



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART III

#### LICENSING OF DRIVERS OF VEHICLES

##### *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 satisfies the Secretary of State—

[<sup>F1</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 conducted under any relevant external law or for the purpose of obtaining a British Forces licence; or

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*Status: Point in time view as at 01/01/1996. This version of this provision has been superseded.*

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- (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 of another member State or of Gibraltar or a designated country or territory; or
- (f) that, at the time of the application for the licence—
  - (i) he holds an exchangeable licence authorising the driving of vehicles of that or a corresponding class, and
  - (ii) he is normally resident in Great Britain or (where the exchangeable licence is a Community licence) the United Kingdom but has not been so resident for more than the prescribed period.]

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>F2</sup>(2) For the purposes of subsection (1) above—

- (a) a licence which has been revoked under section 99(3) of this Act or any corresponding provision of the law of Northern Ireland or under any corresponding provision of the relevant external law as a licence granted in error shall be disregarded for the purposes of paragraph (b) or, as the case may be, paragraph (d) of that subsection;
- (b) a test of competence to drive any class of goods vehicle or any class of passenger-carrying vehicle conducted under a relevant external law is to be disregarded for the purposes of paragraph (c) of that subsection unless the Secretary of State, by order made by statutory instrument, designates that law as one which makes satisfactory provision for tests of competence to drive such vehicles;
- (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>F3</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>F4</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>F5</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],
- (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>F6</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>F7</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>F8</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>F9</sup>, and]

[<sup>F9</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 included in the group shall be deemed for the purposes of subsection [<sup>F10</sup>(1)(b)(i) above or section 89A(4)(a) below to authorise the driving of—

- (a) vehicles of all classes included in the group, and

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- (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 member State, country or territory shall not be treated as authorising a person to drive a vehicle of any <sup>F11</sup>class] if—
- (a) the licence is not for the time being valid for that purpose, or
  - (b) it was issued in respect of that <sup>F11</sup>class] for a purpose corresponding to that mentioned in section 97(2) of this Act.
- <sup>F12</sup>(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 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 or an exchangeable licence shall be treated for the purposes of paragraphs (b) (ii), (d) or (f) (as the case may be) of subsection (1) above as authorising the driving of—
- (a) 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) In this section “designated country or territory” means a country or territory designated under section 108(2) of this Act for the purposes of the definition of exchangeable licence and 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

- F1** 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)
- F2** S. 89(2) substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 4(1)(3)
- F3** S. 89(2A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(1)(a)

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- F4** 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.
- F5** 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)**
- F6** S. 89(5A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 6(1)(b)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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)**

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

- C1** 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**)

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