



# 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,
  - (c) surrenders to the Secretary of State any previous licence granted to him after [<sup>F5</sup>1st June 1970][<sup>F5</sup>1st January 1976][<sup>F6</sup>and its counterpart]or provides the Secretary of State with an explanation for not surrendering [<sup>F7</sup>them]which the Secretary of State considers adequate and, where the application is made by virtue of section [<sup>F8</sup>89(1)(c) of this Act, surrenders to the Secretary of State his exchangeable licence, and][<sup>F8</sup>89(1)(d) or (f) of this Act, surrenders to the Secretary of State his British external licence, his British Forces licence or his exchangeable licence, as the case may be, and]
  - (d) is not [<sup>F9</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.
- (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.

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*Status: Point in time view as at 01/02/1991. This version of this provision never came into effect.*

*Changes to legislation: Road Traffic Act 1988, Section 97 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (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>F10</sup> . . .
  - (d) shall not authorise a person, before he has passed a test of competence to drive, to drive a [<sup>F11</sup>motor bicycle without a side-car], unless it is a learner motor cycle (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 [<sup>F12</sup>, and]
  - [<sup>F12</sup>(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 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 cycle on the road as part of the training.]
- [<sup>F13</sup>(3A) Regulations may make provision as respects the training in the driving of motor bicycles of persons wishing to obtain licences authorising the driving of such motor cycles 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 cycles.
- (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 cycle 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—

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- (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 cycle, or
  - (b) beginning at such other time as may be prescribed.
- (5) A learner motor cycle is a motor cycle 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,
  - (b) the maximum power output of its engine does not exceed nine kilowatts (as measured in accordance with International Standards Organisation standard 4106-1978.09.01), and
  - (c) its power to weight ratio does not exceed 100 kilowatts per metric tonne, the power being the maximum power output mentioned in paragraph (b) above and the weight that mentioned in subsection (6) below.
- (6) The weight referred to in subsection (5) above is the weight of the motor cycle with a full supply of fuel in its tank, an adequate supply of other liquids needed for its propulsion and no load other than its normal equipment, including loose tools.
- (7) A person who fails to comply with any condition applicable to him by virtue of subsection (3) above is guilty of an offence.

#### 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 (*prosp.*) 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** Words “1st January 1976” substituted (*prosp.*) for “1st June 1970” by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 9(c)**
- F6** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 3(a)**
- F7** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para 3(b)**
- F8** Words from “89(1)(d)” to “and” substituted (1.4.1991) for words from “89(1)(c)” to the end by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 9(c)**
- F9** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 9(d)**
- F10** Word repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F11** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 10**
- F12** 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)
- F13** S. 97(3A)(3B) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(2)(c)

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

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

**Status:**

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