



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART III

#### LICENSING OF DRIVERS OF VEHICLES

##### Modifications etc. (not altering text)

- C1** Pt. III (ss. 87–109) excluded by [Road Traffic Offenders Act 1988 \(c. 53, SIF 107:1\)](#), **s. 37(3)**
- C2** Pt. III (ss. 87–109) restricted (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(6), **Sch. 1 para. 6(5)**
- Pt. III (ss. 87–109) restricted (1.6.1997) by 1995 c. 13, ss. 4(1), 6, **Sch. 1 Pt. III para. 6(1)**, Pt. IV para. 9(1) (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**
- Pt. III (ss. 87–109) extended (1.6.1997) by 1995 c. 13, **s. 5(7)** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**
- Pt. III (ss. 87–109) applied (1.6.1997) by 1995 c. 13, **s. 9(1)** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

#### *Requirement to hold licence*

### **87 Drivers of motor vehicles to have driving licences.**

- (1) It is an offence for a person to drive on a road a motor vehicle of any class [<sup>F1</sup>otherwise than in accordance with] a licence authorising him to drive a motor vehicle of that class.
- (2) It is an offence for a person to cause or permit another person to drive on a road a motor vehicle of any class [<sup>F2</sup>otherwise than in accordance with a licence authorising that other person] to drive a motor vehicle of that class.

<sup>F3</sup>(3) .....

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### Textual Amendments

- F1** Words in s. 87(1) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), s. 17\(1\)](#); S.I. 1992/1286, [art. 2](#), Sch.
- F2** Words in s. 87(2) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), s. 17\(2\)](#); S.I. 1992/1286, [art. 2](#), Sch.
- F3** S. 87(3) inserted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\), s. 7, Sch. 3 para. 7](#) (but repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c.22, SIF 107:1\), s. 16, Sch. 6](#))

### Modifications etc. (not altering text)

- C3** S. 87 amended (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\), s. 1\(1\)\(2\)\(7\)](#)
- C4** S. 87 excluded by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\), s. 1\(6\), Sch. 1 Pt. II para. 11](#)
- C5** S. 87 applied (with modifications) (1.7.1992) by S.I. 1992/1217, [regs. 8, 11](#)
- C6** S. 87 modified (16.8.2006) by [The Dover Harbour Revision Order 2006 \(S.I. 2006/2167\), art. 27](#)

## 88 Exceptions.

(1) Notwithstanding section 87 of this Act, a person may drive or cause or permit another person to drive a vehicle of any class if—

- [<sup>F4</sup>(a) the driver has held—
- (i) a licence under this Part of this Act to drive vehicles of that or a corresponding class, or
  - [ a Community licence to drive vehicles of that or a corresponding class, or]
  - <sup>F5</sup>(ia) (ii) a Northern Ireland licence to drive vehicles of that or a corresponding class, or
  - (iii) a British external licence or British Forces licence to drive vehicles of that or a corresponding class, or
  - (iv) an exchangeable licence to drive vehicles of that or a corresponding class, and
- (b) either—
- (i) a qualifying application by the driver for the grant of a licence to drive vehicles of that class for a period which includes that time has been received by the Secretary of State, or
  - [ a licence to drive vehicles of that class granted to him has been
  - <sup>F6</sup>(ii) revoked or surrendered in pursuance of section 99(2A), (3) or (4) of this Act otherwise than by reason of a current disqualification or of its having been granted in error and he has complied with any requirements imposed on him under section 99(7B) of this Act, and]]
- (c) any conditions which by virtue of section 97(3) or 98(2) of this Act apply to the driving under the authority of the licence of vehicles of that class are complied with.

[<sup>F7</sup>(1A) An application for the grant of a licence to drive vehicles of any class is a qualifying application for the purposes of subsection (1)(b)(i) above if—

- (a) the requirements of paragraphs (a), (b) so far as it relates to initial evidence and (c) of section 97(1) of this Act have been satisfied;
- (b) the applicant—

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- (i) is not subject to a current disqualification which is relevant to the licence he applies for, and
- (ii) is not prevented from obtaining it by section 89 of this Act [<sup>F8</sup>or section 4(1) of or paragraph 6(1) or 9(1) of Schedule 1 to the Road Traffic (New Drivers) Act 1995]; and
- (c) the declaration made in pursuance of section 92(1) of this Act indicates that he is not suffering from a relevant disability.]

[<sup>F7</sup>(1B) A disqualification is relevant to a licence for which a person makes an application if—

- (a) in the case of an application made by virtue of any provision of subsection (1) (a) above, the disqualification subsists under or by virtue of any provision of the Road Traffic Acts and relates to vehicles of the class to which his application relates;
- [<sup>F9</sup>(aa) in the case of an application made by virtue of subsection (1)(a)(ia) above, the disqualification subsists under or by virtue of any provision of the law of an EEA State (other than the United Kingdom) and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;]
- (b) in the case of an application made by virtue of subsection (1)(a)(ii) above, the disqualification subsists under or by virtue of any provision of the law of Northern Ireland and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;
- (c) in the case of an application made by virtue of subsection (1)(a)(iii) above, the disqualification subsists under or by virtue of any provision of the relevant external law or, as the case may be, is a disqualification for holding or obtaining a British Forces licence and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates; and
- (d) in the case of an application made by virtue of subsection (1)(a)(iv) above, the disqualification subsists under or by virtue of any provision of the law of the <sup>F10</sup> . . . country or territory under which the licence which he held was granted and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;

but a disqualification which does not prevent the person disqualified from obtaining a provisional licence or, as the case may be, a licence corresponding to a provisional licence is relevant to a full licence but not to a provisional licence.]

- (2) The benefit of subsection (1) above does not extend—
  - (a) beyond the date when a licence is granted in pursuance of the application mentioned in subsection (1)(b) above or (as the case may be) in pursuance of section 99(7) [<sup>F11</sup>or (7A)] of this Act in consequence of the revocation or surrender so mentioned, or
  - (b) in a case where a licence is not in fact so granted, beyond the expiration of the period of one year or such shorter period as may be prescribed, beginning on the date of the application or (as the case may be) the revocation or surrender mentioned in subsection (1)(b) above [<sup>F12</sup>, or]
  - [<sup>F12</sup>(c) in a case where a licence is refused under section 92(3) of this Act, beyond the day on which the applicant receives notice of the refusal.]
- (3) The Secretary of State may by regulations provide that subsection (1) above shall also apply (where the requirements of that subsection are otherwise met) in the case of a person who has not previously held a licence to drive vehicles of the relevant class.

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- (4) Regulations made by virtue of subsection (3) above shall, if not previously revoked, expire at the end of the period of one year beginning with the day on which they came into operation.
- (5) Regulations may provide that a person who becomes resident in Great Britain shall, during the prescribed period after he becomes so resident, be treated for the purposes of section 87 of this Act as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if—
- (a) he satisfies the prescribed conditions, and
  - (b) he is the holder of a permit of the prescribed description authorising him to drive vehicles under the law of a country outside the United Kingdom.
- (6) Regulations made by virtue of subsection (5) above may provide for the application of any enactment relating to licences [<sup>F13</sup>, counterparts of licences] or licence holders, with or without modifications, in relation to any such permit and its holder respectively.
- (7) Notwithstanding section 87 of this Act—
- (a) a person who is not the holder of a licence may act as steersman of a motor vehicle, being a vehicle on which a speed limit of five miles per hour or less is imposed by or under section 86 of the <sup>M1</sup>Road Traffic Regulation Act 1984, under the orders of another person engaged in the driving of the vehicle who [<sup>F14</sup>(i) is licensed in that behalf in accordance with the requirements of this Part and Part IV of this Act, or
  - (ii) is authorised by virtue of section 99A(1) of this Act to drive in Great Britain such a motor vehicle, and]
  - (b) a person may cause or permit another person who is not the holder of a licence so to act.
- [<sup>F15</sup>(8) In this Part of this Act—
- “British external licence” means a licence granted in the Isle of Man or any of the Channel Islands under the relevant external law;
- “British Forces licence” means a licence granted in the Federal Republic of Germany by the British authorities to members of the British Forces or of the civilian components of those Forces of their dependants; and
- “relevant external law” means the law for the time being in force in the Isle of Man or any of the Channel Islands which corresponds to this Part of this Act.]

#### Textual Amendments

- F4** S. 88(1)(a)(b) substituted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\), s. 3\(2\)](#)
- F5** S. 88(1)(a)(ia) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974, reg. 2, Sch. 1 para. 1\(2\)](#)
- F6** S. 88(1)(b)(ii) substituted (1.7.1998) by [S.I. 1998/1420, reg. 3\(2\)](#)
- F7** S. 88(1A)(1B) inserted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\), s. 3\(3\)](#)
- F8** Words in s. 88(1A)(b)(ii) inserted (1.6.1997) by [1995 c. 13, s. 10\(4\), Sch. 2 para. 2\(2\)\(a\)](#) (with [ss. 8, 10\(3\)](#)); [S.I. 1997/267, art. 2\(2\)](#)
- F9** S. 88(1B)(aa) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974, reg. 2, Sch. 1 para. 1\(3\)\(a\)](#)

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- F10** Words in s. 88(1B)(d) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 1(3)(b)**
- F11** Words in s. 88(2)(a) inserted (1.7.1998) by S.I. 1998/1420, **reg. 3(3)**
- F12** S. 88(2)(c) and word immediately preceding it inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 3(4)**
- F13** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 1**
- F14** S. 88(7)(a)(i)(ii) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) for words in s. 88(7)(a) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 1(4)**
- F15** S. 88(8) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 3(5)**

#### Marginal Citations

- M1** 1984 c. 27.

### Tests

#### 89 Tests of competence to drive.

- (1) A licence authorising the driving of motor vehicles of any class shall not be granted to any person unless he <sup>F16</sup>meets the relevant residence requirement and satisfies the Secretary of State]—
- <sup>F17</sup>(a) that at some time during the period of two years ending with the date the application is made but not earlier than the appointed day he has passed—
- (i) the test of competence to drive prescribed by virtue of subsection (3) below, or
  - (ii) a Northern Ireland test of competence to drive which corresponds to such a test, or
  - (iii) a test of competence which under subsection (6) below is a sufficient test;
- or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or
- (b) that at some time not earlier than the appointed day he has held—
- (i) a full licence authorising the driving of vehicles of that class, or
  - (ii) a full Northern Ireland licence authorising the driving of vehicles of that or a corresponding class;
- or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or
- (c) that at some time during the period of two years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class <sup>F18</sup>. . . for the purpose of obtaining a British Forces licence; or
- (d) that at some time not earlier than the appointed day he has held a full British external licence or a full British Forces licence to drive vehicles of that or a corresponding class or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or
- (e) that at some time during the period of two years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class conducted under the law <sup>F19</sup>. . . of Gibraltar <sup>F20</sup>. . .; or

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- [<sup>F21</sup>(ea) that either at the time of the application for the licence he holds a Community licence authorising the driving of vehicles of that or a corresponding class or at some time he has held such a Community licence; or]]
- [<sup>F22</sup>(f) that, at the time of the application for the licence, he holds an exchangeable licence authorising the driving of vehicles of that or a corresponding class.]

This subsection is subject to the provisions of this Part of this Act as to provisional licences and to the provisions of any regulations made by virtue of section 105(2)(f) of this Act.

[<sup>F23</sup>(1A) An applicant meets the relevant residence requirement referred to in subsection (1) above if on the date the application for the licence is made—

- (a) in a case where he satisfies the Secretary of State in respect of paragraph (ea) of that subsection, he is normally resident in the United Kingdom or has been attending a course of study in the United Kingdom during the period of six months ending on that date;
- (b) in a case where he satisfies the Secretary of State in respect of paragraph (f) of that subsection, he is normally resident in Great Britain but has not been so resident for more than the prescribed period; and
- (c) in any other case, he is normally resident in Great Britain.]

[<sup>F24</sup>(2) For the purposes of subsection (1) above—

- [<sup>F25</sup>(a) a licence which has been revoked under section 99(3) of this Act or under any corresponding provision of—
- (i) the law of Northern Ireland,
  - (ii) the relevant external law, or
  - (iii) the law of an EEA State other than the United Kingdom,
- as a licence granted in error shall be disregarded for the purposes of paragraph (b), (d) or (ea) (as the case may be) of that subsection;]
- (b) .....
- (c) a British external licence to drive any class of goods vehicle or any class of passenger-carrying vehicle is to be disregarded for the purposes of paragraph (d) of that subsection unless the Secretary of State, by order made by statutory instrument, designates the relevant external law under which it is granted as one which makes satisfactory provision for the granting of such licences.]

[<sup>F26</sup>(2A) Except as provided under subsection (5A) below, no person submitting himself for a test of competence to drive a motor bicycle shall be permitted to take the test unless he furnishes the prescribed certificate of completion by him of an approved training course for motor cyclists either with his application for an appointment for a test or to the person who is to conduct the test.]

(3) Regulations may make provision with respect to—

- (a) the nature of tests of competence to drive for the purposes of this section, [<sup>F27</sup>and section 36 of the Road Traffic Offenders Act 1988 (disqualification),]
  - (b) the qualifications, selection and appointment of persons by whom they may be conducted and the revocation of any appointment,
  - (c) evidence of the results of such tests,
- and generally with respect to such tests.

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(4) In particular, regulations may, without prejudice to the generality of subsection (3) above, provide—

- (a) for requiring a person submitting himself for a test to provide a vehicle for the purposes of the test [<sup>F28</sup>, in the case of prescribed classes of goods vehicle, loaded or unloaded as may be prescribed and, if requirements as respects loading are prescribed, loaded in accordance with the requirements],
- [<sup>F29</sup>(aa) for requiring a person submitting himself for a test to have been normally resident in Great Britain or the United Kingdom for such period ending on the date of his appointment for the test as may be prescribed,]
- (b) for requiring a fee, of such amount as may be specified in the regulations or, in such cases as may be prescribed, specified by such person as may be prescribed, 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 for 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 section 90 of this Act,

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

(5) If regulations make provision for a test of competence to drive to consist of separate parts, they may make for each part—

- (a) any provision that could be made for a test not consisting of separate parts, and
- (b) provision for the supply by the Secretary of State of forms for certificates evidencing the results and for charges to be made for the supply.

[<sup>F30</sup>(5A) Regulations may prescribe cases in which persons are exempt from the requirement imposed by subsection (2A) above; and the regulations may—

- (a) limit the exemption to persons in prescribed circumstances;
- (b) limit the exemption to a prescribed period;
- (c) attach conditions to the exemption; and
- (d) regulate applications for, and the issue and form of, certificates evidencing a person's exemption from that requirement.]

(6) For the purposes of subsection [<sup>F31</sup>(1)(a)(iii) above or section 89A(2)(b)(iii) below], 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 [<sup>F32</sup>all] classes which are designated by regulations as a group for the purposes of subsection (1)(a) above, if at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group [<sup>F33</sup>, and]
- [<sup>F33</sup>(c) vehicles of all classes included in another such group, if a person passing the test is treated by virtue of regulations made for the purposes of this paragraph as competent also to drive vehicles of a class included in that other group.]

(7) If vehicles of any classes are designated by regulations as a group for the purposes of subsection (1)(b) above, a licence authorising the driving of vehicles of a class

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included in the group shall be deemed for the purposes of subsection [F34(1)(b)(i) above or section 89A(4)(a) below to authorise the driving of—

- (a) vehicles of all classes included in the group [F35(except where regulations otherwise provide)], and
- (b) vehicles of all classes included in another such group, if a person holding the licence is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group].

The reference in this subsection to a licence does not include a licence which has been revoked in pursuance of section 99(3) of this Act.

- (8) For the purposes of this section and section 88(1) of this Act, an exchangeable licence issued in respect of a F36 . . . , country or territory shall not be treated as authorising a person to drive a vehicle of any [F37class] if—
- (a) the licence is not for the time being valid for that purpose, or
  - (b) it was issued in respect of that [F37class] for a purpose corresponding to that mentioned in section 97(2) of this Act.
- [F38(9) A test of competence falling within paragraphs (a)(ii), (c) or (e) of subsection (1) above shall be sufficient for the granting of a licence authorising the driving of—
- (a) vehicles of all classes designated by regulations as a group for the purposes of subsection (1)(a) above, if [F39(except where regulations otherwise provide)] at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group, or of any class corresponding to a class included in the group, and
  - (b) vehicles of all classes included in another such group, if a person passing a test of competence authorising the granting of a licence to drive vehicles of a class included in the group mentioned in paragraph (a) above is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group.
- (10) A full Northern Ireland licence, a full British external licence, a full British Forces licence [F40, a Community licence] or an exchangeable licence shall be treated for the purposes of paragraphs (b)(ii), (d) [F41, (ea)] or (f) (as the case may be) of subsection (1) above as authorising the driving of—
- (a) [F42(except where regulations otherwise provide)] vehicles of all classes designated by regulations as a group for the purposes of subsection (1)(b) above, if the licence authorises the driving of vehicles of any class included in the group, or any class corresponding to a class included in the group, and
  - (b) vehicles of all classes included in another such group, if by virtue of regulations a person holding a licence authorising him to drive vehicles of any class included in the group mentioned in paragraph (a) above is treated as competent also to drive vehicles of a class included in that other group.
- (11) F43 . . . In this section and section 89A “the appointed day” means the day appointed for the coming into force of section 1 of the Road Traffic (Driver Licensing and Information Systems) Act 1989.]

#### Textual Amendments

- F16** Words in s. 89(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, Sch. 1 para. 2(2)(a)



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- F17** S. 89(a)–(f) substituted (1.4.1991) for paras. (a)–(d) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 4(1)(2)
- F18** Words in s. 89(1)(c) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(b)**
- F19** Words in s. 89(1)(e) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(c)(i)**
- F20** Words in s. 89(1)(e) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(c)(ii)**
- F21** S. 89(1)(ea) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(d)**
- F22** S. 89(1)(f) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(e)**
- F23** S. 89(1A) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(3)**
- F24** S. 89(2) substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 4(1)(3)
- F25** S. 89(2)(a) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(4)(a)**
- F26** S. 89(2A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(1)(a)
- F27** Words in s. 89(3)(a) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 63**; S.I. 1992/1286, art. 2, **Sch.**
- F28** Words in s. 89(4)(a) inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(a)**
- F29** S. 89(4)(aa) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(5)**
- F30** S. 89(5A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(1)(b)
- F31** Words in s. 89(6) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(b)(i)**
- F32** Word in s. 89(6)(b) substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(b)(ii)**
- F33** S. 89(6)(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. 8(b)(iii)**
- F34** Words in s. 89(7)(including paras. (a) and (b)) substituted (1.4.1991) for words by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(c)**
- F35** Words in s. 89(7)(a) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(6)**
- F36** Words in s. 89(8) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(7)**
- F37** Word in s. 89(8) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(d)**
- F38** S. 89(9)–(11) substituted (1.4.1991) for s. 89(9) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(e)**
- F39** Words in s. 89(9)(a) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(8)**
- F40** Words in s. 89(10) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(9)(a)**
- F41** Words in s. 89(10) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(9)(b)**
- F42** Words in s. 89(10)(a) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(9)(c)**
- F43** Words in s. 89(11) omitted (23.7.1996 for specified purposes otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(10)**

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**Modifications etc. (not altering text)**

C7 S. 89(2A) excluded by S.I. 1987/1378, **regs. 23E(2)(4), 23F, 23G(1)** (as inserted by S.I. 1990/2334, **reg. 4**)

**[<sup>F44</sup>89A The alternative requirements to those in section 89.**

- (1) The alternative requirements referred to in section 89(1) of this Act are the following.
- (2) The requirement which is alternative to that specified in section 89(1)(a) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (3) below—
  - (a) is available to that person if the application is made within the period of ten years beginning with the appointed day, and
  - (b) is that at some time before the appointed day and during the period of ten years ending with the date the application is made he has passed—
    - (i) the test of competence to drive prescribed by virtue of section 89(3) of this Act or a test of competence to drive which corresponds to such a test, or
    - (ii) a Northern Ireland test of competence to drive which corresponds to any test falling within (i) above, or
    - (iii) a test of competence which under section 89(6) of this Act is a sufficient test or a test of competence to drive which corresponds to such a test.
- (3) The requirement which is alternative to that specified in section 89(1)(a) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this subsection—
  - (a) is available to that person if the application is made within the period of five years beginning with the appointed day, and
  - (b) is that at some time before the appointed day and during the period of five years ending with the date the application is made he has passed—
    - (i) a test of competence to drive a heavy goods vehicle or public service vehicle of a class corresponding to the class of vehicle to which his application relates, or
    - (ii) a corresponding Northern Ireland test of competence to drive a heavy goods vehicle or public service vehicle of a class which corresponds to the class of goods vehicle or passenger-carrying vehicle to which his application relates.
- (4) The requirement which is alternative to that specified in section 89(1)(b) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (5) below is that at some time before the appointed day but not earlier than 1st January 1976 he has held—
  - (a) a full licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates, or
  - (b) a full Northern Ireland licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates.

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- (5) The requirement which is alternative to that specified in section 89(1)(b) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this subsection is that at some time before the appointed day but not earlier than the beginning of the period of five years ending with the appointed day he has held—
- (a) a full heavy goods vehicle or a public service vehicle driver's licence authorising the driving of vehicles of a class corresponding to the class of vehicle to which his application relates, or
  - (b) a full Northern Ireland licence to drive heavy goods vehicles of a class corresponding to the class of vehicle to which his application relates or a Northern Ireland licence to drive public service vehicles of a class corresponding to the class of vehicle to which his application relates.
- (6) The requirement which is alternative to that specified in section 89(1)(d) on an application by a person for a licence authorising the driving of motor vehicles of any class—
- (a) is available to that person if the application is made within the period of ten years beginning with the appointed day, and
  - (b) is that at some time before the appointed day and during the period of ten years ending with the date the application is made he has held a full British external licence or a full British Forces licence to drive vehicles of that or a corresponding class.
- (7) In this section “heavy goods vehicle” and “public service vehicle” have the same meaning as they had for the purposes of Part IV of this Act or section 22 of the Public Passenger Vehicles Act <sup>M2</sup>1981 before their repeal by section 1 of the Road Traffic (Driver Licensing and Information Systems) Act 1989.]

#### Textual Amendments

**F44** S. 89A inserted (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989](#) (c. 22, SIF 107:1), s. **4(1)(4)**

#### Marginal Citations

**M2** 1981 c.14 (107:1).

## 90 Review of conduct of test.

- (1) On the application of a person who has submitted himself for a test of competence to drive—
- (a) a magistrates' court acting for the petty sessions area in which he resides, or
  - (b) in Scotland, the sheriff within whose jurisdiction he resides,
- may determine whether the test was properly conducted in accordance with regulations.
- (2) The court or, as the case may be, sheriff may, if it appears that the test was not so conducted—
- (a) order that the applicant shall be eligible to submit himself for another test before the expiration of the period specified for the purposes of section 89(4) (c) of this Act, and

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- (b) 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.
- (3) If regulations make provision for a test of competence to drive to consist of separate parts, this section applies in relation to each part as well as in relation to the whole of the test.

