



Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

Granting of licences, their form and duration

97 Grant of licences.

- (1) Subject to [^{F1}the following provisions of this section] and section 92 of this Act [^{F2}and, in the case of licences to drive large goods vehicles or passenger-carrying vehicles, to Part IV of this Act], the Secretary of State must ^{F3} . . . grant a licence to a person who [^{F4}meets the relevant residence requirement (see section 97A) and] —
- (a) makes an application for it in such manner and containing such particulars as the Secretary of State may specify [^{F5}and pays the fee (if any) which is prescribed],
 - (b) provides the Secretary of State with such evidence or further evidence in support of the application as the Secretary of State may require,
 - ^{F6}[(c) surrenders to the Secretary of State—
 - (i) any previous licence granted to him after 1st January 1976 ^{F7} ...,
[any Northern Ireland licence held by him together with its Northern ^{F8}(ia) Ireland counterpart [^{F9}(if any)].]
 - (ii) any Community licence ^{F10} ..., and
 - (iii) any British external licence or British Forces licence or exchangeable licence held by him,or provides the Secretary of State with an explanation for not surrendering them which the Secretary of State considers adequate,]
 - (d) is not, ^{F11} ...
 - ^{F12}(i) in accordance with section 88(1B) of this Act, subject to a current disqualification which is relevant to the licence he applies for][^{F13}or
 - (ii) subject to a current disqualification under the law of an EEA State (other than the United Kingdom) which relates to vehicles of the

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class, or of a class corresponding to the class, to which the application relates and was imposed while the person was the holder of a licence granted under the law of that State; and]

[^{F14}(e) is not prevented from obtaining [^{F15}the licence] by the provisions of section 89 of this Act [^{F16}or [^{F17}section 4 of or paragraph 6 or 9] of Schedule 1 to the Road Traffic (New Drivers) Act 1995].]

[^{F18}(1A) Where any licence to be granted to an applicant would be in the form of a photocard, the Secretary of State may under subsection (1)(a) and (b) above in particular require him to provide a photograph which is a current likeness of him.]

[^{F19}(1AA) Where a licence under this Part of this Act is granted to a person who surrenders under sub-paragraph (ia) of subsection (1)(c) above his Northern Ireland licence together with the [^{F20}counterpart (if any)] to the Secretary of State—

- (a) that person ceases to be authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class, and
- (b) the Secretary of State must send the Northern Ireland licence and its Northern Ireland counterpart [^{F21}(if any)] to the licensing authority in Northern Ireland together with particulars of the class of motor vehicles to which the licence granted under this Part of this Act relates.]

(2) If the application for the licence states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in section 89 of this Act shall apply to such a licence.

(3) A provisional licence—

- (a) shall be granted subject to prescribed conditions,
- (b) shall, in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed,
- (c) may, in the case of a person appearing to the Secretary of State to be suffering from a relevant disability or a prospective disability, be restricted so as to authorise only the driving of vehicles of a particular construction or design specified in the licence, ^{F22} . . .

^{F23}(d)

[^{F24}(e) except as provided under subsection (3B) below, shall not authorise a person, before he has passed a test of competence to drive, to drive on a road a motor bicycle [^{F25}or moped] except where he has successfully completed an approved training course for motor cyclists or is undergoing training on such a course and is driving the motor [^{F26}bicycle][^{F25}or moped] on the road as part of the training.]

[^{F27}(3A) Regulations may make provision as respects the training in the driving of motor bicycles [^{F28}and mopeds] of persons wishing to obtain licences authorising the driving of such motor [^{F29}bicycles][^{F28}and mopeds] by means of courses of training provided in accordance with the regulations; and the regulations may in particular make provision with respect to—

- (a) the nature of the courses of training;
- (b) the approval by the Secretary of State of the persons providing the courses and the withdrawal of his approval;
- (c) the maximum amount of any charges payable by persons undergoing the training;

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- (d) certificates evidencing the successful completion by persons of a course of training and the supply by the Secretary of State of the forms which are to be used for such certificates; and
 - (e) the making, in connection with the supply of forms of certificates, of reasonable charges for the discharge of the functions of the Secretary of State under the regulations;
- and different provision may be made for training in different classes of motor [^{F29}bicycles][^{F28}and mopeds].
- (3B) Regulations may prescribe cases in which persons holding a provisional licence are exempt from the restriction imposed by subsection (3)(e) above on their driving under the licence; and the regulations may—
- (a) limit the exemption to persons in prescribed circumstances;
 - (b) limit the exemption to a prescribed period or in respect of driving in a prescribed area;
 - (c) attach conditions to the exemption; and
 - (d) regulate applications for, and the issue and form of, certificates evidencing the holder’s exemption from the restriction.]
- (4) Regulations may authorise or require the Secretary of State to refuse a provisional licence authorising the driving of a motor [^{F30}bicycle][^{F31}or moped] of a prescribed class if the applicant has held such a provisional licence and the licence applied for would come into force within the prescribed period—
- (a) beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor [^{F30}bicycle][^{F31}or moped], or
 - (b) beginning at such other time as may be prescribed.

- ^{F32}(5)
- ^{F32}(6)
- ^{F33}(7)

Textual Amendments

- F1** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(2)(a)
- F2** Words inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems Act 1989 (c. 22, SIF 107:1), s. 7, Sch. 3 para. 9(a)
- F3** Words repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, Sch. 6
- F4** Words in s. 97(1) inserted (14.7.2014) by Immigration Act 2014 (c. 22), ss. 46(1), 75(3); S.I. 2014/1820, art. 2(d)
- F5** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, Sch. 3 para. 9(b)
- F6** S. 97(1)(c) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, Sch. 1 para. 6(2)
- F7** Words in s. 97(1)(c)(i) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 6(2)(a), Sch. 7(4); S.I. 2015/560, art. 3 (with arts. 4-9)
- F8** S. 97(1)(c)(ia) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 78(2)(a), 94; S.I. 2004/2624, art. 2(2)(a)

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- F9** Words in s. 97(1)(c)(ia) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 2(a)(i)**
- F10** Words in s. 97(1)(c)(ii) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 6(2)(c), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F11** Word in s. 97(1) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(2)(b)**
- F12** Words in s. 97(1)(d) renumbered as s. 97(1)(d)(i) (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(2)(a)**
- F13** S. 97(1)(d)(ii) and word inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(2)(b)**
- F14** Words in s. 97(1)(d) renumbered as s. 97(1)(e) (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(2)(c)**
- F15** Words in s. 97(1)(e) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(2)(d)**
- F16** Words in s. 97(1)(d) inserted (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 2(2)(b)** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**
- F17** Words in s. 97(1)(d) substituted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 21**; S.I. 2004/2624, **art. 2(2)(b)**
- F18** S. 97(1A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(2)**
- F19** S. 97(1AA) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 78(2)(b)**, 94; S.I. 2004/2624, **art. 2(2)(a)**
- F20** Words in s. 97(1AA) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 2(a)(ii)(aa)**
- F21** Words in s. 97(1AA)(b) inserted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 2(a)(ii)(bb)**
- F22** Word repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F23** S. 97(3)(d) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(3)**
- F24** S. 97(3)(e) and word immediately preceding it inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(2)(b)
- F25** Words in s. 97(3)(e) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(3)**
- F26** Word in s. 97(3)(e) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(3)(b)**
- F27** S. 97(3A)(3B) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(2)(c)
- F28** Words in s. 97(3A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(4)**
- F29** Words in s. 97(3A) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(4)**
- F30** Words in s. 97(4) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(5)**
- F31** Words in s. 97(4) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(5)**
- F32** S. 97(5)(6) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(3)**
- F33** S. 97(7) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 17(3), 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

- C1** S. 97(3) excluded (23.6.1999) by S.I. 1999/1736, **art. 8(4)**
- C2** S. 97(3)(e) excluded by S.I. 1987/1378, **regs. 23E(2)**, 23G(2) (as inserted by S.I. 1990/2334, **reg. 4**)

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[^{F34}97A Residence requirement

- (1) For the purposes of an application under section 97, a person meets the relevant residence requirement if, on the date the application is made—
- (a) in the case of an application that is made by virtue of section 89(1)(ea) (application by holder of Community licence), the applicant is lawfully resident in the United Kingdom and—
 - (i) is also normally resident in the United Kingdom, or
 - (ii) has been attending a course of study in the United Kingdom during the period of six months ending on that date;
 - (b) in the case of an application that is made by virtue of section 89(1)(f) (application by holder of exchangeable licence), the applicant is normally and lawfully resident in Great Britain but has not been so resident for more than the prescribed period;
 - (c) in the case of an application that is made by virtue of section 97(2) (application for provisional licence), the applicant is lawfully resident in Great Britain and the Secretary of State is satisfied that the applicant will remain so for not less than 185 days; and
 - [^{F35}(d) in any other case, the applicant is lawfully resident in the United Kingdom and—
 - (i) is also normally resident in Great Britain, or
 - (ii) has been attending a course of study in Great Britain during the period of 6 months ending on that date.]
- (2) For the purposes of subsection (1) a person is not lawfully resident in Great Britain or the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.]

Textual Amendments

- F34** S. 97A inserted (14.7.2014) by [Immigration Act 2014 \(c. 22\)](#), ss. **46(2)**, 75(3); S.I. 2014/1820, art. 2(d)
- F35** S. 97A(1)(d) substituted (29.12.2014) by [The Road Traffic Act 1988 and Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/3190\)](#), regs. 1, **10(2)**

98 Form of licence.

- [^{F36}(1) A licence shall be in the form of a photocard of a description specified by the Secretary of State or such other form as he may specify and—
- (a) the licence shall state whether, apart from subsection (2) below, it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes,
 - (b) the licence shall specify (in such manner as the Secretary of State may determine) the restrictions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of section 101 of this Act and any conditions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of section 92(7ZA) of this Act, and
 - (c) in the case of a provisional licence, the licence ^{F37}... shall specify (in such manner as the Secretary of State may determine) the conditions subject to which it is granted.

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- ^{F36}(1A) The Secretary of State may specify different descriptions of photocard, and different forms of licences not in the form of a photocard, for different cases and may determine the form of licence to be granted in any case.]
- (2) Subject to subsections (3) [^{F38}, (4) and (4A)] below, a [^{F39}person who holds a licence which] authorises its holder to drive motor vehicles of certain classes only (not being
-
- [^{F40}(a) a provisional licence, or
(b) any other prescribed description of licence])
- [^{F41}may]drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those other classes.
- (3) [^{F42}Subsection (2) above does not] authorise a person to drive—
- (a) a vehicle of a class for the driving of which he could not, by reason of the provisions of section 101 of this Act, lawfully hold a licence, or
- ^{F43}(b)
- [^{F44}(c) unless he has passed a test of competence to drive, a motor bicycle [^{F45}or moped] on a road in circumstances in which, by virtue of section 97(3)(e) of this Act, a provisional licence would not authorise him to drive it before he had passed that test.]
- (4) In such cases [^{F46}or as respects such classes of vehicles]as the Secretary of State may prescribe, the provisions of subsections (2) and (3) above shall not apply or shall apply subject to such limitations as he may prescribe.
- [^{F47}(4A) [^{F48}Subsection (2) above does not]authorise a person on whom a notice under section 92(5)(b) of this Act has been served to drive motor vehicles otherwise than in accordance with the limits specified in the notice.]
- ^{F49}(5)

Textual Amendments

- F36** S. 98(1)(1A) substituted (1.7.1998) for s. 98(1) by S.I. 1998/1420, **reg. 7(2)**
- F37** Words in s. 98(1)(c) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 7, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F38** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(10)(a)**
- F39** Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 4(b)(i)**
- F40** S. 98(2)(a)(b) substituted for paras. (a)–(c) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 11(b)**
- F41** Word substituted by S. I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 4(b)(ii)**
- F42** Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 4(c)**
- F43** S. 98(3)(b) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 3**
- F44** S. 98(3)(c) and word immediately preceding it inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 11(c)(ii)**
- F45** Words in s. 98(3)(c) inserted (1.7.1998) by S.I. 1998/1420, **reg. 7(3)**
- F46** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 11(d)**
- F47** S. 98(4A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(10)(b)**

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- F48** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 1(b)**
- F49** S. 98(5) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 17(3), 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

- C3** S. 98(2) restricted by S.I. 1987/1378, **reg. 34** (as inserted by S.I. 1990/842, **reg. 11**)
- C4** S. 98(2) excluded (1.4.1991) by S.I. 1990/2612, **reg. 10(1)(2)(3)**
S. 98(2) restricted (12.11.1999) by S.I. 1999/2864, **reg. 19(1)(3)**
- C5** S. 98(2) applied by S.I. 1999/2864, reg. 19(1) (as substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 13(a)**)
- C6** S. 98(2) restricted by S.I. 1999/2864, reg. 19(4) (as substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 13(b)**)
- C7** S. 98(2) excluded by S.I. 1999/2864, reg. 19(4A)(4B) (as inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 13(c)**)
- C8** S. 98(2) excluded by S.I. 1999/2864, reg. 19(4B) (as inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 13(c)**)
- C9** S. 98(3) excluded (1.4.1991) by S.I. 1990/2612, **reg. 10(1)(2)(3)**
S. 98(3) excluded (23.6.1999) by S.I. 1999/1736, **art. 8(4)**
- C10** S. 98(3)(c) excluded by S.I. 1999/2864, reg. 69(1) (as substituted (with (2)) (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 41(a)**)
- C11** S. 98(3)(c) excluded by S.I. 1987/1378, **regs. 23E(3), 23G(3)** (as inserted by S.I. 1990/2334, **reg. 4**)
S. 98(3)(c) excluded (12.11.1999) by S.I. 1999/2864, **reg. 69(1)(5)**

PROSPECTIVE

[^{F50}98A Compulsory surrender of old-form licences

- (1) The Secretary of State may by order require the holders of licences of a specified description, or any specified description of the holders of such licences, to surrender the licences [^{F51}and their counterparts] to the Secretary of State.
- (2) An order under this section may specify as the description of licences to be surrendered—
 - (a) licences which are not in the form of a photocard, or
 - (b) licences in the form of a photocard of a description no longer specified by the Secretary of State as a form in which licences are granted.
- (3) An order under this section must specify the date by which the licences to which it relates [^{F52}(and their counterparts)] are to be surrendered; and may specify different dates in relation to different descriptions of licence holders.
- (4) An order under this section must include provision for the grant of a new licence to every holder of a licence surrendered [^{F53}(with its counterpart)] in pursuance of the order who—
 - (a) pays such fee (if any) as is specified by the order, ^{F54}...
 - (b) provides the Secretary of State with such evidence or further evidence as the Secretary of State may require (which may include a photograph which is a current likeness of him). [^{F55} and

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- (c) provides such evidence or further evidence as the Secretary of State may require for the purpose of satisfying the Secretary of State that the holder is not suffering from a relevant or prospective disability.]
- (5) A replacement licence granted pursuant to provision made by virtue of subsection (4) above expires on the date on which the surrendered licence would have expired had it not been surrendered (but subject to subsection (6) below).
- (6) Where the period for which the surrendered licence was granted was based on an error with respect to the licence holder's date of birth such that (if the error had not been made) that licence would have been expressed to expire on a different date, the replacement licence expires on that different date.
- (7) A person who, without reasonable excuse, fails to comply with any requirement to surrender a licence [^{F56}and its counterpart] imposed by an order under this section is guilty of an offence.
- (8) An order under this section may—
- (a) make different provision for different cases, and
 - (b) contain such incidental and supplementary provisions as the Secretary of State considers appropriate.
- (9) The power to make an order under this section is exercisable by statutory instrument.
- (10) Before making an order under this section the Secretary of State must consult with such representative organisations as he thinks fit.
- (11) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F50** S. 98A inserted (prosp.) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 39(1)**, 61
- F51** Words in s. 98A(1) repealed (prosp.) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 10(12)**, 59, 61, [Sch. 3 para. 8\(2\)](#), **Sch. 7(4)**
- F52** Words in s. 98A(3) repealed (prosp.) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 10(12)**, 59, 61, [Sch. 3 para. 8\(3\)](#), **Sch. 7(4)**
- F53** Words in s. 98A(4) repealed (prosp.) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 10(12)**, 59, 61, [Sch. 3 para. 8\(4\)](#), **Sch. 7(4)**
- F54** Word in s. 98A(4) omitted by [Road Safety Act 2006 \(c. 49\)](#), s. 39(1) (as amended) (20.4.2012) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 2\(2\)\(a\)](#)
- F55** S. 98A(4)(c) and word inserted by [Road Safety Act 2006 \(c. 49\)](#), s. 39(1) (as amended) (20.4.2012) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), [reg. 1\(2\)](#), **Sch. 2 para. 2(2)(b)**
- F56** Words in s. 98A(7) repealed (prosp.) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 10(12)**, 59, 61, [Sch. 3 para. 8\(5\)](#), **Sch. 7(4)**

