



Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

Miscellaneous

108 Interpretation.

(1) In this Part of this Act—

[^{F1}“agricultural or forestry tractor” means a motor vehicle which—

- (a) has two or more axles,
- (b) is constructed for use as a tractor for work off the road in connection with agriculture or forestry, and
- (c) is primarily used as such,]

“articulated goods vehicle” means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached to it in such manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle, and “articulated goods vehicle combination” means an articulated goods vehicle with a trailer so attached,

[^{F2}“British external licence” and “British Forces licence” have the meanings given by section 88(8) of this Act,]

“Community licence” means a document issued in respect of [^{F3}an EEA State] other than the United Kingdom by an authority of that or [^{F4}another EEA State] (including the United Kingdom) authorising the holder to drive a motor vehicle, not being—

- (a) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than [^{F3}an EEA State], or
- (b) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926, the Geneva

Status: Point in time view as at 19/01/2013. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 108 is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968 [^{F5}or

- (c) ^{F5}a document issued for a purpose corresponding to that mentioned in section 97(2) of this Act,]

[^{F6}“counterpart” —

- (a) in relation to a licence under this Part of this Act, means a document in such form as the Secretary of State may determine, issued with the licence, containing such information as he determines and designed for the endorsement of particulars relating to the licence, ^{F7}. . .

- (aa) [^{F8}in relation to a Northern Ireland licence, has the meaning given by section 109A of this Act (except in the definition of “Northern Ireland counterpart” below), and]

- (b) in relation to a Community licence, has the meaning given by section 99B of this Act,]

“disability” has the meaning given by section 92 of this Act,

“disqualified” means disqualified for holding or obtaining a licence [^{F9}(or, in cases where the disqualification is limited, a licence to drive motor vehicles of the class to which the disqualification relates)], and “disqualification” is to be interpreted accordingly,

[^{F10}“EEA agreement” and “EEA state” have the meaning given by Schedule 1 to the Interpretation Act 1978;]

[^{F11}“exchangeable licence” means a document authorising a person to drive a motor vehicle (not being a document mentioned in paragraph (b) of the definition of “Community licence”) —

- (a) issued in respect of Gibraltar by an authority of Gibraltar,
(b) issued in respect of a country or territory which is designed without restriction by an order under subsection (2)(a) below by an authority of that country or territory, or
(c) issued in respect of a country or territory which is designated by a restricted order under subsection (2)(b) below by an authority of that country or territory, being a document which is a licence of a description specified in that order,

and a licence of a description so specified as to which provision is made as mentioned in subsection (2B) below is only an exchangeable licence to the extent that it authorises its holder to drive vehicles of a class specified in the order.]

[^{F12}“full licence” means a licence other than a provisional licence,]

[^{F13}“large goods vehicle” has the meaning given by section 121(1) of this Act,]

“licence” [^{F14}(except where the context otherwise requires)] means a licence to drive a motor vehicle granted under this Part of this Act ^{F15}. . .

[^{F16}“light quadricycle” means a quadricycle referred to in Article 1(3)(a) of the motorcycle type approval Directive (within the meaning of Part 2 of this Act),]

“maximum gross weight”, in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry,

“maximum train weight”, in relation to an articulated goods vehicle combination, means the weight of the combination laden with the heaviest load which it is constructed or adapted to carry,

[^{F17}“medium-sized goods vehicle” means a motor vehicle —

- (a) which is constructed or adapted to carry or to haul goods,

Status: Point in time view as at 19/01/2013. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 108 is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) which is not adapted to carry more than nine persons inclusive of the driver, and
- (c) the permissible maximum weight of which exceeds 3.5 but not 7.5 tonnes,

and includes a combination of such a motor vehicle and a trailer where the relevant maximum weight of the trailer does not exceed 750 kilograms, [F18“moped” does not include light quadricycles, but otherwise has the same meaning as in Directive 2006/126/EC of the European Parliament and of the Council of 20th December 2006 on driving licences,]

[F17 “motor bicycle” means a motor vehicle which—

- (a) has two wheels, and
- (b) has a maximum design speed exceeding [F1945 kilometres per hour][F20or], if powered by an internal combustion engine, has a cylinder capacity exceeding 50 cubic centimetres,

and includes a combination of such a motor vehicle and a side-car,]