## **91 Repayment of test fees.**

A fee paid in pursuance of regulations made by virtue of section 89(4) of this Act on application for an appointment for a test may be repaid in the following cases and not otherwise—

- (a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Secretary of State,
- (b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed for the purposes of this paragraph by regulations,
- (c) if the person for whom the appointment is made keeps the appointment, but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test, or
- (d) if an order for the repayment of the fee is made by the court or, as the case may be, sheriff under section 90 of this Act pursuant to a finding that the test was not properly conducted in accordance with the regulations.

### *Physical fitness*

## **92 Requirements as to physical fitness of drivers.**

- (1) An application for the grant of a licence must include a declaration by the applicant, in such form as the Secretary of State may require, stating whether he is suffering or has at any time (or, if a period is prescribed for the purposes of this subsection, has during that period) suffered from any relevant disability or any prospective disability.
- (2) In this Part of this Act—
  - “disability” includes disease [<sup>F45</sup>and the persistent misuse of drugs or alcohol, whether or not such misuse amounts to dependency],
  - “relevant disability” in relation to any person means—
    - (a) any prescribed disability, and
    - (b) any other disability likely to cause the driving of a vehicle by him in pursuance of a licence to be a source of danger to the public, and
  - “prospective disability” in relation to any person means any other disability which—
    - (a) at the time of the application for the grant of a licence or, as the case may be, the material time for the purposes of the provision in which the expression is used, is not of such a kind that it is a relevant disability, but
    - (b) by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in course of time.
- (3) If it appears from the applicant’s declaration, or if on inquiry the Secretary of State is satisfied from other information, that the applicant is suffering from a relevant

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disability, the Secretary of State must, subject to the following provisions of this section, refuse to grant the licence.

(4) The Secretary of State must not by virtue of subsection (3) above refuse to grant a licence—

- (a) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant has at any time passed a relevant test and it does not appear to the Secretary of State that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the Secretary of State at that time,
- (b) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person in whose case the disability is appropriately controlled,
- (c) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the application is for a provisional licence.

(5) Where as a result of a test of competence to drive [<sup>F46</sup>or of information obtained under the relevant powers] the Secretary of State is satisfied that the person who took the test [<sup>F46</sup>or in relation to whom the information was obtained] is suffering from a disability such that there is likely to be a danger to the public—

- (a) if he drives any vehicle, <sup>F47</sup> . . .
- (b) if he drives a vehicle other than a vehicle of a particular [<sup>F48</sup>class],

[<sup>F49</sup>or

<sup>F49</sup>(c) if he drives a vehicle except in accordance with particular conditions,]

the Secretary of State must serve notice in writing to that effect on that person and must include in the notice a description of the disability.

(6) Where a notice is served in pursuance of subsection (5)(a) above, then—

- (a) if the disability is not prescribed under subsection (2) above, it shall be deemed to be so prescribed in relation to the person [<sup>F50</sup>on whom the notice is served], and
- (b) if the disability is prescribed for the purposes of subsection (4)(c) above it shall be deemed not to be so prescribed in relation to him.

[<sup>F51</sup>(7) Where a notice is served in pursuance of subsection (5)(b) above, the Secretary of State may—

- (a) if the person on whom the notice is served is an applicant for a licence, grant him a licence limited to vehicles of the particular class specified in the notice, or
- (b) if he held a licence which is revoked by the Secretary of State and he complies with subsection (7ZB) below, grant him a licence limited to vehicles of that class,

and, if the Secretary of State so directs in the notice, his entitlement to drive other classes of vehicle by virtue of section 98(2) of this Act shall be limited as specified in the notice.

<sup>F51</sup>(7ZA) Where a notice is served in pursuance of subsection (5)(c) above, the Secretary of State may—

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- (a) if the person on whom the notice is served is an applicant for a licence, grant him a licence authorising him to drive vehicles subject to the particular conditions specified in the notice, or
- (b) if he held a licence which is revoked by the Secretary of State and he complies with subsection (7ZB) below, grant him a licence authorising him to drive vehicles subject to those conditions,

and, if the Secretary of State so directs in the notice, any entitlement which the person has to drive vehicles by virtue of section 98(2) of this Act shall be subject to conditions as specified in the notice.

<sup>F51</sup>(7ZB) A person complies with this subsection if—

- (a) he surrenders the existing licence and its counterpart, and
- (b) where the Secretary of State so requires, he provides evidence of his name, address, sex and date and place of birth and a photograph which is a current likeness of him.

<sup>F51</sup>(7A) If he considers it appropriate to do so, the Secretary of State may, after serving a notice under any of the paragraphs of subsection (5) above, serve a further notice under that paragraph or a notice under another of those paragraphs; and on his serving the later notice the notice previously served shall cease to have effect and any licence previously granted in accordance with it shall be revoked by the later notice.]

[<sup>F52</sup>(7B) In subsection (5) above the references to a test of competence to drive and to information obtained under the relevant power are references respectively to a test of competence prescribed for the purposes of section 89 or so much of such a test as is required to be taken in pursuance of section 94(5)(c) of this Act and to information obtained in pursuance of section 94(5)(a) or (b) of this Act.

(7C) A person whose licence is revoked by virtue of subsection (7A) above must deliver the licence [<sup>F53</sup>and its counterpart]] to the Secretary of State forthwith after the revocation and a person who, without reasonable excuse, fails to do so is guilty of an offence.

[<sup>F54</sup>(7D) In subsection (7B) above the references to section 94 of this Act include references to that section as applied by section 99D of this Act.]

(8) In this section “relevant test”, in relation to an application for a licence, means any such test of competence as is mentioned in section 89 of this Act or a test as to fitness or ability in pursuance of section 100 of the <sup>M3</sup>Road Traffic Act 1960 as originally enacted, being a test authorising the grant of a licence in respect of vehicles of the classes to which the application relates.

(9) Without prejudice to subsection (8) above, for the purposes of subsection (4)(a) above—

[<sup>F55</sup>(a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he passed a test of competence to drive which—

- (i) under a provision of the law of Northern Ireland or a relevant external law corresponding to subsections (3) and (4) or (6) of section 89 of this Act, either is prescribed in relation to vehicles of classes corresponding to the classes to which the application relates or is sufficient under that law for the granting of a licence authorising the driving of vehicles of those classes, or
- (ii) is sufficient for the granting of a British Forces licence authorising the driving of vehicles of those classes, and]

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- (b) in the case of an applicant who is treated as having passed a relevant test by virtue of paragraph (a) above, disclosure of a disability to [<sup>F56</sup>his licensing authority] shall be treated as disclosure to the Secretary of State.

F57  
...

[<sup>F58</sup>(10) A person who holds a licence authorising him to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road is guilty of an offence if the declaration included in accordance with subsection (1) above in the application on which the licence was granted was one which he knew to be false.]

#### Textual Amendments

- F45 Words in the definition of “disability” in s. 92(2) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 3(2)**
- F46 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 5(2)
- F47 Word in s. 92(5)(a) repealed (1.7.1998) by S.I. 1998/1420, reg. 17, **Sch.**
- F48 Word substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 5(2)
- F49 S. 92(5)(c) and the word “or” immediately preceding it inserted (1.7.1998) by S.I. 1998/1420, reg. 4(2)
- F50 Words in s. 92(6)(a) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 3(3)**
- F51 S. 92(7)-(7A) substituted (1.7.1998) for s. 92(7)(7A) by S.I. 1998/1420, reg. 4(3)
- F52 S. 92(7A)-(7C) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 5(4)
- F53 Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 1(a)**
- F54 S. 92(7D) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 3(5)**
- F55 S. 92(9)(a) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 5(5)(a)
- F56 Words substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 5(5)(b)
- F57 Words repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F58 S. 92(10) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 18(1); S.I. 1992/1286, art. 2, **Sch.**

#### Modifications etc. (not altering text)

- C8 S. 92(4)(a) modified by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(1)**

#### Marginal Citations

- M3 1960 c. 16.

### 93 Revocation of licence because of disability or prospective disability.

- (1) If the Secretary of State is at any time satisfied on inquiry—
- (a) that a licence holder is suffering from a relevant disability, and
- (b) that the Secretary of State would be required by virtue of section 92(3) <sup>F59</sup> . . . of this Act to refuse an application for the licence made by him at that time,



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the Secretary of State may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

- (2) If the Secretary of State is at any time satisfied on inquiry that a licence holder is suffering from a prospective disability, the Secretary of State may—
- (a) serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice, and
  - (b) on receipt of the licence so revoked [<sup>F60</sup>and its counterpart]and of an application made for the purposes of this subsection, grant to the licence holder, free of charge, a new licence for a period determined by the Secretary of State under section 99(1)(b) of this Act.

[<sup>F61</sup>(2A) The Secretary of State may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth, and
- (b) a photograph which is a current likeness of him,

before granting a licence to him on an application made for the purposes of subsection (2) above.]

- (3) A person whose licence is revoked under subsection (1) or (2) above must deliver up the licence [<sup>F62</sup>and its counterpart]to the Secretary of State forthwith after the revocation [<sup>F63</sup>and a person who, without reasonable excuse, fails to do so is guilty of an offence.]
- (4) Where a person whose licence is revoked under subsection (1) or (2) above—
- (a) is not in possession of his licence [<sup>F64</sup>or its counterpart]in consequence of the fact that he has surrendered [<sup>F65</sup>them]to a constable or authorised person (within the meaning of Part III of the <sup>M4</sup>Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act but
  - (b) delivers [<sup>F65</sup>them]to the Secretary of State immediately on [<sup>F65</sup>their]return, he is not in breach of the duty under subsection (3) above.

#### Textual Amendments

- F59** Words in s. 93(1)(b) omitted (23.7.1996 for specified purposes otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 4**
- F60** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(a)**
- F61** S. 93(2A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 5**
- F62** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(b)**
- F63** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(6)**
- F64** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(c)(i)(ii)(iii)**
- F65** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(c)(i)(ii)(iii)**

#### Marginal Citations

- M4** 1988 c. 53.



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## **94 Provision of information, etc. relating to disabilities.**

(1) If at any time during the period for which his licence remains in force, a licence holder becomes aware—

- (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Secretary of State, or
- (b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the licence was granted,

the licence holder must forthwith notify the Secretary of State in writing of the nature and extent of his disability.

(2) The licence holder is not required to notify the Secretary of State under subsection (1) above if—

- (a) the disability is one from which he has not previously suffered, and
- (b) he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of three months beginning with the date on which he first becomes aware that he suffers from it.

(3) A person who fails without reasonable excuse to notify the Secretary of State as required by subsection (1) above is guilty of an offence.

[<sup>F66</sup>(3A) A person who holds a licence authorising him to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road is guilty of an offence if at any earlier time while the licence was in force he was required by subsection (1) above to notify the Secretary of State but has failed without reasonable excuse to do so.]

(4) If [<sup>F67</sup>the prescribed circumstances obtain in relation to a person who is an applicant for, or the holder of, a licence of if] the Secretary of State has reasonable grounds for believing that a person who is an applicant for, or the holder of, a licence may be suffering from a relevant or prospective disability, subsection (5) below applies for the purpose of enabling the Secretary of State to satisfy himself whether or not [<sup>F68</sup>that person may be suffering from that or any other relevant or prospective disability].

(5) The Secretary of State may by notice in writing served on the applicant or holder—

- (a) require him to provide the Secretary of State, within such reasonable time as may be specified in the notice, with such an authorisation as is mentioned in subsection (6) below, or
- (b) require him, as soon as practicable, to arrange to submit himself for examination—
  - (i) by such registered medical practitioner or practitioners as may be nominated by the Secretary of State, or
  - (ii) with respect to a disability of a prescribed description, by such officer of the Secretary of State as may be so nominated,

for the purpose of determining whether or not he suffers or has at any time suffered from a relevant or prospective disability, or

- (c) except where the application is for, or the licence held is, a provisional licence, require him to submit himself for [<sup>F69</sup>such a test of competence to drive as the Secretary of State directs in the notice.]

