



# Road Traffic (Driver Licensing and Information Systems) Act 1989

## 1989 CHAPTER 22

An Act to amend the law relating to driving licences and to regulate the operation of systems providing drivers of motor vehicles with guidance and information derived from automatically processed data or collecting, storing and processing the data. [21st July 1989]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

C1 Act amended (1.4.1996) by [S.I. 1996/593](#), reg. 2, Sch. 1

## PART I

### DRIVING LICENCES

#### 1 Abolition of special licences for driving HGVs and PSVs.

- (1) On the appointed day Part IV of the <sup>M1</sup>Road Traffic Act 1988 and section 22 of the <sup>M2</sup>Public Passenger Vehicles Act 1981 (which require special driving licences to be held for driving heavy goods vehicles and public service vehicles) shall cease to have effect but the repeal of those provisions does not imply that it is lawful for a person to drive a heavy goods vehicle or a public service vehicle of any class on or after that day on the authority of an existing licence under Part III of the 1988 Act (ordinary licences) and, for the purposes of section 87 of that Act (offence of driving without Part III licence), his licence shall not be taken to authorise him to drive vehicles of those classes.

*Status: Point in time view as at 29/12/2003.*

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- (2) Subsection (1) above shall not, however, invalidate existing licences for driving heavy goods vehicles or public service vehicles and the holder of such a licence may, during the currency of that licence and his existing licence under Part III of the 1988 Act, continue to drive any heavy goods vehicle or public service vehicle which the first-mentioned licence authorises him to drive or a goods vehicle of any class or, as the case may be, a passenger-carrying vehicle of any class prescribed for the purposes of this subsection without obtaining a new licence under the said Part III.
- (3) Any of the following proceedings pending at the appointed day, that is to say—
- (a) any application questioning the conduct of a test of competence to drive under section 115 of the 1988 Act, and
  - (b) any reconsideration by, or appeal from, a licensing authority under section 116 of the 1988 Act or section 23 of the 1981 Act,
- may be continued and, as the case may be, any order relative to the test (or fees) made or licence issued notwithstanding the repeals made by this Act and any order of eligibility to take a test so made shall be treated as relating to a corresponding test and any heavy goods vehicle or public service vehicle driver's licence so issued shall be treated as an existing licence.
- (4) Where, during the currency of a person's existing licence for driving heavy goods vehicles or public service vehicles, his existing licence under Part III of the 1988 Act is revoked or surrendered, it shall be his duty to surrender his first-mentioned licence to the traffic commissioner for the traffic area in which he resides.
- (5) A person who without reasonable excuse fails to comply with the duty under subsection (4) above is guilty of an offence.
- (6) The provisions of Part I of Schedule 1 to this Act have effect for the purpose of re-enacting with modifications and assimilating the provisions of Part IV of the 1988 Act and the 1981 Act for the purposes of licences under those Acts continued in force by subsection (2) above and the transitory provisions of Part II of that Schedule shall also have effect.
- (7) In this Part of this Act—
- “the appointed day” means the day appointed for the coming into force of this section;
  - “existing”, in relation to a licence, means in force immediately before the appointed day;
  - “traffic area” means a traffic area constituted for the purposes of the 1981 Act;
  - “traffic commissioner” means a traffic commissioner appointed for the purposes of the 1981 Act;
  - “the 1981 Act” means the <sup>M3</sup>Public Passenger Vehicles Act 1981;
  - “the 1988 Act” means the <sup>M4</sup>Road Traffic Act 1988;
- and in subsection (2) above the reference to the vehicles which the holder of a heavy goods vehicle driver's licence is authorised to drive includes a reference to the vehicles which he is authorised to drive by virtue of regulations under paragraph 8(2)(a) of Schedule 1 to this Act and the reference to prescribed classes of goods vehicles or passenger-carrying vehicles is a reference to classes of goods vehicles or passenger-carrying vehicles (within the meaning of the 1988 Act) prescribed under that paragraph.

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#### Commencement Information

- II** S. 1 wholly in force at 1.4.1991; S. 1 not in force at Royal Assent see s. 17(2); s. 1(7) in force for certain purposes at 1.6.1990 by S.I. 1990/802; S. 1 in force so far as not already in force at 1.4.1991 by S.I. 1990/2610

#### Marginal Citations

- M1** 1988 c. 52.  
**M2** 1981 c. 14.  
**M3** 1981 c. 14.  
**M4** 1988 c. 52.

## 2 Special provisions relating to licensing of drivers of LGVs and PCVs.

- (1) There shall be inserted as Part IV of the 1988 Act the provisions set out in Schedule 2 to this Act which—
- (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and
  - (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the 1981 Act to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act.
- (2) After section 99(1) of the 1988 Act (duration of licences) there shall be inserted the following subsection—
- “(1A) In so far as a licence authorises its holder to drive any prescribed class of goods vehicle or passenger-carrying vehicle, it shall, unless previously revoked, suspended or surrendered, remain in force—
- (a) except in a case falling within paragraph (c) or (d) of this subsection—
    - (i) for the period ending on the forty-fifth anniversary of the applicant’s date of birth or for a period of five years, whichever is the longer, or
    - (ii) where the applicant’s age at the date on which the licence is to come into force will exceed forty-five but not sixty-five years, for the period ending on the sixty-sixth anniversary of the applicant’s date of birth or for a period of five years, whichever is the shorter,
  - (b) except in a case falling within paragraph (d) of this subsection, where the applicant’s age at that date will exceed sixty-five years, for a period of one year,
  - (c) except in a case falling within paragraph (b) or (d) of this subsection, if the Secretary of State so determines in the case of a licence to be granted to a person appearing to him to be suffering from a relevant or prospective disability, for such period of not more than three years and not less than one year as the Secretary of State may determine, and
  - (d) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,

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and any such period shall begin with the date on which the licence in question is expressed to come into force.”

#### Commencement Information

**I2** S. 2 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

### 3 Exceptions to prohibition on driving without a licence.

(1) Section 88 of the 1988 Act (exceptions to prohibition on driving without a licence) shall be amended as follows.

(2) In subsection (1) (conditions of the exception), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

“(a) the driver has held—

- (i) a licence under this Part of this Act to drive vehicles of that or a corresponding class, or
- (ii) a Northern Ireland licence to drive vehicles of that or a corresponding class, or
- (iii) a British external licence or British Forces licence to drive vehicles of that or a corresponding class, or
- (iv) an exchangeable licence to drive vehicles of that or a corresponding class, and

(b) either—

- (i) a qualifying application by the driver for the grant of a licence to drive vehicles of that class for a period which includes that time has been received by the Secretary of State, or
- (ii) a licence to drive vehicles of that class granted to him has been revoked or surrendered in pursuance of section 99(3) or (4) of this Act otherwise than by reason of a current disqualification or of its having been granted in error, and”.

