

USING MOBILE PHONE WHILE DRIVING

Road Traffic (NI) Order 1995

56A.- A person who contravenes a construction and use requirement–

...

(b) as to not driving or supervising the driving of a motor vehicle while using a hand-held mobile telephone or other hand-held interactive communication device, or not causing or permitting the driving of a motor vehicle by another person using such a telephone or other device, is guilty of an offence.

Maximum Sentence:

Road Traffic Offenders (NI) Order 1996

Summary only: Level 4 fine (£2,500) if committed in respect of a goods vehicle or a vehicle adapted to carry more than 8 passengers
Level 3 fine (£1,000) in any other case

Disqualification: Discretionary

Endorsement: Obligatory

Penalty points: 3

Assessment of Offence

(starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Speaking on mobile phone	Fine + 3 Penalty Points	Fine + 3 Penalty Points
Typing on, or reading, mobile phone	Fine + 3 months Disqualification	Fine + 3 Penalty Points to 6 months Disqualification

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
N/A	N/A

Relevant Cases:

NI Cases

R v McKeown [2016] NICA 24

English Cases

N/A

Notes: