



Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

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 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.

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—
 - (a) licences,
 - (b) making any particulars with respect to any persons who are disqualified or whose licences are suspended or endorsed available for use by the police,
 - (c) preventing a person holding more than one licence,

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- (d) facilitating identification of holders of licences,
- (e) providing for the issue of a new licence in the place of a licence lost or defaced on payment of such fee as may be prescribed,
- (f) the effect of a change in the classification of motor vehicles for the purposes of this Part of this Act on licences then in force or issued or on the right to or the subsequent granting of licences, 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.
- (5) In subsection (1) above “the relevant provisions of the Road Traffic Offenders Act 1988” means the following provisions of that Act: sections 2, 7, 8, 23 to 26, 27, 31 and 34 to 48.

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

A notice authorised to be served on any person by section 92, 93 or 99(3) of this Act may be served on 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 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.

108 Interpretation

(1) In this Part of this Act—

“agricultural tractor” means a tractor used primarily for work on land in connection with agriculture,

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

“Community licence” means a document issued in respect of a member State other than the United Kingdom by an authority of that or another member 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 a member 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,

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

“disqualified” means disqualified for holding or obtaining a licence, and “disqualification” is to be interpreted accordingly,

“exchangeable licence” means a Community licence or a document which would be a Community licence if—

- (a) Gibraltar, and
- (b) each country or territory within this paragraph by virtue of an order under subsection (2) below,

were or formed part of a member State other than the United Kingdom,

“licence” means a licence to drive a motor vehicle granted under this Part of this Act,

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

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

“medium-sized goods vehicle” means a motor vehicle which is constructed or adapted to carry or to haul goods and is not adapted to carry more than nine persons inclusive of the driver and the permissible maximum weight of which exceeds 3.5 but not 7.5 tonnes,

“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,

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- (ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer,
 - (iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer,
 - (iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle,
- (c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer,
- “prescribed” means prescribed by regulations,
- “prospective disability” has the meaning given by section 92 of this Act,
- “provisional licence” means a licence granted by virtue of section 97(2) of this Act,
- “regulations” means regulations made under section 105 of this Act,
- “relevant disability” has the meaning given by section 92 of this Act,
- “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

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for the combination marked on the vehicle and does not also have a maximum train weight marked on it as mentioned in paragraph (a) above, the maximum train weight marked on the motor vehicle,

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

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

“small goods vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) which is constructed or adapted to carry or to haul goods and is not adapted to carry more than nine persons inclusive of the driver and the permissible maximum weight of which does not exceed 3.5 tonnes,

“small passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) which is constructed solely to carry passengers and their effects and is adapted to carry not more than nine persons inclusive of the driver, and

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

- (2) If the Secretary of State is satisfied that satisfactory provision for the granting of licences to drive motor vehicles is made by the law of a country or territory which neither is nor forms part of a member State, he may by order made by statutory instrument designate that country or territory as a country or territory within paragraph (b) of the definition of exchangeable licence in subsection (1) above.
- (3) Before making any order under subsection (2) above, the Secretary of State shall consult with such representative organisations as he thinks fit.

109 Provisions as to Northern Ireland drivers' licences

- (1) The holder of a licence to drive a motor vehicle granted under the law of Northern Ireland may drive, and a person may cause or permit the holder of such a licence to drive, in Great Britain, a motor vehicle of any class which he is authorised by that licence to drive, and which he is not disqualified from driving under this Part of this Act, notwithstanding that he is not the holder of a licence under this Part of this Act.
- (2) Any driver holding a licence so granted shall be under the like obligation to produce such a licence as if it had been a licence granted under this Part of this Act, and the provisions—
 - (a) of this Act, and
 - (b) of the Road Traffic Offenders Act 1988, being the provisions connected with the licensing of drivers within the meaning of that Act,

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as to the production 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 to the court within such time as the court may determine, and the court must, on production of the licence, forward it to the Secretary of State.
- (4) If the holder fails to produce the licence 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.