

Status: Point in time view as at 01/07/1998.

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Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

[^{F1} Community licence holders]

Textual Amendments

F1 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**

^{F2}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,

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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—
- [^{F3}(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.
- (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

F2 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](#)

F3 S. 99A(4)(a) substituted (1.7.1998) by [S.I. 1998/1420, reg. 9](#)

Modifications etc. (not altering text)

C1 S. 99A(5) restricted (12.11.1999) by [S.I. 1999/2864, reg. 19\(1\)\(3\)\(8\)](#)

[^{F4}99B Information about resident Community licence holders.

- (1) A Community licence holder who—

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- (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
 - (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

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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 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

- F4** 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](#)

[^{F5}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—

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- (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.
- (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.]

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Textual Amendments

- F5** 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](#)

[^{F6}99D Information relating to disabilities etc.

Section 94 of this Act ^{F7} 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.]

Textual Amendments

- F6** 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](#)
- F7** 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.

[^{F8}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.

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- (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

- F8** 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](#)

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