g. if the offence took place near a school, hospital, nursery or anywhere that vulnerable road users, again including cyclists, are likely to be.<sup>26</sup> Time of day, we believe, may also be relevant (e.g. speeding near a school at home time). Notwithstanding, there is no excuse whatsoever for speeding anywhere at all at any time of day or night, even if the roads look clear.

See also RoadPeace briefing on penalties for speeding, impacts, enforcement:  
[www.road-peace.org.uk/resources/RoadPeace Speed Information Sheet March 2016.pdf](http://www.road-peace.org.uk/resources/RoadPeace%20Speed%20Information%20Sheet%20March%202016.pdf)

### Speed awareness and other remedial courses

As an alternative to prosecution, the police can send drivers who commit a speeding offence on a speed awareness course as part of the National Drivers Offending Retraining Scheme (NDORS). This option is not open to the courts. Drivers pay for the course themselves.

Some evidence indicates that these courses do influence drivers’ attitudes, and that this impact lasts at least for several weeks.<sup>27</sup> It is unclear, though, whether their actual driving behaviour changes. As far as pre-test interventions are concerned, a 2013 report found that little evaluation of these measures had been undertaken and that the evidence for their effectiveness was weak.<sup>28</sup> The Government has, however, commissioned reviews of the effectiveness of speed awareness courses, and of both pre-test and post-test behavioural and technological interventions aimed at improving young drivers’ safety.

There are concerns that the police may be overly keen to refer drivers to NDORS courses, partly because the administrative burden is lighter than if they prosecute, and partly because it earns them money. Equally, the CPS (who face serious workload pressures too) may also decide not to prosecute in a case that the police have referred to them, and send it back for NDORS treatment instead.





### 3. Drink/Drug driving

- **The offence**

The offences of drink/drug driving are set out in the *Road Traffic Act 1988*,<sup>29</sup> sections 4-11 (with a couple of exceptions, most sections cover England, Wales, Scotland and Northern Ireland). It is an offence to drive whilst unfit through drink and drugs and, as far as alcohol is concerned, an offence to drive with more than a prescribed amount in the body.

In Scotland, the limit is 50 milligrammes per 100 millilitres of blood (since December 2014<sup>30</sup>); but in England, Wales and Northern Ireland, it is 80 mg/100ml of blood, 35 microgrammes of alcohol in 100 millilitres of breath, or 107 milligrammes of alcohol in 100 millilitres of urine.

In 2015, specified limits for 16 drugs, half of them illicit and half used for medicinal purposes, were introduced for England and Wales (see drug-driving below).

#### a. Drink-driving

**Cycling UK view:**

- The drink-drive blood alcohol limit should be lowered in England, Wales and Northern Ireland from 80mg/100ml to not more than 50mg/100ml, in line with most European countries and Scotland. Novice drivers should not be allowed to drink at all before driving.
- We support the use of targeted checkpoints, but also believe that the police should be given more freedom to carry out random breath testing.
- Alcohol interlocks should be fitted in offenders' vehicles. If this proves successful, the measure should be extended.

Drink-driving has been singled out as a particularly unacceptable offence, a message promoted for around 50 years by public information campaigns. Although advances in medical treatment and vehicle safety have no doubt contributed to the decrease in drink-drive fatalities – around six times lower each year since 2010 than in 1979 – the Government's concerted attack on the offence does appear to have had an impact on attitudes (see section 1 above). However, there is no room for complacency: following a sharp drop in deaths between 2009 and 2010 (around 40%), drink-drive deaths have been stable since 2010, at between 230 and 240 a year. The number of seriously injured casualties, however, decreased by 3% from 1,100 in 2013 to 1,070 in 2014, a statistically significant drop.<sup>31</sup>

If found guilty, drink-drivers can be imprisoned, banned from driving and/or face a fine.<sup>32</sup> Being over the limit whilst driving an HGV, PSV (bus/coach etc.), taxi or private hire vehicle is considered to be an 'aggravating factor'<sup>33</sup> in a case. There is also a tough sentence (maximum 14 years) for 'careless driving' that kills someone if the driver is drunk or under the influence of drugs at the time.

- **The drink-driving problem**

- In 2015, there were 38,787 proceedings at magistrates courts (England and Wales) where '*driving with alcohol in the blood above the prescribed limit*' was the defendant's 'principal offence'. Over 97% (37,578) of these resulted in conviction.<sup>34</sup>
- Casualty statistics suggest that the highest risk of death from driving whilst over the legal limit is to the driver themselves, rather than to other road users. Indeed, in 2014, half of fatal drink-drive incidents were 'single vehicle', with no pedestrian casualties.<sup>35</sup>
- However, a TRL report found that between 2005-07, the police concluded that the car driver was 'impaired by alcohol' in 15% of collisions that killed a cyclist.<sup>36</sup> While driver 'impaired by alcohol' did not appear amongst the top ten contributory factors in serious collisions, the authors concluded that where it was attributed to a driver, the cyclist's injury severity was greater.

