



Stay connected! Stay safe!

Matthew Knight of Knights Solicitors explains why a phone at the wheel is so dangerous.



Outside in the countryside, a phone is as much a tool as a firearm or a working dog. It keeps you in touch with colleagues, your estate manager, other landowners and the emergency services.

For many gamekeepers and others, it has become part of the necessary daily kit. However, behind the wheel that helpful tool can quickly turn into one of the biggest hazards and distractions on the road. Whether you're checking a text about an issue at work, taking a non-handsfree call about a delivery or glancing at a weather update, even a moment's distraction on a narrow track, country road or on a main road can have lasting consequences for you and other road users. This article will look at why phone use while driving is dangerous, what the law says, the consequences and how you can protect both yourself and others.

Against the law

It's not just unsafe to use your phone while driving – it's against the law. According to the latest official data released by the Government in 2023, 15,300 drivers were prosecuted for using a hand-held mobile

15,300 drivers were prosecuted in 2023 for using a mobile phone at the wheel.

phone while behind the wheel. The rules, set out in the Road Traffic Act 1988 (Section 41D) and further supporting regulations under the Road Vehicle (Construction and Use) Regulations 1986 (Regulation 110), make it an offence to handle a phone or any other interactive communication device when you're

behind the wheel. Many people think that answering a phone call on speaker phone, rather than holding the phone up to your ear, is a safer option. However, it can still take your focus off the road. If your steering wheel has phone buttons, and is

truly hands-free, this is probably lawful or at least hard to enforce against, but it is a distraction and if you have an accident there will be trouble. Sending a text, checking an app, scrolling through messages or even just tapping the screen to see if you've had a notification all count as 'using' your phone.

The law also covers anyone who allows or encourages another person to use a mobile phone when driving. It is not illegal when driving to get a passenger to answer your phone, but they will need to give evidence. If there is an accident and you were at the wheel, the meta data will show you as using your phone at the time, so it is best not to do this. →

Consequences

The consequences of being caught using a mobile phone while driving can be severe. This offence is punishable by a fine, penalty points on the driver's licence and, if there are already sufficient penalty points, disqualification from driving. Using a mobile phone while driving can also lead to charges of careless driving, depending on the circumstances, as careless driving occurs when the standard of driving falls below that expected of a competent driver – such as being avoidably distracted by a mobile phone.

For gamekeepers, business owners and others, the draw to check a phone (personal or business) is often strong. Days are long and unpredictable and much of the work can take place in isolated areas in the country where a mobile phone is the only link to colleagues, your employer and emergency services. Whether it's a call about pheasant poults, a message about a gate left open, or a notification about a delivery, the temptation to respond immediately is strong – but it is avoidable.

Dangerous rural roads

Rural roads are some of the least forgiving. Narrow lanes, twisting estate tracks and sharp blind bends leave no room for distractions. The sudden appearance of wildlife, roaming livestock, other vehicles, horses and their riders or cyclists adds an unpredictable element to every journey. Even a moment's distraction can lead to a collision with possible serious consequences not only for you but for animals, your vehicle and other road users. Unlike on wider urban roads, there is rarely space to correct a mistake and mistakes can have lasting repercussions on your livelihood and reputation.

Resisting the urge to glance at your mobile phone isn't just about following the law, it is about protecting yourself, your work and those who we share the road with. Statistics have also shown that non-compliance is noticeable and rising among the under-25s. Within this age range 49% admit to using a hand-held mobile phone for calls while driving. Those aged 65 or older is lower at only 13%. It is also important to remember that it remains illegal even when in stationary traffic. Most drivers (60%) admit to using their mobile phones while in traffic but this is still a criminal offence.

Music to the ears

In *Bendt vs Crown Prosecution Service*

2022, the High Court held that the use of hand-held mobile phones to perform an 'interactive communication function' such as changing music via Bluetooth, constituted an offence under Regulation 110. Many modern vehicles will have



features, such as Bluetooth or Apple Carplay, which allow you to control mobile phone calls, messages and other applications on your mobile phone, such as music, safely and hands-free. However, even when using these features, it is essential to maintain complete focus on the road. Other ways to avoid using your mobile phone while driving is ensuring it is turned off completely or at least on silent so that notifications or incoming calls cannot grab your attention. You can simply pull over to park to respond to a call/message/notification assuming it is safe to do so and is in an appropriate parking space.

Employers liable

Employers may also be held liable if they require employees to use hand-held mobile devices while driving or fail to prohibit such use during work-related driving. Under the Road Traffic Act 1988 (as amended by the Road Safety Act 2006) it is an offence to cause or permit the use of a hand-held mobile phone while driving. Employers also have a general duty under health and safety legislation to ensure, as far as reasonably practicable, the health, safety and welfare of their employees which extends to the risks associated with driving. However this liability is not automatic. For example merely providing a mobile phone for work purposes does not constitute liability unless there is evidence that the employer intended or expected the mobile phone to be used by the employee while driving.

Fines and penalties

The law aims to prevent distractions caused by the use of hand-held mobile phones while driving, with limited exceptions. Drivers and employers must ensure compliance to avoid penalties which may include fines and points on the driver's licence. Safety must be the priority over convenience, especially as keeping a clean driver's licence is much more important than a quick message reply, making a music change or answering a mobile phone call. Stay connected but stay safe! And keep your licence clean! ●



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Knights Solicitors is a specialist litigation practice well-known for representing clients with animal and countryside interests on a national level. Knights Solicitors provides a helpline service for NGO Members.

NGO members in need of emergency legal advice relating to gamekeeping and fieldsports can call the helplines below. Up to 30 minutes telephone advice is available free of charge as a benefit of your NGO membership.

For those in the South: Matthew Knight, Richard Atkins, Evie Green, or Georgia Wardle at Knights Solicitors (Tunbridge Wells), 01892 537311.
www.knights-solicitors.co.uk

For those in the South West: Katrina Byrne, KB Legal (Exeter), 01392 927705.

For those in the North, Scotland and Wales:
Michael Kenyon, Solicitor (Macclesfield), 01625 422275 or 07798 636460. ●