(6) The authorisation referred to in subsection (5)(a) above—

- (a) shall be in such form and contain such particulars as may be specified in the notice by which it is required to be provided, and

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- (b) shall authorise any registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned to release to the Secretary of State any information which he may have, or which may be available to him, with respect to the question whether, and if so to what extent, the applicant or licence holder concerned may be suffering, or may at any time have suffered, from a relevant or prospective disability.
- (7) If he considers it appropriate to do so in the case of any applicant or licence holder, the Secretary of State—
- (a) may include in a single notice under subsection (5) above requirements under more than one paragraph of that subsection, and
- (b) may at any time after the service of a notice under that subsection serve a further notice or notices under that subsection.
- (8) If any person on whom a notice is served under subsection (5) above—
- (a) fails without reasonable excuse to comply with a requirement contained in the notice, or
- (b) fails any test of competence which he is required to take as mentioned in paragraph (c) of that subsection,
- the Secretary of State may exercise his powers under sections 92 and 93 of this Act as if he were satisfied that the applicant or licence holder concerned is suffering from a relevant disability which is not prescribed for the purposes of any paragraph of section 92(4) of this Act or, if the Secretary of State so determines, as if he were satisfied that the applicant or licence holder concerned is suffering from a prospective disability.
- (9) [<sup>F70</sup>Except where the requirement is made in the circumstances prescribed for the purposes of subsection (5) above, it shall be for the Secretary of State (and not for any other person) to]defray any fees or other reasonable expenses of a registered medical practitioner in connection with—
- (a) the provision of information in pursuance of an authorisation required to be provided under subsection (5)(a) above, or
- (b) any examination which a person is required to undergo as mentioned in subsection (5)(b) above.

#### Textual Amendments

- F66** S. 94(3A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 18(2); S.I. 1992/1286, art. 2, Sch.
- F67** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 5(7)(a)
- F68** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 5(7)(b)
- F69** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 5(8)
- F70** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 5(9)

#### Modifications etc. (not altering text)

- C9** S. 94 modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), art. 27

*Status: Point in time view as at 11/04/2003. This version of this part contains provisions that are not valid for this point in time.*

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## [<sup>F71</sup>94A Driving after refusal or revocation of licence.

(1) A person who drives a motor vehicle of any class on a road otherwise than in accordance with a licence authorising him to drive a motor vehicle of that class is guilty of an offence if—

<sup>F72</sup>(a) at any earlier time the Secretary of State—

- (i) has in accordance with section 92(3) of this Act refused to grant such a licence,
- (ii) has under section 93(1) or (2) of this Act revoked such a licence, or
- (iii) has served notice on that person in pursuance of section 99C(1) or (2) of this Act requiring him to deliver to the Secretary of State a Community licence authorising him to drive a motor vehicle of that or a corresponding class, and

<sup>F72</sup>(b) since that earlier time he has not been granted—

- (i) a licence under this Part of this Act, or
- (ii) a Community licence,

authorising him to drive a motor vehicle of that or a corresponding class.]

(2) Section 88 of this Act shall apply in relation to subsection (1) above as it applies in relation to section 87.

### Textual Amendments

**F71** S. 94A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 18(3); S.I. 1992/1286, art. 2, Sch.

**F72** S. 94A(1)(a)(b) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, Sch. 1 para. 5(2)

## 95 Notification of refusal of insurance on grounds of health.

(1) If an authorised insurer refuses to issue to any person such a policy of insurance as complies with the requirements of Part VI of this Act on the ground that the state of health of that person is not satisfactory, or on grounds which include that ground, the insurer shall as soon as practicable notify the Secretary of State of that refusal and of the full name, address, sex and date of birth of that person as disclosed by him to the insurer.

[<sup>F73</sup>(2) “Authorised insurer” means an insurer who is a member of the Motor Insurers Bureau (a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946).

(3) “Insurer” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out relevant contracts of insurance, or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out relevant contracts of insurance.

(4) A contract is a relevant contract of insurance if the risk insured against relates to—

- (a) the insured sustaining accidental injury or death as a result of travelling as a passenger;

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- (b) land vehicles;
  - (c) goods in transit; or
  - (d) motor vehicle liability.
- (5) This section must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
  - (b) any order for the time being in force under that section; and
  - (c) Schedule 2 to that Act.]

#### Textual Amendments

**F73** S. 95(2)-(5) substituted (1.12.2001) for s. 95(2) by [S.I. 2001/3649](#), **arts. 1, 312**

## 96 Driving with uncorrected defective eyesight.

- (1) If a person drives a motor vehicle on a road while his eyesight is such (whether through a defect which cannot be or one which is not for the time being sufficiently corrected) that he cannot comply with any requirement as to eyesight prescribed under this Part of this Act for the purposes of tests of competence to drive, he is guilty of an offence.
- (2) A constable having reason to suspect that a person driving a motor vehicle may be guilty of an offence under subsection (1) above may require him to submit to a test for the purpose of ascertaining whether, using no other means of correction than he used at the time of driving, he can comply with the requirement concerned.
- (3) If that person refuses to submit to the test he is guilty of an offence.

#### Modifications etc. (not altering text)

**C10** S. 96 modified (16.8.2006) by [The Dover Harbour Revision Order 2006 \(S.I. 2006/2167\)](#), **art. 27**

### *Granting of licences, their form and duration*

## 97 Grant of licences.

- (1) Subject to [<sup>F74</sup>the following provisions of this section] and section 92 of this Act [<sup>F75</sup>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 <sup>F76</sup>. . . grant a licence to a person who—
  - (a) makes an application for it in such manner and containing such particulars as the Secretary of State may specify [<sup>F77</sup>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,
  - [<sup>F78</sup>(c) surrenders to the Secretary of State—
    - (i) any previous licence granted to him after 1st January 1976 and its counterpart,
    - (ii) any Community licence and its counterpart (if any) issued to him, and

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- (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 <sup>[F79]</sup>, in accordance with section 88(1B) of this Act, subject to a current disqualification which is relevant to the licence he applies for] and is not prevented from obtaining it by the provisions of section 89 of this Act <sup>[F80]</sup> or section 4(1) of or paragraph 6(1) or 9(1) of Schedule 1 to the Road Traffic (New Drivers) Act 1995].
- <sup>[F81]</sup>(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.]
- (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, <sup>F82</sup> . . .
  - <sup>[F83]</sup>(d) shall not authorise a person under the age of 21 years, before he has passed a test of competence to drive a motor bicycle,—
    - (i) to drive a motor bicycle without a side-car unless it is a learner motor bicycle (as defined in subsection (5) below) or its first use (as defined in regulations) occurred before 1st January 1982 and the cylinder capacity of its engine does not exceed 125 cubic centimetres, or
    - (ii) to drive a motor bicycle with a side-car unless its power to weight ratio is less than or equal to 0.16 kilowatts per kilogram, <sup>[F84]</sup> and
  - (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 <sup>[F85]</sup> 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 <sup>[F86]</sup> bicycle <sup>[F85]</sup> or moped] on the road as part of the training.]
- <sup>[F87]</sup>(3A) Regulations may make provision as respects the training in the driving of motor bicycles <sup>[F88]</sup> and mopeds] of persons wishing to obtain licences authorising the driving of such motor <sup>[F89]</sup> bicycles <sup>[F88]</sup> 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 [<sup>F89</sup>bicycles][<sup>F88</sup>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 [<sup>F90</sup>bicycle][<sup>F91</sup>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 [<sup>F90</sup>bicycle][<sup>F91</sup>or moped], or
  - (b) beginning at such other time as may be prescribed.
- (5) A learner motor [<sup>F92</sup>bicycle] is a motor [<sup>F92</sup>bicycle] which either is propelled by electric power or has the following characteristics—
- (a) the cylinder capacity of its engine does not exceed 125 cubic centimetres,
  - [<sup>F93</sup>(b) the maximum net power output of its engine does not exceed eleven kilowatts.]
- [<sup>F94</sup>(6) In this section—
- “maximum net power output”, in relation to an engine, means the maximum net power output measured under full engine load, and
  - “power to weight ratio”, in relation to a motor bicycle with a side-car, means the ratio of the maximum net power output of the engine of the motor bicycle to the weight of the combination with—
- (a) a full supply of fuel in the tank,
  - (b) an adequate supply of other liquids needed for its propulsion, and
  - (c) no load other than its normal equipment, including loose tools.]

[<sup>F95</sup>(7) . . . . .]

#### Textual Amendments

**F74** Words substituted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\), s. 6\(2\)\(a\)](#)

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- F75** 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)**
- F76** Words repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F77** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 9(b)**
- F78** 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)**
- F79** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 9(d)**
- F80** 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)**
- F81** S. 97(1A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(2)**
- F82** Word repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F83** S. 97(3)(d) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(3)(a)**
- F84** 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)
- F85** Words in s. 97(3)(e) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(3)**
- F86** 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)**
- F87** S. 97(3A)(3B) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(2)(c)
- F88** Words in s. 97(3A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(4)**
- F89** 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)**
- F90** 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)**
- F91** Words in s. 97(4) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(5)**
- F92** Words in s. 97(5) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(6)(a)**
- F93** S. 97(b) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) for s. 97(b)(c) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(6)(b)**
- F94** S. 97(6) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(7)**
- F95** 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)**

- C11** S. 97(3) excluded (23.6.1999) by S.I. 1999/1736, **art. 8(4)**
- C12** S. 97(3)(e) excluded by S.I. 1987/1378, **regs. 23E(2), 23G(2)** (as inserted by S.I. 1990/2334, **reg. 4**)

**98 Form of licence.**

[<sup>F96</sup>(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



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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 or its counterpart shall specify (in such manner as the Secretary of State may determine) the conditions subject to which it is granted.

<sup>F96</sup>(1A) The Secretary of State may specify different descriptions of photocards, 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) [<sup>F97</sup>, (4) and (4A)] below, a [<sup>F98</sup>person who holds a licence which] authorises its holder to drive motor vehicles of certain classes only (not being

- [<sup>F99</sup>(a) a provisional licence, or  
(b) any other prescribed description of licence])

[<sup>F100</sup>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) [<sup>F101</sup>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  
(b) unless [<sup>F102</sup>he has either passed a test of competence to drive a motor bicycle or attained the age of 21 years, a motor bicycle]which, by virtue of section 97(3) (d) of this Act, a provisional licence would not authorise him to drive before he had passed that test [<sup>F103</sup>; or][<sup>F104</sup>or attained that age (as the case may be)]

[<sup>F103</sup>(c) unless he has passed a test of competence to drive, a motor bicycle [<sup>F105</sup>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 [<sup>F106</sup>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.

[<sup>F107</sup>(4A) [<sup>F108</sup>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.]

<sup>F109</sup>(5) .....

#### Textual Amendments

**F96** S. 98(1)(1A) substituted (1.7.1998) for s. 98(1) by S.I. 1998/1420, reg. 7(2)

**F97** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 5(10)(a)

**F98** Words substituted by S.I. 1990/144, regs. 2(1), 3, Sch. 1 para. 4(b)(i)

**F99** 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)

**F100** Word substituted by S. I. 1990/144, regs. 2(1), 3, Sch. 1 para. 4(b)(ii)

**F101** Words substituted by S.I. 1990/144, regs. 2(1), 3, Sch. 1 para. 4(c)



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- F102** Words in s. 98(3)(b) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 7(3)(a)**
- F103** 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)**
- F104** Words in s. 98(3)(b) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 7(3)(b)**
- F105** Words in s. 98(3)(c) inserted (1.7.1998) by S.I. 1998/1420, **reg. 7(3)**
- F106** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 11(d)**
- F107** S. 98(4A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 5(10)(b)
- F108** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 1(b)**
- F109** 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)

- C13** S. 98(2) restricted by S.I. 1987/1378, **reg. 34** (as inserted by S.I. 1990/842, **reg. 11**)
- C14** 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)**
- C15** 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)**
- C16** 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

#### [<sup>F110</sup>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 [<sup>F111</sup>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 [<sup>F112</sup>(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 [<sup>F113</sup>(with its counterpart) ] in pursuance of the order who—
  - (a) pays such fee (if any) as is specified by the order, <sup>F114</sup>...
  - (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). [<sup>F115</sup> 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 [<sup>F116</sup>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

- F110** S. 98A inserted (prosp.) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 39(1)**, 61
- F111** 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)**
- F112** 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)**
- F113** 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)**
- F114** 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\(2\)\(a\)](#)
- F115** 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)**
- F116** 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) [<sup>F117</sup>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 of not more than three years and not less than one year as the Secretary of State may determine, 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.