(3) After subsection (1) there shall be inserted the following subsections—

“(1A) An application for the grant of a licence to drive vehicles of any class is a qualifying application for the purposes of subsection (1)(b)(i) above if—

- (a) the requirements of paragraphs (a), (b) so far as it relates to initial evidence and (c) of section 97(1) of this Act have been satisfied;
- (b) the applicant—
  - (i) is not subject to a current disqualification which is relevant to the licence he applies for, and
  - (ii) is not prevented from obtaining it by section 89 of this Act; and
- (c) the declaration made in pursuance of section 92(1) of this Act indicates that he is not suffering from a relevant disability.

(1B) A disqualification is relevant to a licence for which a person makes an application if—

- (a) in the case of an application made by virtue of any provision of subsection (1)(a) above, the disqualification subsists under or by

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virtue of any provision of the Road Traffic Acts and relates to vehicles of the class to which his application relates;

- (b) in the case of an application made by virtue of subsection (1)(a)(ii) above, the disqualification subsists under or by virtue of any provision of the law of Northern Ireland and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;
- (c) in the case of an application made by virtue of subsection (1)(a)(iii) above, the disqualification subsists under or by virtue of any provision of the relevant external law or, as the case may be, is a disqualification for holding or obtaining a British Forces licence and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates; and
- (d) in the case of an application made by virtue of subsection (1)(a)(iv) above, the disqualification subsists under or by virtue of any provision of the law of the member State or country or territory under which the licence which he held was granted and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;

but a disqualification which does not prevent the person disqualified from obtaining a provisional licence or, as the case may be, a licence corresponding to a provisional licence is relevant to a full licence but not to a provisional licence.”

- (4) In subsection (2) (period of benefit of exception), at the end, there shall be inserted “, or
  - (c) in a case where a licence is refused under section 92(3) of this Act, beyond the day on which the applicant receives notice of the refusal.”
- (5) After subsection (7) there shall be inserted the following subsection—

“(8) In this Part of this Act—

“British external licence” means a licence granted in the Isle of Man or any of the Channel Islands under the relevant external law;

“British Forces licence” means a licence granted in the Federal Republic of Germany by the British authorities to members of the British Forces or of the civilian components of those Forces or their dependants; and

“relevant external law” means the law for the time being in force in the Isle of Man or any of the Channel Islands which corresponds to this Part of this Act.”

#### **4 Tests of competence and related conditions of entitlement to driving licence.**

- (1) Section 89 of the 1988 Act (tests of competence to drive and related conditions of entitlement to driving licence) shall be amended as provided in subsections (2) to (4) below.
- (2) In subsection (1) (conditions of entitlement to driving licence), for paragraphs (a) to (d) there shall be substituted the following paragraphs—
  - “(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—

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- (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
  - (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.”
- (3) For subsection (2) there shall be substituted the following subsection—
- “(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,

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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.”

(4) After section 89 of the 1988 Act there shall be inserted the following section—

**“89A The alternative requirements to those in section 89.**

- (1) The alternative requirements referred to in section 89(1) of this Act are the following.
- (2) The requirement which is alternative to that specified in section 89(1)(a) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (3) below—
  - (a) is available to that person if the application is made within the period of ten years beginning with the appointed day, and
  - (b) is that at some time before the appointed day and during the period of ten years ending with the date the application is made he has passed—
    - (i) the test of competence to drive prescribed by virtue of section 89(3) of this Act or a test of competence to drive which corresponds to such a test, or
    - (ii) a Northern Ireland test of competence to drive which corresponds to any test falling within (i) above, or
    - (iii) a test of competence which under section 89(6) of this Act is a sufficient test or a test of competence to drive which corresponds to such a test.
- (3) The requirement which is alternative to that specified in section 89(1)(a) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this subsection—
  - (a) is available to that person if the application is made within the period of five years beginning with the appointed day, and
  - (b) is that at some time before the appointed day and during the period of five years ending with the date the application is made he has passed—
    - (i) a test of competence to drive a heavy goods vehicle or public service vehicle of a class corresponding to the class of vehicle to which his application relates, or
    - (ii) a corresponding Northern Ireland test of competence to drive a heavy goods vehicle or public service vehicle of a class which corresponds to the class of goods vehicle or passenger-carrying vehicle to which his application relates.
- (4) The requirement which is alternative to that specified in section 89(1)(b) on an application by a person for a licence authorising the driving of motor

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vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (5) below is that at some time before the appointed day but not earlier than 1st January 1976 he has held—

- (a) a full licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates, or
  - (b) a full Northern Ireland licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates.
- (5) The requirement which is alternative to that specified in section 89(1)(b) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this subsection is that at some time before the appointed day but not earlier than the beginning of the period of five years ending with the appointed day he has held—
- (a) a full heavy goods vehicle or a public service vehicle driver’s licence authorising the driving of vehicles of a class corresponding to the class of vehicle to which his application relates, or
  - (b) a full Northern Ireland licence to drive heavy goods vehicles of a class corresponding to the class of vehicle to which his application relates or a Northern Ireland licence to drive public service vehicles of a class corresponding to the class of vehicle to which his application relates.
- (6) The requirement which is alternative to that specified in section 89(1)(d) on an application by a person for a licence authorising the driving of motor vehicles of any class—
- (a) is available to that person if the application is made within the period of ten years beginning with the appointed day, and
  - (b) is that at some time before the appointed day and during the period of ten years ending with the date the application is made he has held a full British external licence or a full British Forces licence to drive vehicles of that or a corresponding class.
- (7) In this section “heavy goods vehicle” and “public service vehicle” have the same meaning as they had for the purposes of Part IV of this Act or section 22 of the Public Passenger Vehicles Act 1981 before their repeal by section 1 of the Road Traffic (Driver Licensing and Information Systems) Act 1989.”

#### Commencement Information

**I3** S. 4 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

## 5 Refusal or revocation of licences on grounds of physical unfitness.

- (1) Section 92 of the 1988 Act (requirements as to physical fitness of drivers) shall be amended as provided in subsections (2) to (5) below.
- (2) In subsection (5) (notice to a person of dangerous disability following a test of competence)—



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- (a) after the words “a test of competence to drive” there shall be inserted the words “or of information obtained under the relevant powers”;
- (b) after the words “who took the test” there shall be inserted the words “or in relation to whom the information was obtained”; and
- (c) for the words “construction or design” there shall be substituted the word “class”.

<sup>F1</sup>(3) .....

(4) After subsection (7) there shall be inserted the following subsections—

“(7A) If he considers it appropriate to do so the Secretary of State may, after serving a notice in pursuance of subsection (5)(a) above, serve a notice in pursuance of subsection (5)(b) above or, after serving a notice in pursuance of subsection (5)(b) above, serve a notice in pursuance of subsection (5)(a) above or a further notice in pursuance of subsection (5)(b) above; and on his serving a further notice under any of those provisions the notice previously served shall cease to have effect and any limited licence previously granted shall be revoked by the subsequent notice.

(7B) In subsection (5) above the references to a test of competence to drive and to information obtained under the relevant powers are references respectively to a test of competence prescribed for the purposes of section 89 or so much of such a test as is required to be taken in pursuance of section 94(5)(c) of this Act and to information obtained in pursuance of section 94(5)(a) or (b) of this Act.

(7C) A person whose licence [<sup>F2</sup>and its counterpart]is revoked by virtue of subsection (7A) above must deliver the licence to the Secretary of State forthwith after the revocation and a person who, without reasonable excuse, fails to do so is guilty of an offence.”

(5) In subsection (9) (relevant driving tests under external laws which entitle persons with prescribed disabilities to have licences)—

(a) for paragraph (a) there shall be substituted the following paragraph—

“(a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he passed a test of competence to drive which—

(i) under a provision of the law of Northern Ireland or a relevant external law corresponding to subsections (3) and (4) or (6) of section 89 of this Act, either is prescribed in relation to vehicles of classes corresponding to the classes to which the application relates or is sufficient under that law for the granting of a licence authorising the driving of vehicles of those classes, or

(ii) is sufficient for the granting of a British Forces licence authorising the driving of vehicles of those classes, and”;

(b) in paragraph (b), for the words from “the authority” to “vehicle” there shall be substituted the words “his licensing authority”.

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- (6) In section 93(3) of the 1988 Act (duty to surrender licence revoked on account of disability), at the end, there shall be inserted the words “and a person who, without reasonable excuse, fails to do so is guilty of an offence.”
- (7) In section 94(4) of the 1988 Act (powers of Secretary of State to satisfy himself whether or not a person is suffering from a disability)—
- (a) after the word “If” there shall be inserted the words “the prescribed circumstances obtain in relation to a person who is an applicant for, or the holder of, a licence or if”; and
  - (b) for the words “that is the case” there shall be substituted the words “that person may be suffering from that or any other relevant or prospective disability”.
- (8) In section 94(5)(c) of the 1988 Act (requirement on applicant for, or holder of, licence believed to be suffering from disability to take driving test), for the words from “a test of competence to drive” to the end there shall be substituted the words “such a test of competence to drive as the Secretary of State directs in the notice.”
- (9) In section 94(9) of the 1988 Act (payment of doctors’ fees), for the words “The Secretary of State must” there shall be substituted the words “Except where the requirement is made in the circumstances prescribed for the purposes of subsection (5) above, it shall be for the Secretary of State (and not for any other person) to”.
- (10) In section 98 of the 1988 Act (form of licence and provisional entitlement)—
- (a) in subsection (2), for the words “and (4)” there shall be substituted the words “, (4) and (4A)”;
  - (b) after subsection (4) there shall be inserted the following subsection—
 

“(4A) [<sup>F3</sup>Subsection (2) above does not]authorise a person on whom a notice under section 92(5)(b) of this Act has been served to drive motor vehicles otherwise than in accordance with the limits specified in the notice.”

#### Textual Amendments

- F1** S. 5 (3) repealed (1.7.1998) by S.I. 1998/1420, regs. 17, Sch.
- F2** Words inserted by S.I. 1990/144, regs. 2(3), 3, Sch. 3 para. 1(a)
- F3** Words substituted by S.I. 1990/144, regs. 2(3), 3, Sch. 3 para. 1(b)

#### Commencement Information

- I4** S.5 wholly in force at 1.4.1991; s. 5 not in force at Royal Assent see s. 17(2); s. 5 partly in force at 1.6.1990 by S.I. 1990/802; s. 5 in force at 1.4.1991 so far as not already in force by S.I. 1990/2610, art. 2, Sch.

## 6 Compulsory training courses for riders of motor cycles.

- (1) In section 89 of the 1988 Act (tests of competence to drive)—
- (a) after subsection (2), there shall be inserted the following subsection—
 

“(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

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motor cyclists either with his application for an appointment for a test or to the person who is to conduct the test.”; and

(b) after subsection (5), there shall be inserted the following subsection—

“(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.”

(2) In section 97 of the 1988 Act (licences to be granted on fulfilment of certain conditions)—

(a) in subsection (1), for the words “subsection (2) below” there shall be substituted the words “the following provisions of this section”;

(b) in subsection (3) (provisional licences), after paragraph (d), there shall be inserted the following “, and

(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.”; and

(c) after subsection (3), there shall be inserted the following subsections—

“(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—

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- (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.”.

## 7 Minor, consequential and further amendments.

The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule being for the most part minor or consequential amendments.

### Commencement Information

- I5** S. 7 wholly in force at 1.4.1991; S. 7 not in force at Royal Assent see s. 17(2); S. 7 in force for certain purposes at 8.11.1989 by S.I. 1989/1843, at 1.6.1990 by S.I. 1990/802 and at 1.12.1990 by S.I. 1990/2228; s. 7 in force at 1.4.1991 so far as not already in force by S.I. 1990/2610, art. 2, Sch.

## PART II

### DRIVER INFORMATION SYSTEMS

### Modifications etc. (not altering text)

- C2** Pt. II (ss. 8–15) excluded by S.I. 1990/865, art. 2(1)(2)

### *Preliminary*

## 8 Definitions of driver information systems etc.

- (1) The following provisions shall have effect for the interpretation of this Part of this Act.
- (2) Subject to subsection (7) below, “driver information” is information (including guidance and warnings) of use to the drivers of motor vehicles relating to routes for or the position of their vehicles or traffic conditions and “route guidance” is to be construed accordingly.
- (3) A “driver information system” is—
  - (a) a system for the collection, storage and processing of data from which driver information is derived, or
  - (b) a system for the transmission of data from which driver information is derived, by means of apparatus situated otherwise than in motor vehicles to motor vehicles equipped to receive the transmissions, or
  - (c) a system for both of the above;
 but data is not “collected” unless it is collected from motor vehicles whether or not also from other sources.