99 Duration of licences.

- (1) [^{F57}In so far as a licence authorises its holder to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-

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carrying vehicle, it] shall, unless previously revoked or surrendered, remain in force, subject to subsection (2) below—

- (a) except in a case falling within paragraph (b) or (c) of this subsection, for the period ending on the seventieth anniversary of the applicant's date of birth or for a period of three years, whichever is the longer,
- (b) except in a case falling within paragraph (c) of this subsection, if the Secretary of State so determines in the case of a licence to be granted to a person appearing to him to be suffering from a relevant or prospective disability, for such period [^{F58}as the Secretary of State may determine which shall be a period—
 - (i) of not more than ten years and not less than one year, ending on or before the seventieth anniversary of the applicant's date of birth, or
 - (ii) where, at the time the licence is granted, there are less than three years until that seventieth anniversary or where the licence is granted on or after that anniversary, of not more than three years and not less than one year], and
- (c) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,

and any such period shall begin with the date on which the licence in question is expressed to come into force.

[^{F59}(1A) In so far as a licence authorises its holder to drive any prescribed class of goods vehicle or passenger-carrying vehicle, it shall, unless previously revoked, suspended or surrendered, remain in force—

- (a) except in a case falling within paragraph (c) or (d) of this subsection—
 - (i) for the period ending on the forty-fifth anniversary of the applicant's date of birth or for a period of five years, whichever is the longer, or
 - (ii) where the applicant's age at the date on which the licence is to come into force will exceed forty-five but not sixty-five years, for the period ending on the sixty-sixth anniversary of the applicant's date of birth or for a period of five years, whichever is the shorter,
- (b) except in a case falling within paragraph (d) of this subsection, where the applicant's age at that date will exceed sixty-five years, for a period of one year,
- (c) except in a case falling within paragraph (b) or (d) of this subsection, if the Secretary of State so determines in the case of a licence to be granted to a person appearing to him to be suffering from a relevant or prospective disability, for such period of not more than three years and not less than one year as the Secretary of State may determine, and
- (d) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,

and any such period shall begin with the date on which the licence in question is expressed to come into force.]

- (2) To the extent that a provisional licence authorises the driving of a motor [^{F60}bicycle][^{F61}or moped] of a prescribed class it shall, unless previously surrendered or revoked, remain in force—

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- (a) for such period as may be prescribed, or
 - (b) if the licence is granted to the holder of a previous licence which was surrendered, revoked or treated as being revoked—
 - (i) for the remainder of the period for which the previous licence would have authorised the driving of such a motor [^{F60}bicycle][^{F61}or moped], or
 - (ii) in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.
- ^{F62}(2A) Where in accordance with the preceding provisions of this section, a licence in the form of a photocard remains in force after the last day of the administrative validity period, the holder of the licence must nevertheless surrender the licence ^{F63}... to the Secretary of State not later than that day.
- (2B) Subject to subsections (2C) to (2H), the administrative validity period of a licence in the form of a photocard is—
- (a) where the licence authorises its holder to drive any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (1A) otherwise than for a purpose mentioned in section 97(2) or by virtue of section 98(2), the period of 5 years beginning with the date shown on the licence as the date of issue; and
 - (b) in any other case, the period of 10 years beginning with the date shown on the licence as the date of issue.
- (2C) In the case of a licence issued before 19th January 2013, the administrative validity period is the period of 10 years beginning with—
- (a) the date shown on the licence as the date of issue, or
 - (b) if the licence was granted by way of renewal or replacement of a licence bearing the same photograph, the date shown on the earliest licence bearing that photograph as the date of issue of that licence.
- (2D) Where under subsection (3) or (4) a person is required to surrender a licence and the Secretary of State grants a new licence under subsection (7), the administrative validity period of the new licence is—
- (a) a period equal to the unexpired part of the administrative validity period of the old licence; or
 - (b) if that person so elects in such manner as the Secretary of State may require and pays any fee prescribed, a new administrative validity period calculated in accordance with subsection (2B).
- (2E) Subject to subsection (2F), where under section 97 the Secretary of State grants a licence (the “new licence”) to a person who has previously held a licence, the administrative validity period of the new licence is—
- (a) a period equal to the unexpired part (if any) of the administrative validity period of the person’s last licence (the “old licence”), or
 - (b) if the person so elects in such manner as the Secretary of State may require and pays any fee prescribed, a new administrative validity period calculated in accordance with subsection (2B).
- (2F) Subsection (2E) does not apply if—
- (a) the old licence was revoked by notice under section 93(1) or (2) (revocation because of disability or prospective disability);