[F21“Northern Ireland driving licence” or “Northern Ireland licence” means a licence to drive a motor vehicle granted under the law of Northern Ireland [F22and “Northern Ireland counterpart” means the document issued with the Northern Ireland licence as a counterpart under the law of Northern Ireland],

“passenger-carrying vehicle” has the meaning given by section 121(1) of this Act,]

“permissible maximum weight”, in relation to a goods vehicle (of whatever description), means—

- (a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the relevant maximum weight of the vehicle,
- (b) in the case of an articulated goods vehicle—
 - (i) when drawing only a semi-trailer, the relevant maximum train weight of the articulated goods vehicle combination,
 - (ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer,
 - (iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer,
 - (iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle,
- (c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer,

“prescribed” means prescribed by regulations,

“prospective disability” has the meaning given by section 92 of this Act,

“provisional licence” means a licence granted by virtue of section 97(2) of this Act,

“regulations” means regulations made under section 105 of this Act,

“relevant disability” has the meaning given by section 92 of this Act,

[F23“relevant external law” has the meaning given by section 88(8) of this Act,]

Status: Point in time view as at 19/01/2013. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 108 is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“relevant maximum weight”, in relation to a motor vehicle or trailer, means—

- (a) in the case of a vehicle to which regulations under section 49 of this Act apply which is required by regulations under section 41 of this Act to have a maximum gross weight for the vehicle marked on a plate issued by the Secretary of State under regulations under section 41, the maximum gross weight so marked on the vehicle,
- (b) in the case of a vehicle which is required by regulations under section 41 of this Act to have a maximum gross weight for the vehicle marked on the vehicle and does not also have a maximum gross weight marked on it as mentioned in paragraph (a) above, the maximum gross weight marked on the vehicle,
- (c) in the case of a vehicle on which a maximum gross weight is marked by the same means as would be required by regulations under section 41 of this Act if those regulations applied to the vehicle, the maximum gross weight so marked on the vehicle,
- (d) in the case of a vehicle on which a maximum gross weight is not marked as mentioned in paragraph (a), (b) or (c) above, the notional maximum gross weight of the vehicle, that is to say, such weight as is produced by multiplying the unladen weight of the vehicle by the number prescribed by the Secretary of State for the class of vehicle into which that vehicle falls,

“relevant maximum train weight”, in relation to an articulated goods vehicle combination, means—

- (a) in the case of an articulated goods vehicle to which regulations under section 49 of this Act apply which is required by regulations under section 41 of this Act to have a maximum train weight for the combination marked on a plate issued by the Secretary of State under regulations under section 41, the maximum train weight so marked on the motor vehicle,
- (b) in the case of an articulated goods vehicle which is required by regulations under section 41 of this Act to have a maximum train weight for the combination marked on the vehicle and does not also have a maximum train weight marked on it as mentioned in paragraph (a) above, the maximum train weight marked on the motor vehicle,
- (c) in the case of an articulated goods vehicle on which a maximum train weight is marked by the same means as would be required by regulations under section 41 of this Act if those regulations applied to the vehicle, the maximum train weight so marked on the motor vehicle,
- (d) in the case of an articulated goods vehicle on which a maximum train weight is not marked as mentioned in paragraph (a), (b) or (c) above, the notional maximum gross weight of the combination, that is to say, such weight as is produced by multiplying the sum of the unladen weights of the motor vehicle and the semi-trailer by the number prescribed by the Secretary of State for the class of articulated goods vehicle combination into which that combination falls,

“semi-trailer”, in relation to an articulated goods vehicle, means a trailer attached to it in the manner described in the definition of articulated goods vehicle,

[^{F24}“small vehicle” means a motor vehicle (other than an invalid carriage, moped or motor bicycle) which—

- (a) is not constructed or adapted to carry more than nine persons inclusive of the driver, and

Status: Point in time view as at 19/01/2013. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 108 is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(b) has a maximum gross weight not exceeding 3.5 tonnes,
and includes a combination of such a motor vehicle and a trailer,]

F25

F25

“test of competence to drive” means such a test conducted under section 89 of this Act.

[^{F26}“approved training course for motor cyclists” and, in relation to such a course, “prescribed certificate of completion” mean respectively any course of training approved under, and the certificate of completion prescribed in, regulations under section 97(3A) of this Act.]

[^{F27}(1A) In this Part of this Act, unless the context otherwise requires, a reference to the expiry of a licence is a reference to the time when it ceases to be in force (and “expired” is to be interpreted accordingly).]