*Status: Point in time view as at 29/12/2003.*

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- (4) A person “operates” a driver information system if (otherwise than as an employee)—
- (a) he collects, stores and processes data from which driver information is derived, or
  - (b) he transmits such data to motor vehicles;
- and he operates a driver information system “in relation to” public roads if he collects data from or, as the case may be, transmits data to, motor vehicles on public roads; and related expressions shall be construed accordingly.
- (5) “Data” means information recorded in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose.
- (6) The “system apparatus”, in relation to a driver information system, is the apparatus by means of which the system is operated.
- (7) The Secretary of State may by order prescribe descriptions of information which is not to be driver information for the purposes of any provision of this Part of this Act.
- (8) In this Part of this Act—
- (a) “highway authority” is used with reference to England and Wales and has the same meaning as in the <sup>M5</sup>Highways Act 1980;
  - (b) “roads authority” is used with reference to Scotland and has the same meaning as in the <sup>M6</sup>Roads (Scotland) Act 1984; and
  - (c) “public road” means, with reference to England and Wales, a highway maintainable at the public expense within the meaning of the Highways Act 1980, and, with reference to Scotland, a public road within the meaning of the Roads (Scotland) Act 1984.

#### Marginal Citations

**M5** 1980 c. 66.

**M6** 1984 c. 54.

### *Licensing for driver information systems*

## **9 Requirement for licence to operate driver information system.**

- (1) Except as provided under subsection (2) below, no person shall operate a driver information system in relation to public roads in England or Wales or Scotland unless he is authorised to do so by a licence granted to him by the Secretary of State.
- (2) The Secretary of State may, by order, direct that this Part of this Act shall not apply to any description of driver information system specified in the order; and the description of a system may be framed by reference to any of its characteristics, its effects or any other circumstances.
- (3) [<sup>F4</sup>The holding by a person of a licence under this section shall not relieve him of—
- (a) any liability in respect of a failure to hold a licence under section 1 of the Wireless Telegraphy Act 1949; or
  - (b) any obligation to comply with requirements imposed by or under Chapter 1 of Part 2 of the Communications Act 2003 (electronic communications networks and electronic communications services).]

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- (4) Any person who operates a driver information system in contravention of this section commits an offence.
- (5) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum; and
  - (b) on conviction on indictment, to a fine.

#### Textual Amendments

- F4** S. 9(3) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 97\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))

## 10 Operators' licences.

- (1) The Secretary of State may grant a licence to operate a driver information system in any area in England or Wales or Scotland (such a licence being referred to in this Part of this Act as an “operator’s licence”).
- (2) More than one operator’s licence may be granted for the same area but an operator’s licence is not assignable.
- (3) An operator’s licence may authorise the operation of all or only one or more descriptions of driver information system and may authorise the transmission of data from which route guidance is derived to the drivers of motor vehicles of all or only one or more classes or its collection from motor vehicles of all or only one or more classes.
- (4) An operator’s licence shall be in writing and shall specify, in accordance with subsection (3) above, the scope of the authority given and the area within which the licence holder may operate.
- (5) An operator’s licence shall, unless revoked, suspended or surrendered, remain in force for the period specified in the licence.
- (6) An operator’s licence shall be granted on such terms and subject to such conditions as the Secretary of State considers appropriate and he may—
  - (a) with the consent of the licence holder, attach new conditions or vary any of the terms or conditions; or
  - (b) without the consent of the licence holder, attach new conditions designed to prevent danger to the public or vary any such condition.
- (7) An operator’s licence may include a term requiring the rendering to the Secretary of State of a payment on the grant of the licence or payments during the currency of the licence or both of such amount or amounts as may be determined by or under the licence.
- (8) The conditions subject to which an operator’s licence is granted may include, in particular, conditions—
  - (a) specifying the classes or descriptions of public road or any particular public road in, upon, under, over, along or across which system apparatus may or may not be installed;

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- (b) specifying the classes or descriptions of public road or any particular public road which may or may not be included in route guidance to drivers or to the drivers of specified classes of motor vehicles or specifying the circumstances in which the roads or road may be included or excluded;
  - (c) specifying the classes of motor vehicles to whose drivers route guidance may or may not be given or the circumstances in which it may or may not be given to such drivers;
  - (d) regulating the size, shape or other characteristics of system apparatus;
  - (e) regulating the charges that may be made by the licence holder to drivers or other persons for receiving data transmitted by a driver information system;
  - (f) requiring the licence holder to furnish to the Secretary of State such information relating to motor vehicles or traffic conditions derived from data which is or has been stored in the driver information system by the licence holder as the Secretary of State requires and authorising the Secretary of State to make such use, including the sale, of the information as he thinks fit;
  - (g) requiring the licence holder to keep such records relating to the operation of the system as the Secretary of State specifies and to permit persons authorised by the Secretary of State to inspect the records and make copies or extracts from them;
  - (h) authorising the Secretary of State to disclose the roads permitted to be included in route guidance under the licence to persons appearing to him to be affected;
  - (i) requiring the licence holder to disclose the roads included in route guidance under the licence to persons requesting the information on payment (if required) of a charge not exceeding such amount as may be specified in the licence.
- (9) No information may be required to be furnished to the Secretary of State under subsection (8)(f) above in a way that would enable individual owners or drivers of motor vehicles to be identified.
- (10) The Secretary of State may make such payments as he may determine in respect of the furnishing of information by virtue of subsection (8)(f) above.
- (11) Any sums received by the Secretary of State in pursuance of subsection (7) above shall be paid into the Consolidated Fund.

## **11 Sanctions for operating outside licence area or for breach of licence conditions.**

- (1) The Secretary of State may, subject to subsection (2) below, at any time revoke or suspend an operator's licence on the ground that—
- (a) the licence holder's operations have extended beyond the area in which the licence authorised him to operate, or
  - (b) there has been a breach of any condition of the licence.
- (2) The Secretary of State shall not revoke or suspend a licence for breach of a condition unless he is satisfied that owing to—
- (a) the frequency of the breach of conditions,
  - (b) the intentional nature of the breach, or
  - (c) the danger to the public involved in the breach,
- the licence should be revoked or suspended.