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- (b) the old licence did not authorise the holder to drive any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (1A) otherwise than for a purpose mentioned in section 97(2) or by virtue of section 98(2), and the new licence does; or
 - (c) the old licence was granted only for a purpose mentioned in section 97(2) and the new licence is a full licence.
- (2G) Subsections (2C)(b), (2D)(a) and (2E)(a) are subject to any adjustment the Secretary of State makes in a new licence to correct an error that appears to the Secretary of State to have been made in particulars specified in an earlier licence.
- (2H) Where the administrative validity period of a licence under any of subsections (2B) to (2E) would otherwise be longer than the period for which the licence remains in force under subsection (1) or (1A) (the “entitlement period”), the administrative validity period ends with the last day of the entitlement period.]
- (3) Where it appears to the Secretary of State—
- [^{F64}(a) that a licence granted by him to any person was granted in error or with an error or omission in the particulars specified in the licence, or
 - ^{F65}(aa)]
 - (b) that the particulars specified in a licence granted by him to any person ^{F66}... do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment, the Secretary of State may serve notice in writing on that person revoking the licence and requiring him to surrender the licence ^{F67}... forthwith to the Secretary of State [^{F68}and it shall be the duty of that person to comply with the requirement].
- [^{F69}(3ZA) Where it appears to the Secretary of State that a licence holder is not lawfully resident in the United Kingdom, the Secretary of State may serve notice in writing on that person revoking the licence and requiring the person to surrender the licence ^{F70}... forthwith to the Secretary of State, and it is the duty of that person to comply with the requirement.
- (3ZB) For the purposes of subsection (3ZA) a person is not lawfully resident in the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.]
- [^{F71}(3A) Where—
- (a) the Secretary of State is sent under a provision of Northern Ireland law corresponding to section 97(1AA) of this Act a licence granted under this Part of this Act to a person to drive a motor vehicle of any class, and
 - (b) the Secretary of State is satisfied that a Northern Ireland licence to drive a motor vehicle of that or a corresponding class has been granted to that person, the Secretary of State must serve notice in writing on that person revoking the licence granted under this Part of this Act.]
- (4) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder must forthwith surrender the licence ^{F72}... to the Secretary of State ^{F73}...
- (5) A person who [^{F74}without reasonable cause]fails to comply with the duty under subsection [^{F75}(2A),][^{F74}(3) [^{F76}, (3ZA)] or](4) above is guilty of an offence.

