



Kit Malthouse MP
Minister for Crime and Policing
Home Office
2 Marsham Street
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Sent via email

29th June 2020

Dear Minister

As Road Safety lead for the Association of Police and Crime Commissioners (APCC) I am writing to enquire of the Government's intentions for closing the legal loophole regarding the use of mobile phones whilst driving. I am sure you will agree that it is widely recognised that using a mobile phone whilst driving is a highly dangerous activity and one that must be stamped out. It is also one of the driving offences that frustrates our constituents the most.

The Government recognises that the judgment in the case of DPP v Barreto [2019] EWHC 2044 (ADMIN), presents a significant problem for enforcement given the police/ CPS must now prove interactive communication to secure a prosecution. It is clearly not the intention of the Government to make the prosecution of mobile phone offences more difficult; indeed in its response to the Transport Select Committee's enquiry into this matter last year, the Government signalled its intentions to review and update this offence as a matter of urgency.

The police must have the power to enforce this offence so the public can be reassured that action will be taken towards this dangerous behaviour. I commend the Government's efforts to increase of the fine to £200 and an increase in the points to 6 but this has little effect if the loophole cannot be closed.

I welcome the Government's attention to this matter but ask that this important matter is given the urgency it deserves. I understand legislation is being drafted and I would hope that this can be introduced as soon as possible in order that the police are again able to enforce the offence effectively and improve the safety of all our road users.

Yours sincerely

Alison Hernandez
APCC Road Safety Lead and
Police and Crime Commissioner for Devon, Cornwall and the Isles of
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and policing governance bodies in
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