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- (3) Where the Secretary of State revokes a licence he may, if it appears to him to be expedient to do so, direct that the revocation is a provisional revocation which will not take effect until a future date; and where he gives such a direction he may either make final the revocation or withdraw it.
- (4) An operator's licence suspended under the foregoing provisions of this section shall during the time of suspension be of no effect.
- (5) Subject to subsection (6) below, if a condition attached to an operator's licence is broken, the holder of the licence commits an offence.
- (6) It shall be a defence for a person charged with an offence under subsection (5) above to prove that he took all reasonable precautions and exercised all due diligence to avoid a breach of that condition.
- (7) A person guilty of an offence under subsection (5) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### *Supplementary*

## **12 Power to install apparatus etc.**

- (1) This section has effect—
  - (a) for the purposes of any operator's licence to which it is applied by the licence, but
  - (b) subject to any exclusions or other modifications specified in the licence.
- (2) The holder of an operator's licence shall have power to do all or any of the following things, that is to say—
  - (a) install system apparatus in, upon, under, over, along or across a public road;
  - (b) inspect, maintain, adjust, repair, alter, renew or remove any system apparatus so installed; and
  - (c) execute any works requisite for or incidental to the purposes of any works falling within paragraph (a) or (b) above, including for those purposes the following kinds of works, that is to say—
    - (i) breaking up or opening a public road;
    - (ii) tunnelling or boring under a public road; and
    - (iii) breaking up or opening a sewer, drain or tunnel
- (3) The powers conferred by subsection (2) above shall not be exercisable by fixing system apparatus to a traffic sign (within the meaning of section 64(1) of the <sup>M7</sup>Road Traffic Regulation Act 1984).
- (4) Subject to subsection (5) below, the powers conferred by subsection (2) above shall not be exercisable—
  - (a) by fixing system apparatus to a structure or attachment to a structure belonging to another person or authority, or
  - (b) by making use, for the purpose of installing system apparatus, of an existing cable, duct or installation of any description (whether under ground or not) belonging to another person or authority,



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without the written consent of that other person or authority; and a local authority shall have power to give its consent upon such terms (including such terms as to payment) as it thinks appropriate.

- (5) Where the consent in question under subsection (4) above would be that of any authority prescribed by order made by the Secretary of State, subsection (4) shall, as specified in the order—
  - (a) apply only in the circumstances specified in the order, or
  - (b) not apply except in such circumstances (if any) as may be specified in the order.
- (6) The powers conferred by subsection (2) above shall be so exercised as to comply with any regulations made by the Secretary of State relating to the situation or manner of installation of system apparatus of any description.
- (7) Subject to any terms or conditions of the licence, the licence holder, if so required by the highway authority or the roads authority—
  - (a) shall remove any system apparatus which at the expiry of the licence remains in any land (whether or not vested in the authority) comprised in or lying under a public road, and shall restore the land to its condition before the system apparatus was installed there; or
  - (b) shall reimburse the authority the expenses incurred in doing so.
- (8) In subsection (4) above, “local authority” in England and Wales has the meaning given by the <sup>M8</sup>Local Government Act 1972, and in Scotland has the meaning given by the <sup>M9</sup>Local Government (Scotland) Act 1973.
- (9) This section applies in relation to any land belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department, as it applies in relation to other land.

#### Textual Amendments

**F5** Words in s. 12(2) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch.9](#); (E.W.) S.I. 1992/2984, art. 2(2), [Sch.2](#); (S.) S.I. 1992/2990, art. 2(2), [Sch. 2](#)

#### Marginal Citations

**M7** 1984 c. 27.

**M8** 1972 c. 70.

**M9** 1973 c. 65.

### 13 Application of other Acts and protective provisions in relation to licence holders.

- (1) Schedule 4 to this Act shall have effect for the purpose of applying the enactments specified therein in relation to the holders of operators’ licences and their system apparatus.
- (2) Schedule 5 to this Act (which regulates other undertakers’ works affecting system apparatus) shall have effect.

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#### **14 Offences by officers of bodies corporate.**

- (1) Where a body corporate is guilty of an offence under any provision of this Part of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### **15 Regulations and orders.**

- (1) Any power to make regulations or orders under this Part of this Act may be exercised so as to make different provision for different circumstances and different provision for England, for Wales or for Scotland.
- (2) Any power to make regulations or orders under this Part of this Act is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **PART III**

#### **GENERAL**

#### **16 Repeals.**

The enactments mentioned in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

#### **Commencement Information**

- 16** [S. 16](#) wholly in force at 1.4.1991; [S. 16](#) not in force at Royal Assent see [s. 17\(2\)](#); [s. 16](#) in force for certain purposes at 1.6.1990 by [S.I. 1990/802](#) and at 1.12.1990 by [S.I. 1990/2228](#); [s. 16](#) in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2 Sch](#)

#### **17 Citation, commencement and extent.**

- (1) This Act may be cited as the Road Traffic (Driver Licensing and Information Systems) Act 1989.
- (2) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different provisions or for different purposes.
- (3) This Act does not extend to Northern Ireland.

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**Status:** Point in time view as at 29/12/2003.

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

**C3** Power of appointment conferred by s. 17(2) partly exercised: [S.I. 1989/1843](#), 1990/802, 2228, 2610

*Status: Point in time view as at 29/12/2003.*

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### EXISTING HGV AND PSV DRIVERS’ LICENCES

##### PART I

#### EXISTING HGV AND PSV DRIVERS’ LICENCES

##### *Preliminary*

- 1 In this Part of this Schedule—
- “conduct” means—
- (a) in relation to the holder of an existing heavy goods vehicle licence, his conduct as a driver of a motor vehicle, and
  - (b) in relation to the holder of an existing public service vehicle licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a public service vehicle licence,
- including, in either case, such conduct in Northern Ireland;
- “existing licence” means a licence to drive heavy goods vehicles or public service vehicles (as the case may be) continued in force by section 1(2) of this Act, and “existing heavy goods vehicle licence” and “existing public service vehicle licence” shall be construed accordingly;
- “full”, in relation to an existing heavy goods vehicle licence, indicates a licence other than a provisional licence;
- “heavy goods vehicle” has the same meaning as it had for the purposes of Part IV of the 1988 Act before its repeal by section 1 of this Act and “large goods vehicle” has the same meaning;
- “notice” means notice in writing and “notify” shall be construed accordingly;
- “passenger-carrying vehicle” has the same meaning as it has in Part IV of the 1988 Act;
- “prescribed”, unless the context requires otherwise, means prescribed by regulations made under paragraph 8 below; and
- “public service vehicle” has the same meaning as it had for the purposes of section 22 of the 1981 Act before its repeal by section 1 of this Act.