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- (6) Where a person who has a duty under this section to surrender his licence ^{F77}... is not in possession of [^{F78}it] in consequence of the fact that he has surrendered [^{F78}it] to a constable or authorised person (within the meaning of Part III of the ^{M1}Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act, he does not fail to comply with the duty if he surrenders the licence ^{F77}... to the Secretary of State immediately on [^{F79}its] return.
- ^{F80}(6A) In subsection (7ZZA)—
- (a) omit “and its counterpart” in both places, and
 - (b) omit “and counterpart”.]
- ^{F81}^{F82}(7) On the surrender of a licence ^{F83}... by a person in pursuance of subsection (2A), (3) or (4) above, the Secretary of State must (subject to the following provisions of this section) grant a new licence to that person ^{F84}... .
- ^{F85}(7ZZA) [Where a person is required to surrender a licence ^{F86}... in pursuance of subsection (2A), (3) [^{F87}, (3ZA)] or (4) but provides the Secretary of State with an explanation for not doing so which the Secretary of State considers adequate, the Secretary of State may (subject to the following provisions of this section) treat the licence ^{F88}... as surrendered in accordance with the requirements of those subsections and [^{F89}, except in the case of a licence ^{F90}... surrendered in pursuance of subsection (3ZA),] may grant a new licence ^{F91}... to that person.]
- ^{F82}(7ZA) [The Secretary of State is not required by subsection (7) above to grant a new licence on the surrender of a licence ^{F92}... by a person in pursuance of subsection (2A) above [^{F93}, or in pursuance of subsection (3) or (4) where an election is made under subsection (2D)(b),] unless the person has paid the fee (if any) which is prescribed; but any other licence under [^{F94}subsection (7)] is to be granted free of charge.]
- ^{F81}(7A) Where the surrendered licence was revoked because it was granted in error or in consequence of an error or omission appearing to the Secretary of State to be attributable to the fault of the licence holder or in consequence of a current disqualification, [^{F95}subsections (7) and (7ZZA)] shall not apply but the Secretary of State may, if the person is not currently disqualified, grant a new licence to that person on payment of the fee (if any) which is prescribed.
- ^{F96}(7AA) [The Secretary of State may not grant a new licence to a person under subsection (7), (7ZZA) or (7A) above unless, on the date on which the licence is granted, the person is lawfully resident in the United Kingdom and—
- (a) is also normally resident in Great Britain, or
 - (b) has been attending a course of study in Great Britain during the period of 6 months ending on that date.
- (7AB) For the purposes of subsection (7AA) a person is not lawfully resident in the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.]
- ^{F81}(7B) The Secretary of State may require a person to provide—
- (a) evidence of his name, address, sex and date and place of birth, ^{F97}...
 - (b) a photograph which is a current likeness of him, [^{F98}and
 - (c) any information required by subsection (7C),]
- before granting a new licence to him under subsection (7) [^{F99}, (7ZZA)] or (7A) above.
- [In a case where—

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- ^{F100}(7C) (a) a person surrenders a licence, and
(b) the surrender is in pursuance of subsection (2A) or an election has otherwise been made under subsection (2D)(b) or (2E)(b),

the person must provide such evidence or further evidence as the Secretary of State may require for the purpose of satisfying the Secretary of State that the person is not suffering from a relevant or prospective disability.]

- ^{F81}(8) A replacement licence granted pursuant to subsection (7) [^{F101}, (7ZZA)] or (7A) above shall expire on the date on which the surrendered licence would have expired had it not been surrendered except that, where the period for which the surrendered licence was granted was based on an error with respect to the licence holder's date of birth such that (if that error had not been made) that licence would have been expressed to expire on a different date, the replacement licence shall expire on that different date.]

Textual Amendments

- F57** Words commencing "In so far as" substituted (1.4.1991) for words "A licence" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 12(a)**
- F58** Words in s. 99(1)(b) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(o), **Sch. 10 para. 2**
- F59** S. 99(1A) inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. **2(2)**
- F60** Words in s. 99(2) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 8**
- F61** Words in s. 99(2) inserted (1.7.1998) by S.I. 1998/1420, reg. **8(2)**
- F62** S. 99(2A)-(2H) substituted for s. 99(2A) (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 4(2)**
- F63** Words in s. 99(2A) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 9(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F64** S. 99(3) paras. (a)(aa) substituted for para. (a) by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(a)(i)**
- F65** S. 99(3)(aa) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 9(3)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F66** Words in s. 99(3)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 9(3)(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F67** Words in s. 99(3) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 9(3)(c), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F68** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 12(b)**
- F69** S. 99(3ZA)(3ZB) inserted (14.7.2014) by Immigration Act 2014 (c. 22), **ss. 47(1)(a)**, 75(3); S.I. 2014/1820, art. 2(e)
- F70** Words in s. 99(3ZA) omitted (8.6.2015) by virtue of Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 9(3A)**; S.I. 2015/560, art. 3(a) (with arts. 4-9) (as inserted by Immigration Act 2014 (c. 22), Sch. 9 para. 64(a); S.I. 2014/1820, art. 2(g))
- F71** S. 99(3A) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 78(3)**, 94; S.I. 2004/2624, art. **2(2)(a)**
- F72** Words in s. 99(4) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 9(4), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F73** Words in s. 99(4) omitted (1.7.1998) by virtue of S.I. 1998/1420, reg. **8(4)**
- F74** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 12(c)**
- F75** Words in s. 99(5) inserted (1.7.1998) by S.I. 1998/1420, reg. 8(5)

