



# Road Traffic Act 1972

## 1972 CHAPTER 20

### PART III

#### LICENSING OF DRIVERS OF VEHICLES

##### *Driving licences*

#### **85 Tests of competence to drive**

- (1) Subject to the provisions of this Part of this Act as to provisional licences, a licence authorising the driving of motor vehicles of any class shall not be granted to a person unless he satisfies the Secretary of State—
- (a) that at some time during the period of ten years ending on the date of coming into force of the licence applied for he has passed the test of competence to drive prescribed by virtue of subsection (2) below or a test of competence which under subsection (4) below is a sufficient test, or
  - (b) that within the said period of ten years he has held a licence authorising the driving of vehicles of that class, not being a provisional licence or a licence granted by virtue of section 99(4) of the Road Traffic Act 1960, or
  - (c) that within the said period of ten years he has held a licence granted under a relevant external law to drive vehicles of that class, not being a licence corresponding to a provisional licence or a licence granted under any provision of that law corresponding to the said section 99(4), and is not, at the time of application for the licence, disqualified under that law for holding or obtaining a licence thereunder to drive vehicles of any class.

For the purposes of paragraph (c) above "relevant external law" means the law for the time being in force in Northern Ireland, that for the time being in force in the Isle of Man or that for the time being in force in any of the Channel Islands that corresponds to this Part of this Act.

- (2) Regulations may make provision with respect to the nature of tests of competence to drive for the purposes of this section, to the qualifications, selection and appointment of persons by whom they may be conducted and to the revocation of any appointment,

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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to evidence of the results thereof and generally with respect thereto, and in particular, but without prejudice to the generality of the foregoing provisions, regulations having effect by virtue of this subsection may provide—

- (a) for requiring a person submitting himself for a test to provide a vehicle for the purposes thereof;
- (b) for requiring a fee of such amount as may be specified in the regulations to be paid by a person who submits himself for a test or applies for an appointment for a test;
- (c) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself to another test by the same or any other person before the expiration of a period specified in the regulations except under an order made by a court or sheriff under the power conferred by subsection (3) below;

and different regulations may be made with respect to tests of competence to drive different classes of vehicles.

- (3) A magistrates' court acting for the petty sessions area in which a person who has submitted himself for a test of competence to drive resides, or if he resides in Scotland, the sheriff within whose jurisdiction he resides, shall have power on the application" of that person to determine whether the test was properly conducted in accordance with the regulations and, if it appears to the court or sheriff that the test was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another test before the expiration of the period specified for the purposes of subsection (2)(c) above and may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.
- (4) For the purposes of paragraph (a) of subsection (1) above a test of competence shall be sufficient for the granting of a licence authorising the driving of—
  - (a) vehicles of any class, if at the time the test was passed it authorised the granting of a licence to drive vehicles of that class;
  - (b) vehicles of any classes which are designated by regulations as a group for the purposes of the said paragraph (a), if at the said time the test authorised the granting of a licence to drive vehicles of any class included in the group;and if vehicles of any classes are designated by regulations as a group for the purposes of paragraph (b) of subsection (1) above, a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of the said paragraph (b) to authorise the driving of vehicles of all classes included in the group.
- (5) The last reference in subsection (4) above and the first reference in paragraph (b) of subsection (1) above to a licence do not include a licence which has been revoked in pursuance of section 89(2) of this Act.