- In 2014, 14% of all road fatalities (240 people) happened in collisions in which a driver was over the blood alcohol limit. There were also 1,310 KSIs in which a driver was over the limit.<sup>37</sup>
- Repeat offending is a significant issue. According to the DVLA (December 2016), more than 8,000 motorists were caught drink-driving twice between 2011 and 2015.<sup>38</sup>
- The National Institute for Health and Clinical Excellence (NICE) reports that a driver with a blood alcohol concentration of between 50mg/100ml and 80mg/100ml is at least six times more likely to die in a collision than a driver who has not consumed alcohol.<sup>39</sup>
- In each year (2010 – 2014), some 35%-50% of the cyclists killed on Britain's roads were tested for their blood alcohol level. As a result, around 7% to 28% were found to have some alcohol in their blood (i.e. their reading was above 9mg/100ml). In England and Wales, between 4% and 19% were over the prevailing drink-drive limit (80mg/100mg). On average, this latter figure was lower than that for tested car drivers (23%), pedestrians (40%) and passengers (23%). Motorcycle riders though, were lowest at 9%.<sup>40</sup> (Note: as the number of cyclists tested is so small, the figures for them are less robust than they are for other groups, and fluctuate markedly from year to year). For more on cycling under the influence of drink or drugs, see [www.cyclinguk.org/campaigning/views-and-briefings/offences-cycling-under-influence](http://www.cyclinguk.org/campaigning/views-and-briefings/offences-cycling-under-influence)

**Lowering the limit:** Britain's blood alcohol drink-drive limit was set in 1967. At 80mg/100ml, England and Wales are now out of line with most of Europe, except Malta - most countries (including Scotland from December 2014) impose a limit of 50mg/100ml.<sup>41</sup> NICE suggests that as many as 168 lives - approximately 7% of current road deaths in Great Britain - could be saved in the first year of a 50mg limit, rising to as many as 303 lives saved by the sixth year.<sup>42</sup> This move has been recommended by the *North Review* (see below).

**Novice & young drivers:** A zero limit for novice drivers could also become part of a 'graduated driver licensing' system, although there are arguments for extending this so that it covers all drivers at least to their mid-20s. In 2014 (GB):

- Just over a fifth of the drivers who were killed in the 16-24 age group were found to be over the limit.<sup>43</sup>
- As in previous years, breath test failure / refusal rates amongst car drivers following reported personal injury incidents were highest for males aged 20 to 24 and 25 to 29: 6.4% failed or refused for both groups, double the average for all drivers.<sup>44</sup>

**Random breath testing:** The stronger the possibility of being caught, the more likely it is that drivers will not break the law.<sup>45</sup> The police in Northern Ireland now have powers to test drivers randomly at check-points (i.e. before asking a driver to take a breath test, they no longer have to suspect that they have been drinking, committed an offence or been involved in a collision).<sup>46</sup> Giving the police elsewhere more freedom and the resources to carry out random breath tests would boost levels of compliance.

**Alcohol interlocks:** These are breath analysing devices installed in motor vehicles that stop the engine being started if the driver is over the drink-drive limit. Piloting them on offenders would help establish how effective they are.

**Drink-driving rehabilitation scheme (DDRS):** Since 2000, courts in Great Britain have had the power to refer people convicted of a drink-drive offence and disqualified for at least 12 months, to an approved DDRS.<sup>47</sup> Research suggests that this is an intervention that does have a marked impact on behaviour: offenders who had not attended a DDRS course were between 2 and 3 times more likely to reoffend than those who had undertaken a course. This figure applied up to 2 years after the initial conviction.<sup>48</sup>





## b. The drug-driving problem

**Cycling UK view:** The definitions and standards for drug-related driving offences should relate solely to whether a drug impairs the ability to drive; it should not relate to whether it is legal to use it - i.e. over-the-counter and prescription drugs should be included.

In 2015, the police thought that a driver/rider being '*impaired by drugs (illicit or medicinal)*' was a contributory factor in incidents in which 67 people were killed, and 350 seriously injured.<sup>49</sup>

**Specified limits:** Until March 2015, the law against driving whilst unfit through drugs (*Road Traffic Act 1998, Section 4*<sup>50</sup>) was harder to enforce than those against drink-driving because there were no specified limits set for drugs. However, thanks to new Section 5A of the *Road Traffic Act 1988* (as amended by the *Crime and Courts Act 2013*), it is now an offence to drive or attempt to drive or be in charge of a motor vehicle in excess of a specified limit for certain drugs in England and Wales (but not yet in Scotland or Northern Ireland).<sup>51</sup> Limits have been set for 16 drugs, half of which are illicit and half used for medicinal purposes.<sup>52</sup> In 2016, the first full year with the new law, at least 8,500 people were caught and successfully convicted of drug-driving. In 2014, there were just 879 endorsements for drug-driving.<sup>53</sup>

Cycling UK welcomes the changes, believing that the definitions and standards for drug-related offences should relate solely to whether a drug impairs the ability to drive and not to whether it is legal to use it.

## c. The North Review on drink and drug driving law (2010)

**Cycling UK's view on the North Review:** Cycling UK welcomes the North Review's findings and urges the adoption of its recommendations, including the advice to monitor the impact of any new legislation or procedures it proposes and toughen them if necessary.

In 2010, Sir Peter North published the findings of a review<sup>54</sup> the Government had asked him to chair on the law on drink/drug driving, the first since 1976. The conclusions attracted support from the public, driving organisations and the health sector.

The Review's 51 recommendations include:

### Drink driving:

- Reducing the drink-drive blood alcohol limit from 80mg/100ml to 50mg/100ml (as has since happened in Scotland);
- Giving the police greater powers to check for drink-drivers, and streamlining drink-drive procedures to increase police time on the roads (but without specifically targeting young people or professional drivers).

