

THE HIGHWAY CODE

Alterations to The Highway Code (Rule 149) proposed to be made by the Secretary of State for Transport and laid before both Houses of Parliament on 1 February 2022 pursuant to section 38 of the Road Traffic Act 1988.

The alterations being proposed relate to rule 149 of The Highway Code.

The reasons for making the proposed alterations to The Highway Code can be found within the accompanying Explanatory Memorandum.

In accordance with section 38(3) of the Road Traffic Act 1988, where the Secretary of State proposes to revise The Highway Code by making any alterations in the provision of The Highway Code (other than alterations merely consequential on the passing, amendment or repeal of any statutory provision) he must lay the proposed alterations before both Houses of Parliament and must not make the proposed revision until after the end of a period of forty days beginning with the day on which the alterations were so laid.

Electronic copies of the Government Response to the consultation about mobile phones can be found at: <https://www.gov.uk/government/consultations/expanding-the-offence-of-using-a-hand-held-mobile-phone-while-driving-to-include-non-connected-mobile-application-actions/outcome/using-a-mobile-phone-while-driving-consultation-outcome>.

Hard copies can be obtained by contacting the Department for Transport on telephone 020 7944 4300 or in writing, addressed to the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

Amended Text to Highway Code rule 149

(new, additional text to the rules has been italicised)

The Highway Code Rule 149

You **MUST** exercise proper control of your vehicle at all times. You **MUST NOT** use a hand-held mobile phone, or similar device, *capable of interactive communication (such as a tablet) for any purpose* when driving or when supervising a learner driver. *This ban covers all use of a hand-held interactive communication device and it applies even when the interactive communication capability is turned off or unavailable.* You **MUST NOT** pick up the phone or similar device while driving to dial a number and then put it in the cradle for the duration of the conversation. You **MUST NOT** pick up and use your hand-held phone or similar device while stationary in traffic.

*There is an exception to call 999 or 112 in a genuine emergency when it is unsafe or impractical to stop. There is also an exception if you are using a hand-held mobile phone or similar device to make a contactless payment at a contactless payment terminal. Your vehicle **MUST** be stationary, and the goods or services **MUST** be received at the same time as, or after, the contactless payment.*

Never use a hand-held microphone when driving. Using hands-free equipment is also likely to distract your attention from the road. It is far safer not to use any telephone *or similar device* while you are driving or riding - find a safe place to stop first or use the voicemail facility and listen to messages later.

You may park your vehicle using a handheld remote control app or device. The app or device **MUST** be legal, and you should not put other people in danger when you use it.

Laws RTA 1988 sects 2 & 3, & CUR regs 104 & 110