#### **Commencement Information**

**I7** Sch. 1 para. 1 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

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### *Functions of Secretary of State and Traffic Commissioners*

- 2 (1) The functions conferred by the following provisions of this Part of this Schedule in relation to existing licences shall be functions of the Secretary of State except where, by any provision, the function is conferred on a traffic commissioner or any court.
- (2) Traffic commissioners shall, in the exercise of those functions, act in accordance with directions given by the Secretary of State; but such directions shall be general directions not relating to the exercise of functions in a particular case.

#### **Commencement Information**

**I8** Sch. 1 para. 2 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

### *Conditions of existing HGV licences*

- 3 (1) An existing heavy goods vehicle licence issued as a provisional licence, or an existing full heavy goods vehicle licence held by a person under the age of 21, is subject to the prescribed conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions he is guilty of an offence.
- (2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a heavy goods vehicle of any class in contravention of any prescribed conditions to which that other person's licence is subject.

#### **Commencement Information**

**I9** Sch. 1 para. 3 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

### *Duration of existing licences*

- 4 (1) An existing heavy goods vehicle licence shall, unless previously revoked, suspended or surrendered, continue in force for 3 years from the date on which it is expressed to take effect.
- (2) Subject to sub-paragraph (3) below, a provisional heavy goods vehicle licence shall, unless previously revoked, suspended or surrendered, continue in force for 6 months from the date on which it is expressed to take effect.
- (3) Sub-paragraph (2) above does not apply to a heavy goods vehicle licence treated as a provisional licence by virtue of regulations under paragraph 8 below.
- (4) An existing public service vehicle licence shall, unless previously revoked, suspended or surrendered, continue in force for 5 years from the date on which it is expressed to take effect.
- (5) If on the date on which an application is made under Part III of the 1988 Act for a licence to drive large goods vehicles or passenger-carrying vehicles, the applicant is the holder of an existing heavy goods vehicle licence or an existing public service vehicle licence, as the case may be, his existing licence shall not expire in accordance with the foregoing provisions before the application is disposed of.

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### Commencement Information

**I10** Sch. 1 para. 4 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

### *Revocation or suspension of existing licences*

- 5 (1) An existing heavy goods vehicle licence or public service vehicle licence—
- (a) must be revoked—
    - (i) if its holder develops such physical disability as may be prescribed, or
    - (ii) if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;
  - (b) must be revoked or suspended if his conduct or physical disability is such as to make him unfit to hold such a licence;
- and where the licence is suspended under paragraph (b) above it shall during the time of suspension be of no effect.
- (2) Where it appears that the conduct or physical disability of the holder of an existing licence falls within both sub-paragraph (1)(a) above and sub-paragraph (1)(b) above, proceedings shall be taken or continued under sub-paragraph (1)(a) and not sub-paragraph (1)(b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.
- (3) Regulations made for the purposes of sub-paragraph (1)(a) above—
- (a) may make different provision for heavy goods vehicles and for public service vehicles and for different descriptions of persons; and
  - (b) shall provide for the determination of the cases in which, under paragraph 6 below, a person whose licence has been revoked is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.
- (4) Any question arising under sub-paragraph (1)(b) above as to whether a person is or is not, by reason of his conduct, fit to hold a heavy goods vehicle licence or a public service vehicle licence, as the case may be, may be referred by the Secretary of State to the traffic commissioner for the area in which the holder of the licence resides.
- (5) Where, on any reference under sub-paragraph (4) above, the traffic commissioner determines that the holder of the licence is not fit to hold a heavy goods vehicle licence or a public service vehicle licence, as the case may be, he shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under paragraph 6(2)(a) below (and, if so, for what period) or under paragraph 6(2)(b) below.
- (6) A traffic commissioner to whom a reference has been made under sub-paragraph (4) above may require the holder of the licence to furnish the commissioner with such information as he may require and may, by notice to the holder, require him to attend before the commissioner at the time and place specified by the commissioner to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as the commissioner may put to him.

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- (7) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put by a commissioner when required to do so under sub-paragraph (6) above, the commissioner may notify the failure to the Secretary of State and, if the commissioner does so, the Secretary of State may, as he thinks fit, revoke the licence or suspend it for such period as he thinks fit.
- (8) Except where he has given such a notification as is mentioned in sub-paragraph (7) above, the traffic commissioner to whom a reference has been made under sub-paragraph (4) above shall notify the Secretary of State and the holder of the licence of his determination in the matter and the decision of the commissioner shall be binding on the Secretary of State.
- (9) Where the Secretary of State, without making such a reference, determines to revoke or suspend a person's licence under sub-paragraph (1) above he shall notify his determination in the matter to the holder of the licence and, where he suspends it, to the traffic commissioner for the area in which the holder of the licence resides.

#### Commencement Information

III Sch. 1 para. 5 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

#### *Disqualification on revocation of existing licences*

- 6 (1) Where in pursuance of paragraph 5(1)(a) above the Secretary of State revokes a person's existing licence, the Secretary of State must, in accordance with the regulations made for the purposes of that paragraph, order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.
- (2) Where in pursuance of paragraph 5(1)(b) above the Secretary of State revokes an existing licence, he may—
  - (a) order the holder to be disqualified indefinitely or for such period as the Secretary of State thinks fit, or
  - (b) except where the licence is a provisional licence, if it appears to the Secretary of State that, owing to the conduct or physical disability of the holder of the licence it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part III of the 1988 Act until he passes the prescribed test of competence under that Part to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence to drive until he passes such a test.
- (3) If, while the holder of an existing licence is disqualified under sub-paragraph (1) above, the circumstances prescribed for the purposes of paragraph 5(1)(a)(ii) above cease to exist in his case, the Secretary of State must, on an application made to him for the purpose, remove the disqualification.
- (4) Where the holder of an existing licence is disqualified under sub-paragraph (2)(a) above, the Secretary of State may, in such circumstances as may be prescribed, remove the disqualification.
- (5) Where the holder of an existing full licence is disqualified under sub-paragraph (2)(b) above, the Secretary of State must not afterwards grant him a full licence under Part

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III of the 1988 Act to drive large goods vehicles or passenger-carrying vehicles of any class unless satisfied that he has since the disqualification passed the prescribed test of competence under that Part to drive vehicles of that class, and until he passes that test any such full Part III licence obtained by him shall be of no effect.

