

**WRITTEN QUESTION TO THE MINISTER FOR INFRASTRUCTURE
BY THE CONNÉTABLE OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 12TH SEPTEMBER 2017**

Question

Will the Minister provide an update on his Department's review of the legislation concerning driving while using a mobile phone?

Answer

Article 50 of the Road Traffic Law makes it an offence for any person who is driving a vehicle on a road to hold a telephone in any way while the vehicle is in motion.

“50 Restrictions on holding telephones

(1) If any person who is driving a vehicle on a road holds a telephone in any way while the vehicle is in motion, he or she shall be guilty of an offence under this Article.

(2) A person guilty of an offence under this Article shall be liable to a fine not exceeding level 2 on the standard scale”.

The level 2 (£1,000) fine is simply for holding a phone whilst the vehicle is in motion. If any further offences are caused as a result of this, the penalty may increase as appropriate. The fine for the offence in itself is already a substantial deterrent.

In terms of enforcement, the Minister for Home Affairs has recently responded recently to questions about this¹. The authorities will pursue prosecutions against any individual caught holding a telephone while their vehicle is in motion – DfI are informed this is not a matter for which words of advice might routinely be given. Recent figures have shown that 218 drivers have been reported for prosecution for this offence in the first six months of 2017. This is nearly equal to the annual figures for 2014, 15 and 16.

Similar to drink driving, this issue requires a culture change as much as legislation and enforcement. The Police ran a road safety campaign in March of this year, which focused on mobile phone use and will run a similar campaign later in the year.

The Jersey Road Safety Action Plan 2017-2019 included an action to develop legislation to enable a penalty points system with lower tolerance for novice drivers and threat of disqualification for repeat offenders, to be in effect by 2019. The intention is that Mobile Phone use will attract a higher level of 6 penalty points, leading to instant disqualification for novice drivers, compared to 3 points for other offences.

The Police are giving significant focus to this issue, and we should work to ensure the culture in Jersey is totally against the use of mobile phones when driving – if we have success in this regard it may negate the need for any further law amendments.

Whether further changes to legislation are required, can be discussed at the next Road Safety Action Plan meeting to be held later this year, in the light of all the available evidence.

1

[http://www.statesassembly.gov.je/assemblyquestions/2017/\(454\)%20con%20st.%20helier%20to%20haf%20re%20laws%20to%20prevent%20mobile%20phone%20use%20whilst%20driving.pdf](http://www.statesassembly.gov.je/assemblyquestions/2017/(454)%20con%20st.%20helier%20to%20haf%20re%20laws%20to%20prevent%20mobile%20phone%20use%20whilst%20driving.pdf)