



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 [^{F1}the following provisions of this section] and section 92 of this Act [^{F2}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 ^{F3} . . . grant a licence to a person who [^{F4}meets the relevant residence requirement (see section 97A) and] —
- (a) makes an application for it in such manner and containing such particulars as the Secretary of State may specify [^{F5}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,
 - ^{F6}[(c) surrenders to the Secretary of State—
 - (i) any previous licence granted to him after 1st January 1976 ^{F7} ...,
[any Northern Ireland licence held by him together with its Northern ^{F8}(ia) Ireland counterpart [^{F9}(if any)].]
 - (ii) any Community licence ^{F10} ..., 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, ^{F11} ...
 - ^{F12}(i) in accordance with section 88(1B) of this Act, subject to a current disqualification which is relevant to the licence he applies for][^{F13}or
 - (ii) subject to a current disqualification under the law of an EEA State (other than the United Kingdom) which relates to vehicles of the

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class, or of a class corresponding to the class, to which the application relates and was imposed while the person was the holder of a licence granted under the law of that State; and]

[^{F14}(e) is not prevented from obtaining [^{F15}the licence] by the provisions of section 89 of this Act [^{F16}or [^{F17}section 4 of or paragraph 6 or 9] of Schedule 1 to the Road Traffic (New Drivers) Act 1995].]

[^{F18}(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.]

[^{F19}(1AA) Where a licence under this Part of this Act is granted to a person who surrenders under sub-paragraph (ia) of subsection (1)(c) above his Northern Ireland licence together with the [^{F20}counterpart (if any)] to the Secretary of State—

- (a) that person ceases to be authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class, and
- (b) the Secretary of State must send the Northern Ireland licence and its Northern Ireland counterpart [^{F21}(if any)] to the licensing authority in Northern Ireland together with particulars of the class of motor vehicles to which the licence granted under this Part of this Act relates.]

(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, ^{F22} . . .

^{F23}(d)

[^{F24}(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 [^{F25}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 [^{F26}bicycle][^{F25}or moped] on the road as part of the training.]

[^{F27}(3A) Regulations may make provision as respects the training in the driving of motor bicycles [^{F28}and mopeds] of persons wishing to obtain licences authorising the driving of such motor [^{F29}bicycles][^{F28}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;

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- (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 [^{F29}bicycles][^{F28}and mopeds].
- (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 [^{F30}bicycle][^{F31}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 [^{F30}bicycle][^{F31}or moped], or
 - (b) beginning at such other time as may be prescribed.

^{F32}(5)

^{F32}(6)

^{F33}(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 in s. 97(1) inserted (14.7.2014) by Immigration Act 2014 (c. 22), ss. 46(1), 75(3); S.I. 2014/1820, art. 2(d)
- F5** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, Sch. 3 para. 9(b)
- F6** 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)
- F7** Words in s. 97(1)(c)(i) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 6(2)(a), Sch. 7(4); S.I. 2015/560, art. 3 (with arts. 4-9)
- F8** S. 97(1)(c)(ia) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 78(2)(a), 94; S.I. 2004/2624, art. 2(2)(a)

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- F9** Words in s. 97(1)(c)(ia) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 2(a)(i)**
- F10** Words in s. 97(1)(c)(ii) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 6(2)(c), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F11** Word in s. 97(1) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(2)(b)**
- F12** Words in s. 97(1)(d) renumbered as s. 97(1)(d)(i) (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(2)(a)**
- F13** S. 97(1)(d)(ii) and word inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(2)(b)**
- F14** Words in s. 97(1)(d) renumbered as s. 97(1)(e) (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(2)(c)**
- F15** Words in s. 97(1)(e) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(2)(d)**
- F16** 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)**
- F17** Words in s. 97(1)(d) substituted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 21**; S.I. 2004/2624, **art. 2(2)(b)**
- F18** S. 97(1A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(2)**
- F19** S. 97(1AA) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 78(2)(b)**, 94; S.I. 2004/2624, **art. 2(2)(a)**
- F20** Words in s. 97(1AA) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 2(a)(ii)(aa)**
- F21** Words in s. 97(1AA)(b) inserted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 2(a)(ii)(bb)**
- F22** Word repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F23** S. 97(3)(d) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(3)**
- F24** 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)
- F25** Words in s. 97(3)(e) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(3)**
- F26** 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)**
- F27** S. 97(3A)(3B) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(2)(c)
- F28** Words in s. 97(3A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(4)**
- F29** 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)**
- F30** 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)**
- F31** Words in s. 97(4) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(5)**
- F32** S. 97(5)(6) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 1 para. 2(3)**
- F33** 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**)

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