- (6) So long as the disqualification under sub-paragraph (1) or (2)(a) above of the holder of an existing licence continues in force, no licence under Part III of the 1988 Act to drive large goods vehicles or passenger-carrying vehicles (as the case may be) shall be granted to him and any such licence obtained by him shall be of no effect.
- (7) In this paragraph “disqualified”—
- (a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified for holding or obtaining a licence under Part III of the 1988 Act to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and
  - (b) in a case of revocation of a public service vehicle licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified for holding or obtaining a licence under Part III of the 1988 Act to drive passenger-carrying vehicles of the prescribed classes.

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

**C4** Sch. 1 Pt. I para. 6(4) extended (1.4.1991) by S.I. 1990/2611, reg. 10(1)

**Commencement Information**

**I12** Sch. 1 para. 6 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

*Appeals relating to existing licences*

- 7 (1) The holder of an existing licence who is aggrieved by the Secretary of State’s—
- (a) suspension or revocation of his licence under paragraph 5 above, or
  - (b) ordering of disqualification under paragraph 6 above,
- may, after giving to the Secretary of State and any traffic commissioner to whom the matter was referred notice of his intention to do so, appeal to a magistrates’ court acting for the petty sessions area in which the holder of the licence resides, or, in Scotland, to the sheriff within whose jurisdiction he resides.
- (2) On an appeal under sub-paragraph (1)(a) above the Secretary of State and, if the matter was referred to a traffic commissioner, the commissioner shall be respondent.
- (3) On any appeal under sub-paragraph (1) above the court or sheriff may make such order as it or he thinks fit and the order shall be binding on the Secretary of State.

**Commencement Information**

**I13** Sch. 1 para. 7 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.



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### *Regulations*

- 8 (1) The Secretary of State may make regulations for prescribing anything which may be prescribed under this Part of this Schedule and generally for the purpose of carrying its provisions into effect.
- (2) Regulations under this paragraph may make different provision for different cases and circumstances and may in particular—
- (a) provide that a full licence to drive heavy goods vehicles of a particular class shall also be treated for the purposes of this Part of this Schedule as a provisional licence to drive heavy goods vehicles of another prescribed class;
  - (b) make provision with respect to the custody and production of existing licences and requiring, and regulating the procedure on, the surrender or production to the Secretary of State, a traffic commissioner or any constable or officer of existing licences which have been revoked or suspended or have expired;
  - (c) provide for the issue by traffic commissioners of duplicate licences in place of existing licences lost or defaced on payment of the prescribed fee;
  - (d) provide that a person who contravenes or fails to comply with any specified provision is guilty of an offence; and
  - (e) provide that this Part of this Schedule shall not apply to prescribed classes of heavy goods vehicle or of public service vehicle either generally or in such circumstances as may be prescribed.
- (3) The power to make regulations under this paragraph is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Before making any regulations under this paragraph the Secretary of State must consult with such representative organisations as he thinks fit.

#### **Commencement Information**

**I14** Sch. 1 para. 8 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

### *Provisions as to existing Northern Ireland licences*

- 9 (1) In this paragraph “existing Northern Ireland licence” means a licence specifically to drive heavy goods vehicles or public service vehicles granted under the law of Northern Ireland.
- (2) The Secretary of State may exercise as respects Great Britain the like power of revoking or suspending any existing Northern Ireland licence and of making an order under paragraph 6(2) above as is conferred on him in relation to an existing heavy goods vehicle licence or public service vehicle licence by paragraphs 5(1)(b) and 6(2) above, and the provisions of paragraphs 5(1) and (4) to (9) and 6(2), (4), (5), (6) and (7) and the power to make regulations under paragraph 8(2)(b) shall have effect accordingly subject to the modification that references to the traffic commissioner for the area in which the holder of the licence resides shall be construed as references to the prescribed traffic commissioner.
- (3) Where an existing Northern Ireland licence which has been revoked is surrendered to the Secretary of State in pursuance of regulations made under paragraph 8(2)(b), the

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Secretary of State shall send it to the licensing authority in Northern Ireland together with particulars of the revocation.

- (4) A holder of an existing Northern Ireland licence who is aggrieved by the revocation or suspension of the licence or the ordering of disqualification by virtue of sub-paragraph (2) above shall have the like right of appeal as is conferred by paragraph 7 above except that an appeal brought by virtue of this sub-paragraph shall, if the appellant is not resident in Great Britain, lie to a prescribed magistrates' court or a prescribed sheriff.

#### Commencement Information

**I15** Sch. 1 para. 9 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

## PART II

### TRANSITORY PROVISIONS

<sup>F6</sup>10 .....

#### Textual Amendments

**F6** Sch. 1 Pt II para. 10 repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), s. 16, Sch. 6; S.I. 1990/2610, art. 2, Sch.

- [<sup>F7</sup>11 Notwithstanding section 87 of the 1988 Act, a person who is the holder of a licence to drive motor vehicles granted under Part III of that Act and coming into force on or after 1st June 1990 and is also the holder of—
- (a) a licence under Part IV of that Act to drive heavy goods vehicles of any class, or
  - (b) a licence under section 22 of the 1981 Act to drive public service vehicles of any class,
- may drive, or be caused or permitted to drive, a heavy goods vehicle or (as the case may be) a public service vehicle of that class notwithstanding that his licence under Part III of the 1988 Act does not authorise him to drive such a vehicle.]

#### Textual Amendments

**F7** Sch. 1 Pt. II para. 11 repealed (*prosp.*) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 16, 17(2), Sch. 6

- 12 The power to make regulations under paragraph 8 above includes power to prescribe the classes of goods vehicle or passenger-carrying vehicle which, by virtue of section 1(2) of this Act, the holder of an existing licence is authorised to drive during the currency of his existing licence.

#### Commencement Information

**I16** Sch. 1 para. 12 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

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## SCHEDULE 2

Section 2.

### PROVISIONS INSERTED IN ROAD TRAFFIC ACT 1988

#### “PART IV

##### LICENSING OF DRIVERS OF LARGE GOODS VEHICLES AND PASSENGER-CARRYING VEHICLES

##### **Licensing of drivers of large goods vehicles and passenger-carrying vehicles.**

110 (1) Licences under Part III of this Act to drive motor vehicles of classes which include large goods vehicles or passenger-carrying vehicles or large goods vehicles or passenger-carrying vehicles of any class shall be granted by the Secretary of State in accordance with this Part of this Act and shall, in so far as they authorise the driving of large goods vehicles or passenger-carrying vehicles, be otherwise subject to this Part of this Act in addition to Part III of this Act.

(2) In this Part of this Act—

“large goods vehicle driver’s licence” means a licence under Part III of this Act in so far as it authorises a person to drive large goods vehicles of any class; and

“passenger-carrying vehicle driver’s licence” means a licence under Part III of this Act in so far as it authorises a person to drive passenger-carrying vehicles of any class.