[<sup>F118</sup>(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 [<sup>F119</sup>bicycle][<sup>F120</sup>or moped]of a prescribed class it shall, unless previously surrendered or revoked, remain in force—

- (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 [<sup>F119</sup>bicycle][<sup>F120</sup>or moped], or

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(ii) in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.

[<sup>F121</sup>(2A) Where, in accordance with the preceding provisions of this section, a licence in the form of a photocard remains in force for a period of more than ten years, the holder of the licence must surrender it and its counterpart to the Secretary of State not later than the end of the period of ten years beginning with—

- (a) the date shown on the licence as the date of its 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.]

(3) Where it appears to the Secretary of State—

- [<sup>F122</sup>(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
- (aa) that the counterpart of a licence granted by him to any person is required to be endorsed in pursuance of any enactment or was issued with an error or omission in the particulars specified in the counterpart or required to be so endorsed on it, or]
- (b) that the particulars specified in a licence granted by him to any person [<sup>F123</sup>or in its counterpart]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 [<sup>F124</sup>and its counterpart]forthwith to the Secretary of State [<sup>F125</sup>and it shall be the duty of that person to comply with the requirement].

(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 [<sup>F126</sup>and its counterpart]to the Secretary of State [<sup>F127</sup> . . .

(5) A person who [<sup>F128</sup>without reasonable cause]fails to comply with the duty under subsection [<sup>F129</sup>(2A),][<sup>F128</sup>(3) or](4) above is guilty of an offence.

(6) Where a person who has a duty under this section to surrender his licence [<sup>F130</sup>and its counterpart]is not in possession of [<sup>F131</sup>them]in consequence of the fact that he has surrendered [<sup>F132</sup>them]to a constable or authorised person (within the meaning of Part III of the <sup>M5</sup>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 [<sup>F133</sup>and its counterpart]to the Secretary of State immediately on [<sup>F134</sup>their]return.

[<sup>F135</sup>(7) On the surrender of a licence and its counterpart 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 and any licence granted under this subsection shall be granted free of charge.

<sup>F135</sup>(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, subsection (7) 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.

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<sup>F135</sup>(7B) The Secretary of State may require a person to provide—  
(a) evidence of his name, address, sex and date and place of birth, and  
(b) a photograph which is a current likeness of him,  
before granting a new licence to him under subsection (7) or (7A) above.

<sup>F135</sup>(8) A replacement licence granted pursuant to subsection (7) 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

**F117** 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)**

**F118** 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)

**F119** 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**

**F120** Words in s. 99(2) inserted (1.7.1998) by S.I. 1998/1420, reg. 8(2)

**F121** S. 99(2A) inserted (1.7.1998) by S.I. 1998/1420, reg. 8(3)

**F122** 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)**

**F123** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(a)(ii)**

**F124** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(a)(iii)**

**F125** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 12(b)**

**F126** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(b)**

**F127** Words in s. 99(4) omitted (1.7.1998) by virtue of S.I. 1998/1420, reg. 8(4)

**F128** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 12(c)**

**F129** Words in s. 99(5) inserted (1.7.1998) by S.I. 1998/1420, reg. 8(5)

**F130** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(i)**

**F131** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(ii)**

**F132** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(iii)**

**F133** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(iv)**

**F134** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(v)**

**F135** S. 99(7)-(8) substituted (1.7.1998) for s. 99(7)(8) by S.I. 1998/1420, reg. 8(1)(6)

### Modifications etc. (not altering text)

**C17** S. 99 applied (S.) (21.3.1999) by S.I. 1999/854, art. 3(4)(a)(b)

### Marginal Citations

**M5** 1988 c. 53.

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[<sup>F136</sup> Driver training]

**Textual Amendments**

**F136** Ss. 99ZA-99ZC and cross-heading inserted (1.5.2002) by [2000 c. 38, s. 257](#); [S.I. 2002/1014, art. 2](#), [Sch. Pt. II](#)

[<sup>F137</sup> **99ZA** Compulsory driver training courses.

Regulations may make provision about training in the driving of motor vehicles by means of courses provided in accordance with the regulations (“driver training courses”).]

**Textual Amendments**

**F137** Ss. 99ZA-99ZC and cross-heading inserted (1.5.2002) by [2000 c. 38, s. 257](#); [S.I. 2002/1014, art. 2](#), [Sch. Pt. II](#)

[<sup>F138</sup> **99ZB** Requirements to complete training courses.

- (1) Regulations under section 99ZA of this Act may provide that persons who have not successfully completed a driver training course—
  - (a) may not take a test of competence to drive motor vehicles of a prescribed class (or a prescribed part of such a test),
  - (b) are not authorised to drive motor vehicles of a prescribed class (before having passed a test of competence to drive them) by a provisional licence (or by section 98(2) or 99A(5) of this Act),
  - (c) are not granted a licence authorising the driving of motor vehicles of a prescribed class by virtue of regulations under section 89(6)(b) or (c) of this Act, or
  - (d) are not authorised to drive motor vehicles of a prescribed class in prescribed circumstances (despite having passed a test of competence to drive them).
- (2) But a person is exempt from provision made by virtue of subsection (1)(b), (c) or (d) above if he is undergoing training on a driver training course and is driving a motor vehicle as part of the training.
- (3) And regulations under section 99ZA of this Act may include provision exempting persons from any provision made by virtue of subsection (1) above in other circumstances; and regulations including such provision may (in particular)—
  - (a) limit an exemption to persons in prescribed circumstances,
  - (b) limit an exemption to a prescribed period or in respect of driving in a prescribed area,
  - (c) attach conditions to an exemption, and
  - (d) regulate applications for an exemption.
- (4) Regulations under section 99ZA of this Act may include provision for the evidencing by a person of his being within—
  - (a) the exemption specified in subsection (2) above, or
  - (b) any exemption provided by virtue of subsection (3) above.

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- (5) Regulations under section 99ZA of this Act may provide that a driver training course is not to be taken into account for the purposes of the regulations if it was completed before such time as is prescribed.]

#### Textual Amendments

**F138** Ss. 99ZA-99ZC and cross-heading inserted (1.5.2002) by 2000 c. 38, s. 257; S.I. 2002/1014, art. 2, Sch. Pt. II

#### [<sup>F139</sup>99ZØ Driver training courses: supplementary.

- (1) Regulations under section 99ZA of this Act may include—
- (a) provision about the nature of driver training courses,
  - (b) provision for the approval by the Secretary of State of persons providing such courses and the withdrawal of approvals (including provision for appeals against refusal and withdrawal of approvals) and provision for exemptions from any requirement of approval,
  - (c) provision for the training or assessment, or the supervision of the training or assessment, of persons providing driver training courses,
  - (d) provision setting the maximum amount of any charges payable by persons undergoing such courses, and
  - (e) provision for the evidencing of the successful completion of such courses.
- (2) Such regulations may include provision for the charging of reasonable fees in respect of the exercise of any function conferred or imposed on the Secretary of State by such regulations.
- (3) Such regulations may make different provision—
- (a) for different classes of motor vehicles,
  - (b) for different descriptions of persons, or
  - (c) otherwise for different circumstances.]

#### Textual Amendments

**F139** Ss. 99ZA-99ZC and cross-heading inserted (1.5.2002) by 2000 c. 38, s. 257; S.I. 2002/1014, art. 2, Sch. Pt. II

#### [<sup>F140</sup> Community licence holders]

#### Textual Amendments

**F140** S. 99A and cross-heading inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, Sch. 1 para. 9

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**<sup>F141</sup>99A [ Authorisation to drive in Great Britain.]**

- (1) A Community licence holder may drive, and a person may cause or permit a Community licence holder to drive, in Great Britain, a motor vehicle of any class which—
  - (a) he is authorised by his Community licence to drive, and
  - (b) he is not disqualified for holding or obtaining a licence under this Part of this Act to drive,
 notwithstanding that he is not the holder of a licence under this Part of this Act.
- (2) Subsections (3) and (4) below apply to a Community licence holder who is normally resident in Great Britain.
- (3) In a case where the Community licence holder is authorised by his Community licence to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, he shall cease to be authorised by virtue of subsection (1) above to drive in Great Britain any such classes of motor vehicle from—
  - (a) the date on which he attains the age of seventy years, or
  - (b) the expiry of the period of three years beginning with the relevant date,
 whichever is the later.
- (4) In a case where the Community licence holder is authorised by his Community licence to drive any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, he shall cease to be authorised by virtue of subsection (1) above to drive in Great Britain any such class of vehicle from—
  - <sup>F142</sup>(a) except in a case falling within paragraph (b) or (c) of this subsection—
    - (i) the date on which he attains the age of 45 years, or
    - (ii) the expiry of the period of five years beginning with the relevant date,
 whichever is the later,]
  - (b) where his age at the relevant date exceeds forty-five but not sixty-five years—
    - (i) the date on which he attains the age of sixty-six years, or
    - (ii) the expiry of the period of five years beginning with the relevant date,
 whichever is the earlier, and
  - (c) where his age at the relevant date exceeds sixty-five years, the expiry of the period of one year beginning with that date.
- (5) A Community licence holder—
  - (a) to whom a counterpart of his Community licence is issued under section 99B of this Act, and
  - (b) who is authorised by virtue of subsection (1) above to drive in Great Britain motor vehicles of certain classes only,
 may drive, in Great Britain, 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.
- (6) Subsections (3) and (4) of section 98 of this Act shall apply in relation to subsection (5) above as they apply in relation to subsection (2) of that section.
- (7) For the purposes of this Part and Part IV of this Act a Community licence shall not be treated as authorising a person to drive a vehicle of any class if it is not for the time being valid for that purpose in the EEA State in respect of which it was issued.



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- (8) In this section “relevant date”, in relation to a Community licence holder who is normally resident in Great Britain, means—
- (a) in the case where he first became so resident on or before 1 January 1997, that date; and
  - (b) in any other case, the date on which he first became so resident.