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- F76** Word in s. 99(5) inserted (14.7.2014) by Immigration Act 2014 (c. 22), **ss. 47(1)(b), 75(3)**; S.I. 2014/1820, art. 2(e)
- F77** Words in s. 99(6) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 9(5) (a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F78** Words in s. 99(6) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 9(5)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F79** Word in s. 99(6) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 9(5)(c)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F80** Words in s. 99(7ZZA) omitted by 2006 c. 49, Sch. 3 para. 9(6A) (as inserted) (20.4.2012) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 2 para. 3(2)**
- F81** S. 99(7)-(8) substituted (1.7.1998) for s. 99(7)(8) by S.I. 1998/1420, **reg. 8(1)(6)**
- F82** S. 99(7ZA) inserted (27.2.2007) by Road Safety Act 2006 (c. 49), **ss. 40(1)(b), 61**; S.I. 2007/237, **art. 2(c)**
- F83** Words in s. 99(7) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 9(6), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F84** Words in s. 99(7) repealed (27.2.2007) by Road Safety Act 2006 (c. 49), **ss. 40(1)(a), 59, 61, Sch. 7(12)**; S.I. 2007/237, **art. 2(c)**
- F85** S. 99(7ZZA) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 4(3)**
- F86** Words in s. 99(7ZZA) omitted (8.6.2015) by virtue of Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 9(6A)(a)**; S.I. 2015/560, art. 3(a) (with arts. 4-9) (as inserted by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), Sch. 2 para. 3(2))
- F87** Word in s. 99(7ZZA) inserted (14.7.2014) by Immigration Act 2014 (c. 22), **ss. 47(1)(c)(i), 75(3)**; S.I. 2014/1820, art. 2(e)
- F88** Words in s. 99(7ZZA) omitted (8.6.2015) by virtue of Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 9(6A)(a)**; S.I. 2015/560, art. 3(a) (with arts. 4-9) (as inserted by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), Sch. 2 para. 3(2))
- F89** Words in s. 99(7ZZA) inserted (14.7.2014) by Immigration Act 2014 (c. 22), **ss. 47(1)(c)(ii), 75(3)**; S.I. 2014/1820, art. 2(e)
- F90** Words in s. 99(7ZZA) omitted (8.6.2015) by virtue of Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 9(6A)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9) (as inserted by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), Sch. 2 para. 3(2))
- F91** Words in s. 99(7ZZA) omitted (8.6.2015) by virtue of Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 9(6A)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9) (as inserted by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), Sch. 2 para. 3(2))
- F92** Words in s. 99(7ZA) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 9(7)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F93** Words in s. 99(7ZA) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 4(4)(a)**
- F94** Words in s. 99(7ZA) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 4(4)(b)**
- F95** Words in s. 99(7A) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 4(5)**
- F96** S. 99(7AA)(7AB) inserted (29.12.2014) by The Road Traffic Act 1988 and Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/3190), regs. 1, **10(3)**
- F97** Word in s. 99(7B) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 4(6)(a)**
- F98** S. 99(7B)(c) and word inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 4(6)(b)**
- F99** Word in s. 99(7B) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 4(6)(c)**

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F100 S. 99(7C) inserted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 1 para. 4(7)**

F101 Word in s. 99(8) inserted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 1 para. 4(8)**

Modifications etc. (not altering text)

C12 S. 99 applied (S.) (21.3.1999) by [S.I. 1999/854](#), **art. 3(4)(a)(b)**

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