



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—
- (a) that at some time during the period of ten years ending on the date of the coming into force of the licence applied for he has passed the test of competence to drive prescribed by virtue of subsection (3) below or a test of competence which under subsection (6) below is a sufficient test, or
 - (b) that within that period of ten years he has held a licence authorising the driving of vehicles of that class, not being a provisional licence, a licence granted by virtue of section 99(4) of the Road Traffic Act 1960 or a licence which has been revoked in pursuance of section 99(3) of this Act, or
 - (c) that, at the time of application for the licence—
 - (i) he holds an exchangeable licence authorising the driving of vehicles of a category corresponding to that 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 one year, or
 - (d) that—
 - (i) within that period of ten years he has held a licence granted under a relevant external law to drive vehicles of that class, not being a licence corresponding to a provisional licence or a licence granted under any provision of that law corresponding to section 99(4) of the Road Traffic Act 1960, and

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- (ii) he is not, at the time of application for the licence, disqualified under that law for holding or obtaining a licence under it to drive vehicles of any 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.

- (2) For the purposes of subsection (1)(d) above “relevant external law” means the law for the time being in force in Northern Ireland, that for the time being in force in the Isle of Man or that for the time being in force in any of the Channel Islands that corresponds to this Part of this Act.
- (3) Regulations may make provision with respect to—
 - (a) the nature of tests of competence to drive for the purposes of this section,
 - (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.
- (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,
 - (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.
- (6) For the purposes of subsection (1)(a) above, 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 any 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.
- (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 (1)(b) to authorise the driving of vehicles of all classes included in the 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 category if—
- (a) the licence is not for the time being valid for that purpose, or
 - (b) it was issued in respect of that category for a purpose corresponding to that mentioned in section 97(2) of this Act.
- (9) Where an exchangeable licence authorises the driving of vehicles of any category and any vehicle falling within that category falls also within any of the classes designated as a group for the purposes of subsection (1)(a) above—
- (a) that category shall be treated for the purposes of subsection (1)(c) above as corresponding to all classes included in the group, and
 - (b) where, by virtue of regulations, a person who passes a test of competence authorising the granting of a licence to drive vehicles of any class included in the group is treated as competent also to drive vehicles of a class included in another group, that category shall be treated for the purposes of subsection (1)(c) above as corresponding to all categories included in that other group.