### Notes:

i) The review decided against recommending an even lower limit, i.e. 20mg/100ml, at least for the time being. This was because of a lack of evidence that drivers with a 20mg-50mg/100ml are a problem group in terms of drink-drive casualties and fatalities. It was also concerned that a sudden reduction might undermine public support and compliance; and might necessitate introducing graduated penalties (i.e. making the penalties for not going much over the limit less severe than those for going over the limit by a greater margin). The author thought this risked diluting the effectiveness of the current regime, a strength of which is its relatively tough sanctions for *all* drink/driving contraventions.

**Notes (continued):**

ii) The review also decided, for a range of reasons, not to recommend that a lower limit (20mg/100ml) be imposed on novice/young drivers. Instead it suggested that the Government should review the impact of a new 50mg limit (if introduced) on these drivers after five years – and reduce it if necessary. It also recommended that training and testing regimes should give greater emphasis to the dangers of drink and drug driving.

**Drug driving:** the Review’s main recommendations about drug-driving already been introduced (see 3b).

The review also recommended:

- Better data collection and research into the levels at which drugs impair the ability to drive;
- Researching and developing drug screening devices for the police to use (at police stations/roadside);
- Following legal reform, including drug-driving offences in the High Risk Offender scheme<sup>55</sup>, and introducing drug-driver rehabilitation courses;
- Giving clear advice to patients from doctors and the pharmaceutical industry on the effects of prescribed drugs on driving.

#### 4. Mobile phone use (talking and texting)

**Cycling UK view:** use of hands-free mobile phones whilst driving should be banned.

- **The offence**

The offences relating to mobile phone use are set out in the *Road Traffic Act 1988*, section 41D (amended by the *Road Safety Act 2006*) for England, Wales and Scotland, and *The Road Traffic (Northern Ireland) Order 2007*.<sup>56</sup>

The use of a hand-held mobile phone (or similar hand-held device) whilst driving became illegal on 1st December 2003. If a driver has to hold the phone to send text messages, or to access the Internet etc, the activity is likewise illegal whilst driving (pushing the buttons of a ‘hands-free’ phone is permitted, provided the device is not held in the hand, i.e. it has to be in a cradle). Also, if the police think that a driver has been distracted by using a hands-free phone, or not in control of their vehicle, they could still get stopped and penalised. It is also an offence to “cause or permit” a driver to use mobile phone or other hand-held device.

From March 2017, offenders using a hand-held mobile phone whilst driving may be issued with six penalty points plus a fixed penalty notice of £200 (previously three points and a £100 fine). Drivers can be taken to court if a police officer thinks an FPN (Fixed Penalty Notice) is inadequate, and/or if they are caught twice using their mobile, or accrue 12 points. If this happens, the fine will probably be larger and disqualification is possible. The maximum court fine is £1,000, or £2,500 for drivers of vans, lorries, buses and coaches.

These offences apply if the driver is seen using a phone, irrespective of outcome. If the driving is bad, or a crash happens while a phone is being used, drivers can be prosecuted for careless or dangerous driving or, if someone is killed, for causing death by careless or dangerous driving.

Using a mobile phone while driving is a growing road safety hazard worldwide, and more than 140 countries have banned it, with around 30 also forbidding the use of hands-free sets.<sup>57</sup>

- **The problem**

Unfortunately, a significant number of drivers still flout the law:

- In 2014, 1.6% of all drivers and 1.4% of car drivers in England and Scotland were observed using a hand-held phone whilst driving.<sup>58</sup>
- In 2015 (GB), there were 22 fatalities and 99 serious injuries in reported road crashes in which using a mobile phone was considered by the police to have been a contributory factor.<sup>59</sup>
- In 2015, 16,861 FPNs were issued for using a hand-held mobile phone while driving in England and Wales, representing a 43% drop on 2014 (29,749), and an 87% drop since 2011.<sup>60</sup> The decrease is very unlikely to reflect higher levels of compliance, given the Government's decision to increase the penalties for the offence from March 2017.<sup>61</sup> The drop in the number of officers engaged in roads policing over the last few years has no doubt had an impact.<sup>62</sup>
- An analysis by the road safety charity Brake found that, in September 2013, more than half a million UK drivers (575,000) had points on their licence for using their mobile phone at the wheel or being otherwise distracted. One in 15 (6.5%) of these drivers had six points or more for driving distracted and four in five (78%) were male.<sup>63</sup>
- Several cyclists have been killed or seriously injured by drivers who were using their phones at or around the time of the collision.<sup>64</sup>

**The effect of mobile phone use (talking and texting) on driver behaviour**

- An academic study of the effect that imagery-induced distraction has on hazard perception and eye movements when driving concluded that: *"Compared to undistracted participants, dual-taskers [i.e. drivers who were distracted, some by a telephone task] were slower to respond to hazards; detected fewer hazards; committed more 'looked but failed to see' errors; and demonstrated 'visual tunnelling'. Telephone conversations may interfere with driving performance because the two tasks compete for similar processing resources, due to the imagery-evoking aspects of phone use."*<sup>65</sup>
- A TRL study found that certain aspects of driving performance are impaired more by using a phone than by having a blood alcohol level at the current legal limit.<sup>66</sup>
- This impairment is largely due to the mental distraction of the conversation, rather than to the physical distraction of dialling numbers or handling the phone itself. Hence the degree of impairment is no different for hands-free compared with hand-held mobiles.
- The distraction is thought to be different from that of conversing with someone in the car: people present in the vehicle are immediately aware of sudden hazards, whereas someone remote from the scene is not. In fact, they may not even know that they are talking to someone who is driving. Also, trying to listen to a mobile phone conversation often requires significant concentration, especially when the quality of transmission is poor.
- Texting also significantly impairs driving behaviour (e.g. it leads to variability of lane position).<sup>67</sup>
- Research shows that drivers are four times more likely to crash when using a mobile phone.<sup>68</sup>

**Hands-free bans:** given the body of research supporting the argument that hands-free mobile phone use is as distracting as using a hand-held device whilst driving, Cycling UK believes that the use of the former at the wheel should be outlawed too.