#### Textual Amendments

**F141** S. 99A inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974, reg. 2, Sch. 1 para. 9](#)

**F142** S. 99A(4)(a) substituted (1.7.1998) by [S.I. 1998/1420, reg. 9](#)

#### Modifications etc. (not altering text)

**C18** S. 99A(5) restricted (12.11.1999) by [S.I. 1999/2864, reg. 19\(1\)\(3\)\(8\)](#)

### [<sup>F143</sup>99B Information about resident Community licence holders.

- (1) A Community licence holder who—
- (a) is normally resident in Great Britain, and
  - (b) is authorised by his Community licence to drive medium-sized or large goods vehicles or passenger-carrying vehicles of any class,
- shall, on or before the expiry of the period of twelve months beginning with the relevant date, deliver his Community licence to the Secretary of State and provide him with the information specified in, or required under, subsection (4) below.
- (2) Subsection (1) above shall not apply to a Community licence holder from whom the Secretary of State has received a qualifying application (within the meaning of section 88(1A) of this Act) for the grant of a licence under this Part of this Act.
- (3) The Secretary of State may issue to any Community licence holder who—
- (a) is normally resident in Great Britain, and
  - (b) has delivered his Community licence to the Secretary of State, and provided him with the information specified in, or required under, subsection (4) below, (whether or not in pursuance of this section),
- a document (referred to in this Part of this Act in relation to a Community licence as a “counterpart”) in such form and containing such information as the Secretary of State may determine but designed for the endorsement of particulars relating to the Community licence.
- (4) The information referred to in subsections (1) and (3) above is—
- (a) the name and address in Great Britain of the Community licence holder;
  - (b) his date of birth;
  - (c) the classes of vehicle which he is authorised by his Community licence to drive;
  - (d) the period of validity of the Community licence in the EEA State in respect of which it was issued;
  - (e) whether the licence was granted in exchange for a licence issued by a state other than an EEA State; and

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- (f) such other information as the Secretary of State may require for the purposes of the proper exercise of any of his functions under this Part or Part IV of this Act.
- (5) The Secretary of State—
- (a) may endorse a Community licence delivered to him (whether or not in pursuance of this section) in such manner as he may determine with any part of the information specified in, or required under, subsection (4) above or with information providing a means of ascertaining that information or any part of it; and
  - (b) must return the Community licence to the holder.
- (6) Where it appears to the Secretary of State that a counterpart of a Community licence—
- (a) is required to be endorsed in pursuance of any enactment or was issued with an error or omission in the information contained in it or in the particulars required to be endorsed on it, or
  - (b) does not comply with any requirement imposed since it was issued by any provision made by, or having effect under, any enactment,
- the Secretary of State may serve notice in writing on the Community licence holder requiring him to surrender the counterpart immediately to the Secretary of State and it shall be the duty of the Community licence holder to comply with any such requirement.
- (7) Where the name or address of a Community licence holder as specified in the counterpart of his Community licence issued to him under this section ceases to be correct, the Community licence holder must surrender the counterpart and, in the case of a change of name, deliver his Community licence, immediately to the Secretary of State and provide him with particulars of the alterations falling to be made in the name or address.
- (8) On the surrender of a counterpart of a Community licence by any person in pursuance of subsection (6) or (7) above, the Secretary of State must issue to that person a new counterpart of the Community licence.
- (9) On the delivery of a Community licence by any person in pursuance of subsection (7) above, the Secretary of State may endorse the Community licence with the correct name and must return the Community licence to that person.
- (10) Where a Community licence holder has not complied with subsection (1) above, the Secretary of State may serve notice in writing on the holder requiring him to deliver his Community licence to the Secretary of State and to provide him with the information specified in, or required under, subsection (4) above within such period (not being less than 28 days from the date of service of the notice) as is specified in the notice.
- (11) A person who drives a motor vehicle on a road is guilty of an offence if he fails without reasonable excuse—
- (a) to comply with a requirement contained in a notice served on him in pursuance of subsection (10) above, or
  - (b) to comply with a requirement imposed under subsection (6) or (7) above.
- (12) Where a Community licence holder who is required under subsection (6) or (7) above to surrender the counterpart of his Community licence or to deliver his Community licence is not in possession of it in consequence of the fact that he has surrendered it to a constable or authorised person (within the meaning of Part III of the Road

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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 that requirement if he surrenders the counterpart or delivers the Community licence immediately on its return.

(13) In England and Wales, proceedings for an offence by virtue of subsection (11)(a) above shall not be instituted except by the Secretary of State or by a constable acting with the approval of the Secretary of State.

(14) In this section “relevant date” has the meaning given by section 99A(8) of this Act.]

#### Textual Amendments

**F143** S. 99B inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974, reg. 2, Sch. 1 para. 10](#)

#### [<sup>F144</sup>99C Revocation of authorisation conferred by Community licence because of disability or prospective disability.

- (1) If the Secretary of State is at any time satisfied on inquiry—
- (a) that a Community licence holder who is normally resident in Great Britain at that time is suffering from a relevant disability, and
  - (b) that the Secretary of State would be required by virtue of section 92(3) of this Act to refuse an application made by him at that time for a licence authorising him to drive a vehicle of the class in respect of which his Community licence was issued or a class corresponding to that class,
- the Secretary of State may serve notice in writing requiring the Community licence holder to deliver the Community licence and its counterpart (if any) immediately to the Secretary of State.
- (2) If the Secretary of State is at any time satisfied on inquiry that a Community licence holder who is normally resident in Great Britain at that time is suffering from a prospective disability, the Secretary of State may—
- (a) serve notice in writing requiring the Community licence holder to deliver the Community licence and its counterpart (if any) immediately to the Secretary of State, and
  - (b) on receipt of the Community licence and its counterpart (if any) grant to the Community licence holder, free of charge, a licence for a period determined by the Secretary of State under section 99(1)(b) of this Act.
- (3) Where, in relation to a Community licence holder who is normally resident in Great Britain, the Secretary of State is at any time under a duty to serve notice on him in pursuance of section 92(5) of this Act, the Secretary of State may include in that notice a requirement that the Community licence holder deliver the Community licence and its counterpart (if any) immediately to the Secretary of State.
- (4) A person who—
- (a) is required under, or by virtue of, any of subsections (1) to (3) above to deliver his Community licence and its counterpart (if any) to the Secretary of State, but
  - (b) without reasonable excuse, fails to do so,
- is guilty of an offence.

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- (5) Where a Community licence holder to whom a counterpart of his Community licence is issued under section 99B of this Act—
- (a) is required under, or by virtue of, any of subsections (1) to (3) above to deliver his Community licence and its counterpart to the Secretary of State, and
  - (b) is not in possession of them in consequence of the fact that he has surrendered them to a constable or authorised person (within the meaning of Part III of the 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 any such requirement if he delivers the Community licence and its counterpart to the Secretary of State immediately on their return.
- (6) Where a Community licence holder is served with a notice in pursuance of any of subsections (1) to (3) above, he shall cease to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.]

#### **Textual Amendments**

**F144** S. 99C inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974, reg. 2, Sch. 1 para. 11](#)

#### **[<sup>F145</sup>99D Information relating to disabilities etc.**

Section 94 of this Act <sup>F146</sup> shall apply to a Community licence holder who is normally resident in Great Britain as if—

- (a) in subsection (1), for the words from the beginning to “aware” there were substituted “If a Community licence holder who is authorised by virtue of section 99A(1) of this Act to drive in Great Britain a motor vehicle of any class, is aware immediately before the relevant date (as defined by section 99A(8) of this Act), or becomes aware on or after that date”,
  - (b) for subsection (3A) there were substituted—
- (3A) A person who is authorised by virtue of section 99A(1) of this Act to drive in Great Britain a motor vehicle of any class and who drives on a road a motor vehicle of that class is guilty of an offence if at any earlier time while he was so authorised he was required by subsection (1) above to notify the Secretary of State but has failed without reasonable excuse to do so.
- (c) in subsection (4), the words “an applicant for, or”, in both places where they occur, were omitted,
  - (d) in subsection (5), the words “applicant or” and the words from the beginning of paragraph (c) to “provisional licence” were omitted,
  - (e) in subsection (6)(b), the words “applicant or”, in both places where they occur, were omitted,
  - (f) in subsection (7), the words “applicant or” were omitted, and
  - (g) in subsection (8)—
    - (i) for “93” there were substituted “99C”, and
    - (ii) the words “applicant or”, in both places where they occur, were omitted.]

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#### Textual Amendments

**F145** S. 99D inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974, reg. 2, Sch. 1 para. 12](#)

**F146** Subsection (3A) was inserted by section 18(2) of the 1991 Act; subsections (4) and (5)(c) were amended by section 5(7) and (8) of the 1989 Act.

### [<sup>F147</sup>99E Return of Community licences delivered to Secretary of State.

- (1) This section applies where a Community licence is delivered to the Secretary of State in pursuance of section 99C or 115A of this Act.
- (2) Subject to subsection (3) below, the Secretary of State must, on or after the expiry of the relevant period, forward the Community licence to the licensing authority in the EEA state in respect of which it was issued and explain to them his reasons for so doing.
- (3) Where the Secretary of State is satisfied that the Community licence holder has ceased to be normally resident in Great Britain before the expiry of the relevant period, the Secretary of State must return the Community licence to the holder.
- (4) In this section “relevant period” means—
  - (a) in a case where the Community licence holder appeals under section 100 or 119 of this Act against the requirement to surrender his Community licence, the period ending on the date on which the appeal is finally determined or abandoned, and
  - (b) in any other case, the period of seven months beginning with the date on which the Secretary of State received the Community licence.]

#### Textual Amendments

**F147** S. 99E inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974, reg. 2, Sch. 1 para. 13](#)

### *Appeals*

#### **100 Appeals relating to licences.**

- (1) A person who is aggrieved by the Secretary of State’s—
  - (a) refusal to grant or revocation of a licence in pursuance of section 92 or 93 of this Act, or
  - (b) determination under section 99(1)(b) of this Act to grant a licence for three years or less, or
  - (c) revocation of a licence in pursuance of section 99(3) of this Act,or by a notice served on him in pursuance of section 92(5) [<sup>F148</sup>or 99C] of this Act may, after giving to the Secretary of State notice of his intention to do so, appeal to a magistrates’ court acting for the petty sessions area in which he resides or, in Scotland, to the sheriff within whose jurisdiction he resides.

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- (2) On any such appeal the court or sheriff may make such order as it or he thinks fit and the order shall be binding on the Secretary of State.
- (3) It is hereby declared that, without prejudice to section 90 of this Act, in any proceedings under this section the court or sheriff is not entitled to entertain any question as to whether the appellant passed a test of competence to drive if he was declared by the person who conducted it to have failed it.

#### Textual Amendments

**F148** Words in s. 100 inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, Sch. 1 para. 14

#### *Disqualification (otherwise than on conviction)*

### 101 Disqualification of persons under age.

- (1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of a class specified in the following Table if he is under the age specified in relation to it in the second column of the Table.

[ <sup>F149</sup> Class of motor vehicle	Age (in years)
1. Invalid carriage	16
2. Moped	16
3. Motor bicycle	17
4. Agricultural or forestry tractor	17
5. Small vehicle	17
6. Medium-sized good vehicle	18
Other motor vehicle	21]

- (2) The Secretary of State may by regulations provide that subsection (1) above shall have effect as if for the classes of vehicles and the ages specified in the Table in that subsection there were substituted different classes of vehicles and ages or different classes of vehicles or different ages.
- (3) Subject to subsection (4) below, the regulations may—
  - (a) apply to persons of a class specified in or under the regulations,
  - (b) apply in circumstances so specified,
  - (c) impose conditions or create exemptions or provide for the imposition of conditions or the creation of exemptions,
  - (d) contain such transitional and supplemental provisions (including provisions amending section 108, 120 or 183(5) of this Act) as the Secretary of State considers necessary or expedient.
- (4) For the purpose of defining the class of persons to whom, the class of vehicles to which, the circumstances in which or the conditions subject to which regulations made by virtue of subsection (2) above are to apply where an approved training scheme

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for drivers is in force, it is sufficient for the regulations to refer to a document which embodies the terms (or any of the terms) of the scheme or to a document which is in force in pursuance of the scheme.

(5) In subsection (4) above—

“approved” means approved for the time being by the Secretary of State for the purpose of the regulations,

“training scheme for drivers” means a scheme for training persons to drive vehicles of a class in relation to which the age which is in force under this section (but apart from any such scheme) is 21 years,

but no approved training scheme for drivers shall be amended without the approval of the Secretary of State.