[^{F28}(2) The Secretary of State may by order made by statutory instrument designate a country or territory which neither is nor forms part of an EEA State for the purposes of the definition of “exchangeable licence” in subsection (1) above)—

- (a) as respects all licences authorising the driving of motor vehicles granted under the law of that country or territory, where the Secretary of State is satisfied that satisfactory provision is made by that law for the granting of licences to drive motor vehicles;
- (b) as respects only licences authorising the driving of motor vehicles granted under the law of that country or territory of a description specified in the order, where the Secretary of State is satisfied that satisfactory provision is made by that law for the granting of licences of that description.

^{F28}(2A) An order under subsection (2)(b) above may specify a description of licence by reference to any feature of the licences concerned (including in particular the circumstances in which they are granted, any conditions to which they are subject or the classes of vehicle which they authorise the holders to drive).

^{F28}(2B) An order under subsection (2)(b) above may provide that a licence of a specified description shall only be an exchangeable licence in so far as it authorises its holder to drive vehicles of a class specified in the order.]

(3) Before making any order under subsection (2) above, the Secretary of State shall consult with such representative organisations as he thinks fit.

Textual Amendments

- F1 Definition of “agricultural or forestry tractor” in s. 108(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) for definition of “agricultural tractor” by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(a)**
- F2 Definition inserted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 7, **Sch. 3 para. 15(a)**
- F3 Words in the definition of “Community licence” in s. 108(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(b)(i)**
- F4 Words in the definition of “Community licence” in s. 108(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(b)(ii)**

Status: Point in time view as at 19/01/2013. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 108 is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F5** S. 108(1): para. (c) in definition of "Community licence" and the word "or" immediately preceding it inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(b)(iii)**
- F6** Definition of "counterpart" in s. 108(1) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(c)**
- F7** S. 108(1): word in definition of "counterpart" repealed (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91, 94, Sch. 5 para. 25(a), **Sch. 6**; S.I. 2004/2624, **art. 2(2)(b)(c)**
- F8** S. 108(1): in definition of "counterpart" para. (aa) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 25(a)**; S.I. 2004/2624, **art. 2(2)(b)**
- F9** 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. 15(b)**
- F10** Words in s. 108(1) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 5(2)(a)**
- F11** Definition of "exchangeable licence" in s. 108(1) substituted (31.8.1998) by S.I. 1998/1917, **art. 2(2)**
- F12** Definition inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(c)**
- F13** Definition of "large goods vehicle" in s. 108(1) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(f)**
- F14** 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. 15(d)**
- F15** Words in the definition of "licence" in s. 108(1) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(g)**
- F16** Definition in s. 108(1) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 5(2)(b)**
- F17** Definitions of "medium-sized goods vehicle", "moped" and "motor bicycle" in s. 108(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) for the definition of "medium-sized goods vehicle" by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(h)**
- F18** Definition in s. 108(1) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 5(2)(c)**
- F19** S. 108(1): words in para. (b) in definition of "motor bicycle" substituted (1.7.1998) by S.I. 1998/1420, **reg. 11**
- F20** Word in s. 108(1) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 5(2)(d)**
- F21** Definitions inserted (1.6.1990 as regards definition of "Northern Ireland driving licence" and "Northern Ireland licence" and 1.4.1991 otherwise) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(e)**
- F22** S. 108(1): in definition of "Northern Ireland driving licence" and "Northern Ireland licence" words inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 25(b)**; S.I. 2004/2624, **art. 2(2)(b)**
- F23** Definition inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(f)**
- F24** Definition of "small vehicle" in s. 108(1) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(i)**
- F25** Definitions of "small goods vehicle" and "small passenger vehicle" in s. 108(1) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(j)**
- F26** Definition inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(g)**
- F27** S. 108(1A) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 5(3)**
- F28** S. 108(2)-(2B) substituted (31.8.1998) for s. 108(2) by S.I. 1998/1917, **art. 2(3)**

Status: Point in time view as at 19/01/2013. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 108 is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

C1 S. 108 modified (16.8.2006) by [The Dover Harbour Revision Order 2006 \(S.I. 2006/2167\)](#), **art. 27**

Status:

Point in time view as at 19/01/2013. This version of this provision has been superseded.

Changes to legislation:

Road Traffic Act 1988, Section 108 is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.