**Technology:** various devices have been proposed or developed in an attempt to mitigate the distracting effect of using mobile phones while driving (e.g. 'head-up display' on the windscreen which means drivers don't have to adjust visual focus when looking between the road and a screen; or voice commands/texting). However, as these devices may still divert the driver's attention from the road, disabling phones is likely to be the best solution.<sup>69</sup>



“In the immediate future we can only try to increase the perception of being caught, and to change social attitudes to the car phone. It is not just the driver who needs to be targeted, but also the people who receive or make calls to drivers. And the use of the mobile phone in the workplace needs to be brought under control too. Firms not only need to tell employees not to phone when driving, but also need to make them understand that they mean it ...”

The AA on mobile phones (2009) *Hanging on the Telephone: The AA Mobile Phone File*.  
[www.theaa.com/public\\_affairs/reports/hanging-on-the-telephone-the-aa-mobile-phone-file-may2009.pdf](http://www.theaa.com/public_affairs/reports/hanging-on-the-telephone-the-aa-mobile-phone-file-may2009.pdf)

## 5. Other in-car distractions

**Cycling UK view:** More research needs to be done on the impact of other in-car distractions (e.g. SatNavs, radios, in-car computers etc). Drivers who put others in danger because they have been distracted by such devices need to be appropriately penalised.

More research has been carried on the distracting effect of mobiles than on any other type of device likely to cause similar problems. Nevertheless, there are numerous other devices/activities capable of diverting a driver's attention (e.g. satnavs, radios).

In theory, a driver can be prosecuted if the use of any such device means that they lose proper control of their vehicle. The Crown Prosecution Service (England and Wales) says that driving is likely to be characterised as dangerous if it is done “... whilst avoidably and dangerously distracted such as whilst reading a newspaper/map, talking to and looking at a passenger, selecting and lighting a cigarette or by adjusting the controls of electronic equipment such as a radio, hands-free mobile phone or satellite navigation equipment ...”.<sup>70</sup>

The Highway Code (Rule 150) also states that: “There is a danger of driver distraction being caused by in-vehicle systems such as satellite navigation systems, congestion warning systems, PCs, multi-media, etc. You **MUST** exercise proper control of your vehicle at all times. Do not rely on driver assistance systems such as cruise control or lane departure warnings. They are available to assist but you should not reduce your concentration levels. Do not be distracted by maps or screen-based information (such as navigation or vehicle management systems) while driving or riding. If necessary find a safe place to stop.”

Cycling UK is seriously concerned about any technology that could distract a driver, e.g. in-car computers that can be used as phones or for other types of communication. Not only would this area benefit from more research, but it is important to ensure that all in-car distraction that poses danger to others is appropriately penalised.

- **The problem**

- In 2015, the police thought that ‘*distraction in vehicle*’ was a contributory factor in incidents in which 66 people died, and 504 were seriously injured.<sup>71</sup>
- In 2013, two drivers were sentenced for killing cyclists whilst distracted by their satnavs. One of the drivers was imprisoned.<sup>72</sup>

For more on driver distraction, see Brake's briefing

<http://www.rospa.com/rospaweb/docs/advice-services/road-safety/vehicles/satnav.pdf>



## 6. Driving without entitlement

**Cycling UK view:** Any driver convicted of a bad driving offence whilst unlicensed or disqualified, or those who persistently break driving bans or go on driving despite not being entitled to do so for some reason, should receive a custodial sentence for the crime.

- **The offence**

'Driving without entitlement' refers to the offences of driving without a valid (or correct) licence or insurance (*Road Traffic Act 1988*, section 87 and 143 respectively) or vehicle registration (*Vehicle Excise and Registration Act 1994*, section 29). The main legislation covering the requirement for driving licences and insurance in Northern Ireland is the *Road Traffic (Northern Ireland) Order 1981*.

Since 2005, the police in England, Wales and Scotland, have been able to seize and crush the vehicles of uninsured or unlicensed drivers (*Road Traffic Act 1988*, sections 165a & 165b).

- **The problem**

Driving without entitlement offences are serious because they undermine the established licensing and registration system designed to maintain driving and vehicle standards, and the ability of injured victims to obtain compensation. Cycling UK therefore believes that custodial sentences should be imposed on drivers who commit a motoring offence whilst driving uninsured/unlicensed or those who go on driving despite not being entitled to do so.