#### Textual Amendments

**F149** Table in s. 101(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974, reg. 2, Sch. 1 para. 15](#)

#### Modifications etc. (not altering text)

**C19** S. 101 excluded (23.6.1999) by [S.I. 1999/1736, art. 8\(5\)](#)

## 102 Disqualification to prevent duplication of licences.

A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class so long as he is the holder of another licence authorising him to drive a motor vehicle of that class, whether the licence is suspended or not.

VALID FROM 11/10/2004

*[<sup>F150</sup>Disqualification if disqualified in Northern Ireland etc.*

#### Textual Amendments

**F150** S. 102A and cross-heading inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), ss. 76, 94; S.I. 2004/2624, art. 2\(2\)\(a\)](#)

### 102A Disqualification while disqualified in Northern Ireland, Isle of Man, Channel Islands or Gibraltar

- (1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of any class so long as he is subject to a relevant disqualification imposed outside Great Britain.
- (2) For the purposes of this section a person is subject to a relevant disqualification imposed outside Great Britain if, in respect of any offence—
  - (a) a court in Northern Ireland disqualifies him for holding or obtaining a Northern Ireland licence,
  - (b) a court in the Isle of Man or any of the Channel Islands disqualifies him for holding or obtaining a British external licence, or



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- (c) a court in Gibraltar disqualifies him for holding or obtaining a licence to drive a motor vehicle granted under the law of Gibraltar.
- (3) A certificate signed by the Secretary of State which states, in respect of a person, any matter relating to the question whether he is subject to a relevant disqualification imposed outside Great Britain shall be evidence (in Scotland, sufficient evidence) of the matter so stated.
- (4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.]

*[<sup>F151</sup>Effects of disqualification]*

**Textual Amendments**

**F151** S. 103 and cross heading substituted (1.7.1992) for s. 103 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), s.19; S.I. 1992/1286, art. 2](#), Sch.

**[<sup>F152</sup>103 Obtaining licence, or driving, while disqualified. E+W**

- (1) A person is guilty of an offence if, while disqualified for holding or obtaining a licence, he—
- (a) obtains a licence, or
  - (b) drives a motor vehicle on a road.
- (2) A licence obtained by a person who is disqualified is of no effect (or, where the disqualification relates only to vehicles of a particular class, is of no effect in relation to vehicles of that class).
- (3) <sup>F153</sup> .....
- (4) [<sup>F154</sup>Subsection (1) above does]] not apply in relation to disqualification by virtue of section 101 of this Act.
- (5) [<sup>F155</sup>Subsection (1)(b) above does] not apply in relation to disqualification by virtue of section 102 of this Act.
- (6) In the application of [<sup>F156</sup>subsection (1)] above to a person whose disqualification is limited to the driving of motor vehicles of a particular class by virtue of—
- (a) section 102 [<sup>F157</sup>117 or 117A] of this Act, or
  - (b) subsection (9) of section 36 of the Road Traffic Offenders Act 1988 (disqualification until test is passed),
- the references to disqualification for holding or obtaining a licence and driving motor vehicles are references to disqualification for holding or obtaining a licence to drive and driving motor vehicles of that class.

**Extent Information**

**E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland



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### Textual Amendments

- F152** s. 103 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 19; S.I. 1992/1286, art. 2, Sch.
- F153** S. 103(3) repealed (1.10.2002) by 2002 c. 30, s. 107, Sch. 7 para. 11(1)(2), Sch. 8; S.I. 2002/2306, art. 2(g)(i)-(iii)(a)
- F154** Words in s. 103(4) substituted (1.10.2002) by 2002 c. 30, s. 107, Sch. 7 para. 11(1)(3); S.I. 2002/2306, art. 2(g)(i)(ii)
- F155** Words in s. 103(5) substituted (1.10.2002) by 2002 c. 30, s. 107, Sch. 7 para. 11(1)(4), S.I. 2002/2306, art. 2(g)(i)(ii)
- F156** Words in s. 103(6) substituted (1.10.2002) by 2002 c. 30, s. 107, Sch. 7 para. 11(1)(5), S.I. 2002/2306, art. 2(g)(i)(ii)
- F157** Words in s. 103(6)(a) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, Sch. 1 para. 16

### Modifications etc. (not altering text)

- C20** S. 103 modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), {art. 27(2)-(4)(6)}

## [<sup>F202</sup>103 Obtaining licence, or driving, while disqualified. S

- (1) A person is guilty of an offence if, while disqualified for holding or obtaining a licence, he—
  - (a) obtains a licence, or
  - (b) drives a motor vehicle on a road.
- (2) A licence obtained by a person who is disqualified is of no effect (or, where the disqualification relates only to vehicles of a particular class, is of no effect in relation to vehicles of that class).
- (3) A constable in uniform may arrest without warrant any person driving a motor vehicle on a road whom he has reasonable cause to suspect of being disqualified.
- (4) Subsections (1) and (3) above do not apply in relation to disqualification by virtue of section 101 of this Act.
- (5) Subsections (1)(b) and (3) above do not apply in relation to disqualification by virtue of section 102 of this Act.
- (6) In the application of subsections (1) and (3) above to a person whose disqualification is limited to the driving of motor vehicles of a particular class by virtue of—
  - (a) section 102 [<sup>F203</sup>117 or 117A]] of this Act, or
  - (b) subsection (9) of section 36 of the Road Traffic Offenders Act 1988 (disqualification until test is passed),the references to disqualification for holding or obtaining a licence and driving motor vehicles are references to disqualification for holding or obtaining a licence to drive and driving motor vehicles of that class.

### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

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#### **Textual Amendments**

**F202** S. 103 substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), **s. 19**; [S.I. 1992/1286](#), **art. 2**, **Sch.**

**F203** Words in s. 103(6)(a) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974](#), **reg. 2**, **Sch. 1 para. 16**

#### **Modifications etc. (not altering text)**

**C23** S. 103 modified (16.8.2006) by [The Dover Harbour Revision Order 2006 \(S.I. 2006/2167\)](#), **art. 27**

### *Miscellaneous*

#### **104 Conduct of proceedings in certain courts by or against the Secretary of State.**

- (1) Any proceedings by or against the Secretary of State in a magistrates' court or before the registrar of a county court under this Part of this Act or Part II of the Road Traffic Offenders Act 1988 may be conducted on behalf of the Secretary of State by a person authorised by him for the purposes of this subsection.
- (2) Any proceedings in any court in Scotland, other than the High Court of Justiciary or the Court of Session, against the Secretary of State under this Part of this Act or Part II of the <sup>M6</sup>Road Traffic Offenders Act 1988 may be conducted on behalf of the Secretary of State by any person authorised by him for the purposes of this subsection.

#### **Marginal Citations**

**M6** [1988 c. 53](#).

#### **105 Regulations.**

- (1) The Secretary of State may make regulations for any purpose for which regulations may be made under the provisions of this Part of this Act and the relevant provisions of the Road Traffic Offenders Act 1988 and for prescribing anything which may be prescribed under any of those provisions, and otherwise for the purpose of carrying any of those provisions into effect.
- (2) In particular, but without prejudice to the generality of subsection (1) above, the regulations may make provision with respect to—
  - [<sup>F158</sup>(a) licences under this Part of this Act, Community licences and counterparts of such licences,
  - (b) making any particulars with respect to any persons—
    - (i) who are disqualified,
    - (ii) whose licences are suspended, or
    - (iii) whose counterparts of licences under this Part of this Act or of Community licences (as the case may be) are endorsed,
 available for use by the police,]
  - (c) preventing a person holding more than one licence,
  - (d) facilitating identification of holders of licences,

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- (e) providing for the issue of [<sup>F159</sup><sup>F160</sup> . . . licences and counterparts of licences in the place of licences or counterparts of licences]lost or defaced on payment of such fee [<sup>F161</sup>, and compliance with such requirements,] as may be prescribed,
  - <sup>F162</sup>(ea) providing for the issue of new counterparts of Community licences in the place of counterparts of Community licences that are lost or defaced,]
  - <sup>F163</sup>(ee) the correspondence <sup>F164</sup> . . . of one class of motor vehicle with another class of motor vehicle or of one test of competence to drive with another (whatever the law under which the classification is made or the test conducted),]
  - (f) the effect of a change in the classification of motor vehicles <sup>F165</sup> . . . on licences then in force or issued or on the right to or the subsequent granting of licences [<sup>F166</sup>or on Community licences then in force], and
  - (g) enabling a person—
    - (i) whose entitlement to the grant of a licence to drive a class of motor vehicle is preserved by regulations made by virtue of paragraph (f) above, and
    - (ii) who satisfies such conditions as may be prescribed, to drive (and be employed in driving) that class of motor vehicle while he applies for the licence to be granted to him,and different regulations may be made as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.
- (3) The regulations may—
- (a) make different provision for different circumstances,
  - (b) provide for exemptions from any provision of the regulations, and
  - (c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations,
- and nothing in the other provisions of this Part of this Act shall be construed as prejudicing the generality of the preceding provisions of this subsection.
- (4) Any fee prescribed under this Part of this Act shall be of an amount approved by the Treasury, and different fees may be prescribed for different circumstances [<sup>F167</sup>and (in particular) in relation to licences in different forms].
- (5) In subsection (1) above “the relevant provisions of the <sup>M7</sup>Road Traffic Offenders Act 1988” means the following provisions of that Act: sections 2, 7, 8, 23 to 26, 27, 31 [<sup>F168</sup>, 34 to 48, 91A and 91B].

#### Textual Amendments

**F158** S. 105(2)(a)(b) substituted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 17(a)**

**F159** Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 6(c)**

**F160** Word in s. 105(2)(e) repealed (1.7.1998) by S.I. 1998/1420, regs. 10(2)(a), 17, **Sch.**

**F161** Words in s. 105(2)(e) inserted (1.7.1998) by S.I. 1998/1420, **reg. 10(2)(b)**

**F162** S. 105(2)(ea) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 17(b)**

**F163** S. 105(2)(ee) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 14**

**F164** Words in s. 105(2)(ee) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

**F165** Words in s. 105(2)(f) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

**F166** Words in s. 105(2)(f) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 17(c)**

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**F167** Words in s. 105(4) inserted (1.7.1998) by S.I. 1998/1420, reg. 10(3)

**F168** Words in s. 105(5) substituted (23.7.1996) by S.I. 1996/1974, reg. 2, Sch. 1 para. 17(3)

#### Marginal Citations

**M7** 1988 c. 53.

### 106 Destination of fees for licences, etc.

- (1) All fees received by the Secretary of State for licences under this Part of this Act shall be paid into the Consolidated Fund.
- (2) Fees in respect of tests of competence to drive payable by virtue of regulations made by virtue of section 89(4) of this Act shall be paid to such person as may be prescribed by the regulations, and any such fees received by a person so prescribed (other than any as to which the regulations provide that they are to be paid to the person conducting the test and retained by him as remuneration) shall be paid into the Consolidated Fund.

### 107 Service of notices.

[<sup>F169</sup>A notice authorised to be served on any person under this Part or Part IV of this Act or a Community licence required to be returned to its holder by section 99B or 99E of this Act may be served on, or returned to him] by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this section and section 7 of the <sup>M8</sup>Interpretation Act 1978 in its application to this section the proper address of any person shall be his latest address as known to the person serving the notice.

#### Textual Amendments

**F169** Words in s. 107 substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, Sch. 1 para. 18

#### Modifications etc. (not altering text)

**C21** S. 107 applied (1.6.1997) by 1995 c. 13, s. 9(4) (with ss. 8, 10(3)); S.I. 1997/267, art. 2(2)

#### Marginal Citations

**M8** 1978 c. 30.

### 108 Interpretation.

- (1) In this Part of this Act—
  - [<sup>F170</sup>“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

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borne by the motor vehicle, and “articulated goods vehicle combination” means an articulated goods vehicle with a trailer so attached,

[<sup>F171</sup>“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 [<sup>F172</sup>an EEA State] other than the United Kingdom by an authority of that or [<sup>F173</sup>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 [<sup>F172</sup>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 Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968 [<sup>F174</sup>or
- (c) <sup>F174</sup>a document issued for a purpose corresponding to that mentioned in section 97(2) of this Act,]

[<sup>F175</sup>“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, 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 [<sup>F176</sup>(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,

[<sup>F177</sup>“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993,

<sup>F177</sup>“EEA State” means a State which is a Contracting Party to the EEA Agreement,]

[<sup>F178</sup>“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 designated 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.]

