



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART III

#### LICENSING OF DRIVERS OF VEHICLES

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

#### 97 Grant of licences.

- (1) Subject to [<sup>F1</sup>the following provisions of this section] and section 92 of this Act [<sup>F2</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>F3</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>F4</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>F5</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
    - (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>F6</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>F7</sup>or section 4(1) of or paragraph 6(1) or 9(1) of Schedule 1 to the Road Traffic (New Drivers) Act 1995].

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*Changes to legislation: Road Traffic Act 1988, Cross Heading: Granting of licences, their form and duration is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date.*

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- [<sup>F8</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>F9</sup> . . .
- [<sup>F10</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>F11</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>F12</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>F13</sup>bicycle][<sup>F12</sup>or moped] on the road as part of the training.]
- [<sup>F14</sup>(3A) Regulations may make provision as respects the training in the driving of motor bicycles [<sup>F15</sup>and mopeds] of persons wishing to obtain licences authorising the driving of such motor [<sup>F16</sup>bicycles][<sup>F15</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;
  - (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>F16</sup>bicycles][<sup>F15</sup>and mopeds].

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- (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>F17</sup>bicycle][<sup>F18</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>F17</sup>bicycle][<sup>F18</sup>or moped], or
  - (b) beginning at such other time as may be prescribed.
- (5) A learner motor [<sup>F19</sup>bicycle] is a motor [<sup>F19</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>F20</sup>(b) the maximum net power output of its engine does not exceed eleven kilowatts.]
- [<sup>F21</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>F22</sup>(7) . . . . .]

#### Textual Amendments

- F1** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(2)(a)
- F2** Words inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems Act 1989 (c. 22, SIF 107:1), s. 7, Sch. 3 para. 9(a)
- F3** Words repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, Sch. 6
- F4** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, Sch. 3 para. 9(b)
- F5** 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)
- F6** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, Sch. 3 para. 9(d)

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- F7** 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)**
- F8** S. 97(1A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(2)**
- F9** Word repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F10** 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)**
- F11** 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)**
- F12** Words in s. 97(3)(e) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(3)**
- F13** 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)**
- F14** S. 97(3A)(3B) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 6(2)(c)**
- F15** Words in s. 97(3A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(4)**
- F16** 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)**
- F17** 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)**
- F18** Words in s. 97(4) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(5)**
- F19** 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)**
- F20** 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)**
- F21** 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)**
- F22** S. 97(7) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 17(3), 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

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

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

**98 Form of licence.**

[<sup>F23</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 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.

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- <sup>F23</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>F24</sup>, (4) and (4A)] below, a [<sup>F25</sup>person who holds a licence which] authorises its holder to drive motor vehicles of certain classes only (not being
- 
- [<sup>F26</sup>(a) a provisional licence, or  
(b) any other prescribed description of licence])
- [<sup>F27</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>F28</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>F29</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>F30</sup>, or][<sup>F31</sup>or attained that age (as the case may be)]
- [<sup>F30</sup>(c) unless he has passed a test of competence to drive, a motor bicycle [<sup>F32</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>F33</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>F34</sup>(4A) [<sup>F35</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>F36</sup>(5) . . . . .

#### Textual Amendments

- F23** S. 98(1)(1A) substituted (1.7.1998) for s. 98(1) by S.I. 1998/1420, **reg. 7(2)**
- F24** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(10)(a)**
- F25** Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 4(b)(i)**
- F26** 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)**
- F27** Word substituted by S. I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 4(b)(ii)**
- F28** Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 4(c)**
- F29** 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)**
- F30** 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)**
- F31** 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)**
- F32** Words in s. 98(3)(c) inserted (1.7.1998) by S.I. 1998/1420, **reg. 7(3)**

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- F33** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 11(d)**
- F34** S. 98(4A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. **5(10)(b)**
- F35** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 1(b)**
- F36** S. 98(5) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 17(3), 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

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

- C3** S. 98(2) restricted by S.I. 1987/1378, **reg. 34** (as inserted by S.I. 1990/842, **reg. 11**)
- C4** S. 98(2) excluded (1.4.1991) by S.I. 1990/2612, **reg. 10(1)(2)(3)**  
S. 98(2) restricted (12.11.1999) by S.I. 1999/2864, **reg. 19(1)(3)**
- C5** S. 98(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)**
- C6** 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>F37</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>F38</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>F39</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>F40</sup>(with its counterpart) ] in pursuance of the order who—
  - (a) pays such fee (if any) as is specified by the order, <sup>F41</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>F42</sup> and
  - (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

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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>F43</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

- F37** S. 98A inserted (prosp.) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 39(1)**, 61
- F38** 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)**
- F39** 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)**
- F40** 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)**
- F41** 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\(2\)\(a\)](#)
- F42** 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)**
- F43** 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>F44</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-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



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- (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>F45</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>F46</sup>bicycle][<sup>F47</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>F46</sup>bicycle][<sup>F47</sup>or moped],  
or
  - (ii) in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.

[<sup>F48</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



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- (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>F49</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>F50</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>F51</sup>and its counterpart]forthwith to the Secretary of State [<sup>F52</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>F53</sup>and its counterpart]to the Secretary of State <sup>F54</sup>. . . .
- (5) A person who [<sup>F55</sup>without reasonable cause]fails to comply with the duty under subsection [<sup>F56</sup>(2A),][<sup>F55</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>F57</sup>and its counterpart]is not in possession of [<sup>F58</sup>them]in consequence of the fact that he has surrendered [<sup>F59</sup>them]to a constable or authorised person (within the meaning of Part III of the <sup>M1</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>F60</sup>and its counterpart]to the Secretary of State immediately on [<sup>F61</sup>their]return.
- [<sup>F62</sup><sup>F62</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>F62</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.
- <sup>F62</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>F62</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

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*Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

- F44** 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)**
- F45** 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)
- F46** 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**
- F47** Words in s. 99(2) inserted (1.7.1998) by S.I. 1998/1420, **reg. 8(2)**
- F48** S. 99(2A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 8(3)**
- F49** 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)**
- F50** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(a)(ii)**
- F51** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(a)(iii)**
- F52** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 12(b)**
- F53** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(b)**
- F54** Words in s. 99(4) omitted (1.7.1998) by virtue of S.I. 1998/1420, **reg. 8(4)**
- F55** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 12(c)**
- F56** Words in s. 99(5) inserted (1.7.1998) by S.I. 1998/1420, reg. 8(5)
- F57** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(i)**
- F58** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(ii)**
- F59** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(iii)**
- F60** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(iv)**
- F61** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(v)**
- F62** 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)

- C7** S. 99 applied (S.) (21.3.1999) by S.I. 1999/854, **art. 3(4)(a)(b)**

#### Marginal Citations

- M1** 1988 c. 53.

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