- The Motor Insurers' Bureau, who provide compensation to innocent victims of uninsured and untraced drivers, settle around 25,000 claims a year, including on average 120 fatal cases.<sup>73</sup>
- In 2015, the courts in England and Wales convicted 6,589 people for driving whilst disqualified a 'principal offence'; 8,226 for 'driving or causing or permitting another person to drive other than in accordance with licence'; and 71,417 for using a motor vehicle uninsured against third party risks.<sup>74</sup> With the help of database and technological advances, the level of uninsured driving in the UK dropped from 2 million to 1 million between 2005 and 2015.<sup>75</sup>
- In 2015, 120,687 vehicles were seized by all UK police forces.<sup>76</sup>
- In 2016, police forces in England and Wales crushed over 6,500 cars.<sup>77</sup>
- Unlicensed and uninsured drivers are also significantly more likely to be involved in road crashes and to flout traffic law:
  - A report for the DfT estimated that the risk of crash involvement for unlicensed drivers could range between 2.7 to 8.9 times greater than that for all drivers.<sup>78</sup>
  - The same report found that "driving while disqualified was associated with a 'weightier' motoring offence record (more occasions in court, more convictions and more disqualifications), was associated with a criminal record, and with individuals who were first convicted of a motoring offence before the age of 21."
  - Research from New Zealand that found that, after controlling for age, gender and education, uninsured drivers were five times more likely to face car crash injury.<sup>79</sup>

## 7. Fixed penalties for 'careless driving'

In 2013, the Government made careless driving a fixed penalty offence, with a £100 fine and three penalty points (England, Wales and Scotland).<sup>80</sup>

In Cycling UK's view, the police should be absolutely sure not to issue FPNs where the driving in question was essentially dangerous, and certainly not when someone has been injured, or if there is evidence of a potentially dangerous 'near miss'. Such cases need to be investigated thoroughly and passed to the courts, where more serious penalties are available. Clear guidance on the use of FPNs for careless driving are therefore vital.

## FURTHER READING/WEBSITES

- Cycling UK's series of briefings road safety: road safety overview; traffic law and enforcement overview; traffic policing; legal framework & sentencing; prosecutors & courts; compensation for injured cyclists. All at: [www.cyclinguk.org/campaignsbriefings](http://www.cyclinguk.org/campaignsbriefings) (filter by 'safe drivers and vehicles').
- Parliamentary briefings on specific driving offences are a useful resource, e.g.:
  - Alcohol: <http://www.parliament.uk/briefing-papers/SN00788/driving-alcohol>
  - Drugs: <http://www.parliament.uk/briefing-papers/SN02884/driving-drugs>
- *Report of the Review of Drink and Drug Driving Law* by Sir Peter North (DfT June 2010). <http://webarchive.nationalarchives.gov.uk/20100921035225/http://northreview.independent.gov.uk/>. Apart from the recommendations, this review offers a useful collection of facts and figures.
- Cycling UK's *Road Justice campaign*: [www.roadjustice.org.uk](http://www.roadjustice.org.uk) – reporting tool, campaigning for change, advice and resources
- [www.roadpeace.org](http://www.roadpeace.org) – charity for road crash victims



- <sup>1</sup> DfT. *British Social Attitudes Survey 2015: Public attitudes towards transport*. (Fig. 2.4). January 2017. [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/586193/british-social-attitudes-survey-2015.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/586193/british-social-attitudes-survey-2015.pdf)
- <sup>2</sup> DfT. *British Social Attitudes Survey 2015: Public attitudes towards transport*. January 2017. Link above (endnote 1).
- <sup>3</sup> RAC. *Report on Motoring 2016*. September 2016. <http://www.rac.co.uk/advice/reports-on-motoring>
- <sup>4</sup> DfT. *British Social Attitudes Survey 2015: Public attitudes towards transport*. January 2017 (p28, fig.4.5). (Link above).
- <sup>5</sup> Corbett, C; Simon, F. *The effects of speed cameras: how drivers respond*. Brunel University.1999. <http://www.popcenter.org/problems/speeding/PDFs/corbett1999.pdf>
- <sup>6</sup> Davis, A (Travelwest). *Essential Evidence on a page. No. 52 Is Speeding a "real" anti-social behaviour?* March 2010. <https://travelwest.info/project/ee-52-speeding-real-anti-social-behaviour>
- <sup>7</sup> Poulter D and McKenna F. *Is speeding a 'real' anti-social behaviour? A comparison with other antisocial behaviours*. *Accident Analysis and Prevention*, vol 38(2), pp371-378, 2006; for press release, *Which antisocial behaviours are the British public most concerned about?* University of Reading finds out 11/12/2006 <https://www.reading.ac.uk/news-and-events/releases/PR3936.aspx>
- <sup>8</sup> Brake. *Fit to Drive: Drink Driving*. December 2017. [http://www.brake.org.uk/assets/DL\\_Are\\_you\\_ready\\_2015-17\\_DD\\_V2.pdf](http://www.brake.org.uk/assets/DL_Are_you_ready_2015-17_DD_V2.pdf)
- <sup>9</sup> DfT. *Massive change in attitude to drink driving since THINK! campaign launched 50 years ago*. DfT press release 7/11/2014. [www.gov.uk/government/news/92-of-people-feel-ashamed-to-drink-and-drive-as-50th-anniversary-think-campaign-is-launched](http://www.gov.uk/government/news/92-of-people-feel-ashamed-to-drink-and-drive-as-50th-anniversary-think-campaign-is-launched)
- <sup>10</sup> DfT. *British Social Attitudes Survey 2015: Public attitudes towards transport*. January 2017. (Link above)
- <sup>11</sup> DfT. *British Social Attitudes Survey 2015: Public attitudes towards transport*. January 2017. (Link above)
- <sup>12</sup> RAC. *Report on Motoring 2016*. September 2016. <http://www.rac.co.uk/advice/reports-on-motoring>
- <sup>13</sup> Brake. *Smartphones*. July 2016. [www.brake.org.uk/assets/docs/dl\\_reports/DLreport-ariskybusiness-sec2-Smartphones-Jul16.pdf](http://www.brake.org.uk/assets/docs/dl_reports/DLreport-ariskybusiness-sec2-Smartphones-Jul16.pdf)
- <sup>14</sup> IAM RoadSmart. *Measuring attitudes to driving and safety behaviour*. February 2016. [www.iamroadsmart.com/media-and-policy/research-and-policy/researches-list/measuring-attitudes-to-driving-safety](http://www.iamroadsmart.com/media-and-policy/research-and-policy/researches-list/measuring-attitudes-to-driving-safety)
- <sup>15</sup> Road Traffic Regulation Act 1984<sup>15</sup>, sections 81, 86, 89 & schedule 6. <http://www.legislation.gov.uk/ukpga/1984/27#pt6-l1g108>
- <sup>16</sup> For more on FPNs for speeding, see CPS's guidelines: [http://www.cps.gov.uk/legal/p\\_to\\_r/road\\_traffic\\_offences\\_guidance\\_on\\_fixed\\_penalty\\_notices/](http://www.cps.gov.uk/legal/p_to_r/road_traffic_offences_guidance_on_fixed_penalty_notices/)
- <sup>17</sup> <https://www.gov.uk/speeding-penalties>