[<sup>F179</sup>“full licence” means a licence other than a provisional licence,]

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[<sup>F180</sup>“large goods vehicle” has the meaning given by section 121(1) of this Act,]  
“licence” [<sup>F181</sup>(except where the context otherwise requires)] means a licence to drive a motor vehicle granted under this Part of this Act <sup>F182</sup> . . .

“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,

[<sup>F183</sup>“medium-sized goods vehicle” means a motor vehicle—

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

<sup>F183</sup>“moped” means a motor vehicle which has fewer than four wheels and—

- (a) in the case of a vehicle the first use (as defined in regulations made for the purpose of section 97(3)(d) of this Act) of which occurred before 1st August 1977, has a cylinder capacity not exceeding 50 cubic centimetres and is equipped with pedals by means of which the vehicle is capable of being propelled, and
- (b) in any other case, has a maximum design speed not exceeding 50 kilometres per hour and, if propelled by an internal combustion engine, has a cylinder capacity not exceeding 50 cubic centimetres,

<sup>F183</sup>“motor bicycle” means a motor vehicle which—

- (a) has two wheels, and
- (b) has a maximum design speed exceeding [<sup>F184</sup>45 kilometres per hour] and, 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,]

[<sup>F185</sup>“Northern Ireland driving licence” or “Northern Ireland licence” means a licence to drive a motor vehicle granted 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,

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- (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,
- [<sup>F186</sup>“relevant external law” has the meaning given by section 88(8) of this Act.]
- “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,



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- (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,

[<sup>F187</sup>“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
- (b) has a maximum gross weight not exceeding 3.5 tonnes,

and includes a combination of such a motor vehicle and a trailer,]

<sup>F188</sup>

<sup>F188</sup>

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

[<sup>F189</sup>“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.]

[<sup>F190</sup>(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.

<sup>F190</sup>(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).

<sup>F190</sup>(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.

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### Textual Amendments

- F170** 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)**
- F171** Definition inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(a)**
- F172** 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)**
- F173** 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)**
- F174** 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)**
- F175** 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)**
- F176** 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)**
- F177** Definitions of “EEA Agreement” and “EEA State” 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)(d)**
- F178** Definition of “exchangeable licence” in s. 108(1) substituted (31.8.1998) by S.I. 1998/1917, **art. 2(2)**
- F179** 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)**
- F180** 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)**
- F181** 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)**
- F182** 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)**
- F183** 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)**
- F184** S. 108(1): words in para. (b) in definition of “motor bicycle” substituted (1.7.1998) by S.I. 1998/1420, **reg. 11**
- F185** 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)**
- F186** Definition inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(f)**
- F187** 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)**
- F188** 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)**
- F189** Definition inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(g)**
- F190** S. 108(2)-(2B) substituted (31.8.1998) for s. 108(2) by S.I. 1998/1917, **art. 2(3)**

### 109 Provisions as to Northern Ireland drivers’ licences.

- (1) The holder of a [<sup>F191</sup>Northern Ireland driving licence] may drive, and a person may cause or permit the holder of such a licence to drive, in Great Britain, a motor vehicle

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of any class which he is authorised by that licence to drive, and which he is not disqualified from driving under this Part <sup>F192</sup>or Part IV]of this Act, notwithstanding that he is not the holder of a licence under this Part of this Act.

- (2) Any driver holding a <sup>F193</sup>Northern Ireland driving licence]shall be under the like obligation to produce such a licence <sup>F194</sup>and its counterpart as if they had respectively been a licence granted under this Part of this Act and the counterpart to such a licence], and the provisions—
- (a) of this Act, and
  - (b) of the <sup>M9</sup>Road Traffic Offenders Act 1988, being the provisions connected with the licensing of drivers within the meaning of that Act,
- as to the production of licences <sup>F195</sup>and counterparts of licences]granted under this Part of this Act shall apply accordingly.
- (3) The holder of any such licence who by an order of the court is disqualified for holding or obtaining a licence under this Part of this Act must produce the licence so held by him <sup>F196</sup>and its counterpart]to the court within such time as the court may determine, and the court must, on production of the licence <sup>F196</sup>and its counterpart], forward <sup>F197</sup>them]to the Secretary of State.
- (4) If the holder fails to produce the licence <sup>F198</sup>and its counterpart]within that time, he is guilty of an offence.
- (5) If the holder of any such licence is convicted of an offence and the court orders particulars of the conviction to be endorsed in accordance with section 44 of the Road Traffic Offenders Act 1988, the court shall send those particulars to the Secretary of State.

#### Textual Amendments

- F191** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 16(a)(i)**
- F192** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 16(a)(ii)**
- F193** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 16(b)**
- F194** Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 8(a)(i)**
- F195** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 8(a)(ii)**
- F196** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 8(b)(i)(ii)(iii)**
- F197** Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 8(b)(i)(ii)(iii)**
- F198** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 8(c)**

#### Modifications etc. (not altering text)

- C22** S. 109(3) excluded by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), s. **26(5)**

#### Marginal Citations

- M9** 1988 c. 53.

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VALID FROM 11/10/2004

### **[<sup>F199</sup>109A Counterparts issued to Northern Ireland licence holders**

- (1) The Secretary of State may issue to any Northern Ireland licence holder who—
  - (a) has delivered his Northern Ireland licence to the Secretary of State, and
  - (b) has provided him with the information specified in, or required under, subsection (3) below (whether or not in pursuance of this section),a document (referred to in this Part of this Act in relation to a Northern Ireland licence as a “counterpart”).
- (2) The counterpart must—
  - (a) be in such form, and
  - (b) contain such information,designed for the endorsement of particulars relating to the Northern Ireland licence as the Secretary of State may determine.
- (3) The information referred to in subsection (1) above is—
  - (a) the name and address (whether in Great Britain or Northern Ireland) of the Northern Ireland licence holder;
  - (b) his date of birth;
  - (c) the classes of vehicle which he is authorised by his Northern Ireland licence to drive;
  - (d) the period of validity of the licence;
  - (e) whether it was granted in exchange for a licence issued by a state other than an EEA State; and
  - (f) such other information as the Secretary of State may require for the purposes of the proper exercise of any of his functions under this Part or Part 4 of this Act.
- (4) The Secretary of State—
  - (a) may endorse a Northern Ireland licence delivered to him (whether or not in pursuance of this section) in such manner as he may determine—
    - (i) with any part of the information specified in, or required under, subsection (3) above; or
    - (ii) with information providing a means of ascertaining that information or any part of it; and
  - (b) must return the Northern Ireland licence to the holder.
- (5) Subsections (6) to (9), (11) (with the omission of paragraph (a)) and (12) of section 99B of this Act apply for the purposes of this section as if the references to a Community licence were references to a Northern Ireland licence.]

#### **Textual Amendments**

**F199** S. 109A inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), ss. 77\(1\), 94;](#)  
[S.I. 2004/2624, art. 2\(2\)\(a\)](#)

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VALID FROM 11/10/2004

**[<sup>F200</sup>109B] Revocation of authorisation conferred by Northern Ireland licence because of disability or prospective disability**

- (1) If the Secretary of State is at any time satisfied on inquiry—
- (a) that a Northern Ireland licence holder is suffering from a relevant disability, and
  - (b) that he would be required by virtue of section 92(3) of this Act to refuse an application made by the holder at that time for a licence authorising him to drive a vehicle of the class in respect of which his Northern Ireland licence was issued or a class corresponding to that class,
- he may serve notice in writing requiring the licence holder to deliver immediately to the Secretary of State his Northern Ireland licence together with its Northern Ireland counterpart and its counterpart (if any) issued to him under this Part of this Act (“the relevant counterparts”).
- (2) If the Secretary of State is satisfied on inquiry that a Northern Ireland licence holder is suffering from a prospective disability, he may—
- (a) serve notice in writing on the Northern Ireland licence holder requiring him to deliver immediately to the Secretary of State his Northern Ireland licence together with the relevant counterparts, and
  - (b) on receipt of the Northern Ireland licence and those counterparts and of an application made for the purposes of this subsection, grant to the Northern Ireland licence holder, free of charge, a licence for a period determined by the Secretary of State under section 99(1)(b) of this Act.
- (3) The Secretary of State may require a person to provide—
- (a) evidence of his name, address, sex and date and place of birth, and
  - (b) a photograph which is a current likeness of him,
- before granting a licence to him on an application for the purposes of subsection (2) above.
- (4) A person who—
- (a) is required under, or by virtue of, this section to deliver to the Secretary of State his Northern Ireland licence and the relevant counterparts, but
  - (b) without reasonable excuse, fails to do so,
- is guilty of an offence.
- (5) Where a Northern Ireland licence holder to whom a counterpart is issued under section 109A of this Act—
- (a) is required under, or by virtue of, this section to deliver his Northern Ireland licence and that counterpart to the Secretary of State, and
  - (b) is not in possession of them in consequence of the fact that he has surrendered them to a constable or authorised person (within the meaning of Part 3 of the 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 any such requirement if he delivers them to the Secretary of State immediately on their return.

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- (6) Where a Northern Ireland licence holder is served with a notice in pursuance of this section, he shall cease to be authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.
- (7) Where a Northern Ireland licence is delivered to the Secretary of State in pursuance of this section, he must—
- (a) send the licence and its Northern Ireland counterpart to the licensing authority in Northern Ireland, and
  - (b) explain to them his reasons for so doing.]

### Textual Amendments

**F200** Ss. 109B, 109C inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), ss. [79\(2\)](#), [94](#); S.I. 2004/2624, [art. 2\(2\)\(a\)](#)

VALID FROM 11/10/2004

### <sup>F201</sup>109 Information relating to disabilities etc

Section 94 of this Act shall apply to a Northern Ireland licence holder who is normally resident in Great Britain as if—

- (a) in subsection (1), for the words from the beginning to “aware” there were substituted “ If a Northern Ireland licence holder who is authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class, is aware immediately before the relevant date, or becomes aware on or after that date ”,
- (b) after that subsection there were inserted—
  - “(1A) For the purposes of subsection (1) “relevant date” means—
    - (a) in the case where the licence holder first became normally resident in Great Britain on or before the date on which section 79 of the Crime (International Co-operation) Act 2003 comes into force, that date; and
    - (b) in any other case, the date on which he first became so resident.”,
- (c) for subsection (3A) there were substituted—
  - “(3A) A person who—
    - (a) is authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class, and
    - (b) drives on a road a motor vehicle of that class,is guilty of an offence if at any earlier time while he was so authorised he was required by subsection (1) above to notify the Secretary of State but has failed without reasonable excuse to do so.”,
- (d) in subsection (4), the words “an applicant for, or” (in both places) were omitted,

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- (e) in subsection (5), the words “applicant or” and the words from the beginning of paragraph (c) to “provisional licence” were omitted,
- (f) in subsection (6)(b), the words “applicant or” (in both places) were omitted,
- (g) in subsection (7), the words “applicant or” were omitted, and
- (h) in subsection (8)—
  - (i) for “93” there were substituted “ 109B ”, and
  - (ii) the words “applicant or” (in both places) were omitted.]

#### Textual Amendments

**F201** Ss. 109B, 109C inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), [ss. 79\(2\)](#), [94](#); [S.I. 2004/2624](#), [art. 2\(2\)\(a\)](#)



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