



Attorney General's Direction

Article 50 of the Road Traffic (Jersey) Law 1956

Vehicle offences involving mobile phones

- 1) In 1998 the Road Traffic (Jersey) Law 1956 was amended to introduce a new offence under Article 50. Article 50 provides:

"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."

- 2) Disqualification is discretionary and the maximum fine on the current level 2 is £1,000.
- 3) The Jersey offence was introduced some years before an equivalent offence was introduced in England and Wales. The latter did not criminalise offences involving drivers using mobile telephones until 2003 and, in any event, the offence in England and Wales is in some respects a narrower offence than the Article 50 offence as it can only be committed by a driver ***"using a handheld mobile telephone or other handheld interactive communication device."***
- 4) The Jersey offence is wide in its ambit and encompasses anyone who so much as picks up a telephone – covering a driver who *"holds a telephone in any way while the vehicle is in motion"*.
- 5) Studies have shown that physical, visual and mental distractions have substantial effects on the performance of drivers. A mobile phone, particularly when used, has all these effects. When a driver has to switch their visual attention between two different stimuli, one outside the vehicle and one inside, this puts a higher mental demand on the driver and affects their ability to control the vehicle. As to the mental distraction, this is particularly acute when a mobile phone is used to either read, type or send text messages when driving. Use of a mobile phone is a physical distraction as one or both hands are needed to operate the phone.

- 6) Such instances have caused or contributed to serious collisions.
- 7) Evidence shows that typing, reading and sending text messages whilst driving leads to prolonged glances away from the road, missed opportunities to see what is ahead, slower response to hazards, failure to control the vehicle properly and maintain a steady speed, leading to a higher number of crashes.
- 8) Further, in view of the risks presented by the holding of a phone by a driver of a moving vehicle, Parish Hall disposal will no longer be appropriate in the case of a driver operating a heavy goods vehicle or for a driver carrying passengers for hire or reward.
- 9) Accordingly, it will no longer be appropriate for any of the following instances to be dealt with at Parish Hall level, namely when:
 - a) use or holding of a mobile phone played any rôle in a collision; or
 - b) use or holding of a mobile phone impaired the driver's ability to control the vehicle in any way; or
 - c) use or holding of a mobile phone included the driver reading, typing or sending text or other messages, or receiving or sending photographs or images, or accessing the Internet whilst the vehicle was in motion; or
 - d) the driver holding a mobile phone was operating a heavy goods vehicle; or
 - e) the driver holding a mobile phone was carrying passengers for hire or reward.
- 10) All such cases should be charged in Court.
- 11) There will be circumstances where it will still be appropriate for a Centenier to consider imposing a fine at the Parish Hall, eg, making or receiving a short phone call but, as indicated above, not where there is any evidence of impact on driving or any of the circumstances listed above.
- 12) When a matter may be dealt with at the Parish Hall the financial penalty, as set out in Table 1 below, will be increased to £150 to £200 for the first offence (depending upon the facts of the case) and £200 for the second offence within three years. A third offence within the period of three years commencing with the date of the second offence should be charged for Court.
- 13) Once a driver has been charged for Court then any similar offences within three years of his or her subsequent conviction should also be charged to Court. The practice of subsequent mobile phone offences being returned to the Parish Hall to be dealt with after an appearance in Court should cease. Three years should elapse subsequent to the date of the driver's conviction before a Centenier may consider again dealing with a mobile phone offence at the Parish Hall.

14) This Direction is of immediate effect.

Table 1

Offence	Maximum fine permitted by law at Parish Hall level	Fine 1st offence	Fine 2nd offence within 3 years	Any further offence within 3 years or within 3 years of conviction
Article 50 mobile phone	£200.00	£150.00 to £200.00	£200.00	Charge to Court
	<p>Referral to Court mandatory when:</p> <ul style="list-style-type: none"> a) use or holding of a mobile phone played any rôle in a collision; or b) use or holding of a mobile phone impaired the driver's ability to control the vehicle in any way; or c) use or holding of a mobile phone included the driver reading, typing or sending text or other messages, or receiving or sending photographs or images, or accessing the Internet whilst the vehicle was in motion; or d) the driver holding a mobile phone was operating a heavy goods vehicle; or e) the driver holding a mobile phone was carrying passengers for hire or reward. 			

5 April 2017