- <sup>18</sup> Five year average (2011-15), calculated from DfT casualty figures. *Reported Road Casualties Great Britain: 2015*. Sept. 2016. Table RAS 41001. <https://www.gov.uk/government/collections/road-accidents-and-safety-statistics>  
Note: these figures are based on STATS 19 forms, completed by the police usually in the immediate aftermath of a collision, rather than a full investigation. They should therefore be treated with some caution.
- <sup>19</sup> Home Office. *Police Powers and Procedures England and Wales Year Ending 31 March 2016*. October 2016. FPNs for motoring offences, Table FPN.02.  
<https://www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales>
- <sup>20</sup> DfT. *Free Flow Vehicle Speed Statistics: Great Britain 2015*. June 2016. Table SPE0201.  
<https://www.gov.uk/government/collections/speeds-statistics>
- <sup>21</sup> DfT. *Free Flow Vehicle Speed Statistics: Great Britain 2015*. June 2016. Table SPE0201.  
<https://www.gov.uk/government/collections/speeds-statistics>
- <sup>22</sup> DfT. *Free Flow Vehicle Speed Statistics: Great Britain 2015*. June 2016. Table SPE0112. (These figures are not directly comparable to those published in earlier years). (Link above).
- <sup>23</sup> Richards, D.C. (TRL). *Relationship between Speed and Risk of Fatal Injury: Pedestrians and Car Occupants* (Road Safety Web Publication No. 16). DfT. Sept 2010.  
<http://webarchive.nationalarchives.gov.uk/20121105134522/http://assets.dft.gov.uk/publications/pgr-roadsafety-research-rsr-theme5-researchreport16-pdf/rswp116.pdf>
- <sup>24</sup> Ashton SJ and Mackay GM. *Some characteristics of the population who suffer trauma as pedestrians when hit by cars and some resulting implications*. 4th IRCOB International Conference, Gøthenborg. 1979.
- <sup>25</sup> For example, in 2013 ACPO (Association of Chief Police Officers, replaced by the National Police Chiefs' Council in 2015) issued guidance to officers suggesting that enforcement should normally follow at 10% over the speed limit plus 2 mph – e.g. at 24 mph where the speed limit is 20 mph, 35 mph where the speed limit is 30 mph etc. In Cycling UK's view, such suggested thresholds effectively undermine the status of the law and give some drivers the impression that the speed limit is a target or a minimum.
- <sup>26</sup> In 2016, The Sentencing Council for England and Wales consulted on revisions to its sentencing guidelines for selected offences, including speeding. In our response, Cycling UK urged the Council to list the presence, or likely presence, of any vulnerable road users and any location where vulnerable roads users are or likely to be as an 'aggravating factor' that magistrates should consider when determining the penalties for any speeding offence. However, the Council's revised guidelines simply mention 'High level of traffic or pedestrians in the vicinity', and 'location, e.g. near school'. We believe this fails to reflect the vulnerability of cyclists, and implies that speeding anywhere else but near schools is not such a serious offence etc. <https://www.sentencingcouncil.org.uk/offences/item/speeding-revised-2017/>
- <sup>27</sup> Aston University Press release 28/2/2013. 'Aston academics research effectiveness of speed awareness courses.'  
<http://www.aston.ac.uk/about/news/releases/2013/january/speed-awareness-courses/>
- <sup>28</sup> TRL. *Novice drivers: Evidence review and Evaluation Pre-driver training, Graduated Driver Licensing*. 2013.  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/249282/novice-driver-research-findings.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249282/novice-driver-research-findings.pdf)
- <sup>29</sup> *Road Traffic Act 1988*. [www.legislation.gov.uk/ukpga/1988/52/contents](http://www.legislation.gov.uk/ukpga/1988/52/contents)
- <sup>30</sup> <http://news.scotland.gov.uk/News/Parliament-passes-lower-drink-drive-limit-126f.aspx>
- <sup>31</sup> DfT. *Reported Road Casualties in Great Britain: Estimates for accidents involving illegal alcohol levels: 2014 (final) and 2015 (provisional)*. Aug 2016.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543627/rrcgb-drink-drive-final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543627/rrcgb-drink-drive-final.pdf)
- <sup>32</sup> For detail on the penalties, see [www.gov.uk/drink-driving-penalties](http://www.gov.uk/drink-driving-penalties)
- <sup>33</sup> An 'aggravating factor' is any circumstances that increases the guilt or injurious consequences of a crime or a tort
- <sup>34</sup> Ministry of Justice. *Criminal justice system statistics quarterly: December 2015*. Motoring Data Tool. May 2016. Note: these figures only relate to 'principal offences', i.e. if someone is found guilty of two or more offences, these figures only record the most serious. This means that the courts deal with larger numbers of each offence than is shown by the Motoring Data Tool.  
<https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>
- <sup>35</sup> DfT. *Reported Road Casualties in Great Britain: Estimates for accidents involving illegal alcohol levels: 2014 (final) and 2015 (provisional)*. Aug 2016. (Link above).
- <sup>36</sup> Knowles, J et al. *Collisions Involving Cyclists on Britain's Roads: Establishing the Causes*. TRL Published Report PPR445. 2009. (Table 7-6, p37). <http://www.trl.co.uk>
- <sup>37</sup> DfT. *Reported Road Casualties Great Britain: 2015*. Sept. 2016. Table RAS 41001.  
<https://www.gov.uk/government/collections/road-accidents-and-safety-statistics>
- <sup>38</sup> <https://www.theguardian.com/society/2016/dec/30/more-than-8000-people-caught-drink-driving-twice-in-five-years>
- <sup>39</sup> NICE. *Review of effectiveness of laws limiting blood alcohol concentration levels to reduce alcohol-related road injuries and deaths*. March 2010. <http://www.ias.org.uk/uploads/pdf/bloodalcoholcontenteffectivenessreview.pdf>
- <sup>40</sup> DfT. *Reported Road Casualties Great Britain 2015*. Sept. 2016. Table RAS51009.  
<https://www.gov.uk/government/collections/road-accidents-and-safety-statistics>
- <sup>41</sup> For a table listing the blood alcohol limits in EU countries, see the EU's *Transport in Figures: Statistical Pocket Notebook*. 2016. (Table 2.1.3). <https://ec.europa.eu/transport/sites/transport/files/pocketbook2016.pdf>

<sup>42</sup> NICE. *Review of effectiveness of laws limiting blood alcohol concentration levels to reduce alcohol-related road injuries and deaths*. March 2010. <http://www.ias.org.uk/uploads/pdf/bloodalcoholcontenteffectivenessreview.pdf>

<sup>43</sup> DfT. *Reported Road Casualties in Great Britain: Estimates for accidents involving illegal alcohol levels: 2014 (final) and 2015 (provisional)*. Aug 2016. (Link above).

<sup>44</sup> DfT. *Reported Road Casualties in Great Britain: Estimates for accidents involving illegal alcohol levels: 2013 (final) and 2014 (provisional)*. Aug 2015.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/451402/rrcgb-drink-drive-2013-final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/451402/rrcgb-drink-drive-2013-final.pdf)

<sup>45</sup> In 2001, France had one of the worst road safety records in Europe, but following the adoption of a 'zero tolerance' policy over speeding offences, deaths dropped by 43% between 2001 and 2007.<sup>45</sup> One survey (2004) found that 45% of French drivers said that they had altered their driving behaviour due to 'fear of punishment' ('*la peur de la sanction*'), while 37% said they had done so due to 'better awareness of risk' ('*la prise de conscience*'). La Prévention Routière/Gatard. *Comportement des Français au Volant: en 5 ans, ce qui a change*. April 2004.

<http://docplayer.fr/14832456-Comportement-des-francais-au-volant-en-5-ans-ce-qui-a-change.html>

<sup>46</sup> Road Traffic (Amendment) Act (Northern Ireland) 2016. <http://www.legislation.gov.uk/nia/2016/11/section/3>

<sup>47</sup> DVSA. *Drink-drive rehabilitation scheme*. <https://www.gov.uk/government/collections/drink-drive-rehabilitation-scheme>

<sup>48</sup> Smith LR et al. *The drink/drive rehabilitation scheme: evaluation and monitoring. Final Report*. TRL. Sept 2004.

<https://trl.co.uk/reports/TRL613>

<sup>49</sup> DfT. *Reported Road Casualties Great Britain 2015*. Sept 2016. Table RAS 50007.

<https://www.gov.uk/government/collections/road-accidents-and-safety-statistics>

<sup>50</sup> Road Traffic Act 1988, Section 4

<sup>51</sup> <https://www.gov.uk/government/collections/drug-driving>

<sup>52</sup> Patients who are able to drive safely have a medical defence if they take their medicine in accordance with advice given by a healthcare professional and/or printed in the accompanying written instructions. As the specified limit allows for the normal recommended doses, those who take their medicines as intended should not be affected by this legislation.

[www.gov.uk/government/news/call-for-pharmacy-teams-to-support-drug-drive-campaign](http://www.gov.uk/government/news/call-for-pharmacy-teams-to-support-drug-drive-campaign)

<sup>53</sup> Figures quoted in Road Minister Andrew Jones address to the National Roads Policing Conference. 26 January 2017.

<https://www.gov.uk/government/speeches/address-to-the-national-roads-policing-conference>

<sup>54</sup> North, Sir Peter. *Report of the Review of Drink and Drug Driving Law*. DfT (HMSO). June 2010.

<http://webarchive.nationalarchives.gov.uk/20100921035225/http://northreview.independent.gov.uk/>

<sup>55</sup> This would mean that anyone disqualified twice in 10 years for any drink or drug driving offence would have to be assessed by a DVLA-approved doctor before getting their licence back. The check would determine whether they have a drink or drug dependency or misuse problem. For more on the High Risk Offender Scheme for drink-driving, see:

<https://www.gov.uk/guidance/drug-or-alcohol-misuse-or-dependence-assessing-fitness-to-drive>

<sup>56</sup> Road Traffic Act 1988, section 41D (amended by the Road Safety Act 2006)

<http://www.legislation.gov.uk/ukpga/1988/52#pt2-pb2-1g64> ; *The Road Traffic (Northern Ireland) Order 2007*

<http://www.legislation.gov.uk/nisi/2007/916/article/6>

<sup>57</sup> The Economist (Technology Quarterly). *Fatal distraction*. 30 November 2013. <http://www.economist.com/news/technology-quarterly/21590762-mobile-phones-people-who-use-their-phones-while-driving-are-causing-carnage?fsrc=scn/tw/te/pe/ed/fataldistractio>

<sup>58</sup> DfT. *Seat belt and mobile phone use surveys: 2014*. Feb 2015.

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/406723/seatbelt-and-mobile-use-surveys-2014.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/406723/seatbelt-and-mobile-use-surveys-2014.pdf)

<sup>59</sup> DfT. *Reported Road Casualties Great Britain 2015*. Sept 2016. Table RAS 50007. (Link above)

<sup>60</sup> Home Office. *Police Powers and Procedures England and Wales year ending 31 March 2016*. (Table FPN 02). October 2016.

<https://www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales>

<sup>61</sup> In its impact assessment of increasing FPN and points for the offence of using a mobile phone whilst driving (July 2016), the DfT says: "... it is apparent that there are a considerable number of individuals who use their mobile phone whilst driving, and that this poses a risk to both the occupants of the vehicle and other road users."

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565100/mobile-phones-driving-consultation-impact-assessment.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565100/mobile-phones-driving-consultation-impact-assessment.pdf)

<sup>62</sup> See Cycling UK briefing [www.cyclinguk.org/campaigning/views-and-briefings/traffic-police-and-other-enforcement-agencies](http://www.cyclinguk.org/campaigning/views-and-briefings/traffic-police-and-other-enforcement-agencies)

<sup>63</sup> Brake. News release 18/11/2013. *Campaign appeals to drivers to tune in to road safety and turn off their phones*.

<http://www.brake.org.uk/news/1147-rsw13-nat>

<sup>64</sup>

- Cyclist Lee Martin killed by texting driver:  
<https://www.cyclinguk.org/news/magistrates-allowed-texting-driver-keep-licence-lee-lost-life>
- Cyclist Chris Dennehy killed by a lorry driver reaching for his mobile phone to download a sermon:  
<https://www.cyclinguk.org/news/20151020-careless-driving-reckless-sentencing>
- Times journalist Mary Bowers left with life changing injuries after being hit whilst cycling by a lorry driver using a hands free device: <http://www.bbc.co.uk/news/uk-england-21554597>

- Cyclist Mark Greenwood killed by a driver exchanging flirty WhatsApp messages:  
<http://www.dailymail.co.uk/news/article-3151229/Driver-killed-cyclist-exchanged-flurry-phone-messages-woman-d-met-online-jailed-21-months.html>
- 17-year-old triathlete Daniel Squire killed whilst cycling by a driver acquitted at trial despite evidence that he had been texting continuously prior to colliding with Daniel:  
<https://www.cyclinguk.org/news/20150327-incomprehensible-travesty-justice>

- <sup>65</sup> Briggs G.F et al. *Imagery-inducing distraction leads to cognitive tunnelling and deteriorated driving performance*. Published in *Transportation Research Part F: Traffic Psychology and Behaviour*. 2016.  
<http://www.sciencedirect.com/science/article/pii/S1369847816000085>
- <sup>66</sup> Burns P et al. *How dangerous is driving with a mobile phone? Benchmarking the impairment to alcohol*. TRL Report 547, Transport Research Laboratory. 2002. <https://trl.co.uk/reports/TRL547>
- <sup>67</sup> Reed N., Robbins R. *The Effect of Text Messaging On Driver Behaviour: A Simulator Study*. TRL. 2008.  
<https://trl.co.uk/reports/PPR367>
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- <sup>70</sup> CPS. *Road Traffic Offences: Guidance on charging offences arising from driving incidents*. 2013.  
[http://www.cps.gov.uk/legal/p\\_to\\_r/road\\_traffic\\_offences\\_guidance\\_on\\_prosecuting\\_cases\\_of\\_bad\\_driving/](http://www.cps.gov.uk/legal/p_to_r/road_traffic_offences_guidance_on_prosecuting_cases_of_bad_driving/)
- <sup>71</sup> DfT. *Reported Road Casualties Great Britain 2015*. Sept 2016. Table RAS 50007. (Link above)
- <sup>72</sup> Cycling UK Press Release. 30/8/2013 <https://www.cyclinguk.org/news/satnav-drivers-sentenced-following-cyclists-deaths>
- <sup>73</sup> Quoted in PACTS' *Constituency Road Safety Dashboard: National Report* (December 2016), p3.  
<http://www.pacts.org.uk/dashboard/>
- <sup>74</sup> Ministry of Justice. *Criminal justice system statistics quarterly: December 2015*. Motoring Data Tool. May 2016.  
<https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly> (see note one Motoring Data Tool above).
- <sup>75</sup> Motor Insurance Bureau. *Annual Report 2015*. <https://www.mib.org.uk/media/310488/annual-report-2015-final.pdf>
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<https://www.churchill.com/press-office/releases/2016/police-seize-thousands-of-luxury-cars-that-arent-insured>
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