##### **Functions of traffic commissioners.**

111 (1) The traffic commissioner for any area constituted for the purposes of the Public Passenger Vehicles Act 1981 shall exercise the functions conferred by the following provisions of this Part of this Act relating to the conduct of applicants for and holders of large goods vehicle and passenger-carrying vehicle drivers’ licences.

(2) Traffic commissioners shall, in the exercise of those functions, act in accordance with directions given by the Secretary of State; but such directions shall be general directions not relating to the exercise of functions in a particular case.

##### **Grant of licences: fitness as regards conduct.**

112 The Secretary of State shall not grant to an applicant a large goods vehicle driver’s licence or a passenger-carrying vehicle driver’s licence unless he is satisfied, having regard to his conduct, that he is a fit person to hold the licence applied for.

##### **Grant of licences: referral of matters of conduct to traffic commissioners.**

113 (1) Any question arising under section 112 of this Act relating to the conduct of an applicant for a licence may be referred by the Secretary of State to the traffic commissioner for the area in which the applicant resides.

(2) On any reference under subsection (1) above, the traffic commissioner shall determine whether the applicant for the licence is or is not, having regard to his conduct, a fit person to hold a licence to drive large goods vehicles or passenger-carrying vehicles, as the case may be.

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- (3) A traffic commissioner to whom a reference has been made under this section may require the applicant for the licence to furnish the commissioner with such information as he may require and may, by notice to the applicant, require him to attend before the commissioner at the time and place specified by the commissioner to furnish the information and to answer such questions (if any) relating to his application as the commissioner may put to him.
- (4) If the applicant fails without reasonable excuse to furnish information to or attend before or answer questions properly put by a commissioner when required to do so under subsection (3) above, the commissioner may decline to proceed further with the application and, if he does so, the commissioner shall notify the Secretary of State of that fact and the Secretary of State shall refuse to grant the licence.
- (5) The traffic commissioner to whom a reference has been made under this section shall, unless he has declined to proceed further with the application, notify the Secretary of State and the applicant of his determination in the matter and the decision of the commissioner shall be binding on the Secretary of State.

#### **Conditions of certain licences.**

- 114 (1) A large goods vehicle or passenger-carrying vehicle driver's licence issued as a provisional licence, or a full large goods vehicle or passenger-carrying vehicle driver's licence issued to a person under the age of 21, shall be subject to the prescribed conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions he is guilty of an offence.
- (2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a large goods vehicle of any class or a passenger-carrying vehicle of any class in contravention of the prescribed conditions to which that other person's licence is subject.

#### **Revocation or suspension of licences.**

- 115 (1) A large goods vehicle or passenger-carrying vehicle driver's licence—
- (a) must be revoked if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;
  - (b) must be revoked or suspended if his conduct is such as to make him unfit to hold such a licence;
- and where the licence is suspended under paragraph (b) above it shall during the time of suspension be of no effect.
- (2) Where it appears that the conduct of the holder of a licence falls within both paragraph (a) and paragraph (b) of subsection (1) above, proceedings shall be taken or continued under paragraph (a) and not under paragraph (b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.
- (3) Regulations made for the purposes of subsection (1)(a) above—
- (a) may make different provision for large goods vehicles and for passenger-carrying vehicles and for different descriptions of persons; and
  - (b) shall provide for the determination of the cases in which, under section 117 of this Act, a person whose licence has been revoked is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.

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### **Revocation or suspension of licences: referral of matters of conduct to traffic commissioners.**

- 116 (1) Any question arising under section 115(1)(b) of this Act as to whether a person is or is not, by reason of his conduct, fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, may be referred by the Secretary of State to the traffic commissioner for the area in which the holder of the licence resides.
- (2) Where, on any reference under subsection (1) above, the traffic commissioner determines that the holder of the licence is not fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, he shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under section 117(2)(a) of this Act (and, if so, for what period) or under section 117(2)(b) of this Act.
- (3) A traffic commissioner to whom a reference has been made under subsection (1) above may require the holder of the licence to furnish the commissioner with such information as he may require and may, by notice to the holder, require him to attend before the commissioner at the time and place specified by the commissioner to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as the commissioner may put to him.
- (4) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put by a commissioner when required to do so under subsection (3) above, the commissioner may notify the failure to the Secretary of State and, if the commissioner does so, the Secretary of State may, as he thinks fit, revoke the licence or suspend it for such period as he thinks fit.
- (5) Except where he has given such a notification as is mentioned in subsection (4) above, the traffic commissioner to whom a reference has been made under subsection (1) above shall notify his determination in the matter to the Secretary of State and the holder of the licence and the decision of the commissioner shall be binding on the Secretary of State.
- (6) Where the Secretary of State, without making such a reference, determines to revoke or suspend a person's licence under section 115(1) of this Act he shall notify his determination in the matter to the holder of the licence and, where he suspends it, to the traffic commissioner for the area in which the holder of the licence resides.

### **Disqualification on revocation of licence.**

- 117 (1) Where in pursuance of section 115(1)(a) of this Act the Secretary of State revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, the Secretary of State must, in accordance with the regulations made for the purposes of that paragraph, order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.
- (2) Where in pursuance of section 115(1)(b) of this Act the Secretary of State revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, the Secretary of State may—
- order the holder to be disqualified indefinitely or for such period as the Secretary of State thinks fit, or
  - except where the licence is a provisional licence, if it appears to the Secretary of State that, owing to the conduct of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional

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licences under Part III of this Act until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test.

- (3) If, while the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under subsection (1) above, the circumstances prescribed for the purposes of section 115(1)(a) of this Act cease to exist in his case, the Secretary of State must, on an application made to him for the purpose, remove the disqualification.
- (4) Where the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under subsection (2)(a) above, the Secretary of State may, in such circumstances as may be prescribed, remove the disqualification.
- (5) Where the holder of a full licence is disqualified under subsection (2)(b) above, the Secretary of State must not afterwards grant him a full licence to drive a large goods vehicle or passenger-carrying vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.
- (6) So long as the disqualification under subsection (1) or (2)(a) above of the holder of a large goods vehicle or passenger-carrying vehicle driver's licence continues in force, a large goods vehicle or passenger-carrying vehicle driver's licence must not be granted to him and any such licence obtained by him shall be of no effect.
- (7) In this section "disqualified"—
  - (a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and
  - (b) in a case of revocation of a passenger-carrying vehicle driver's licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive passenger-carrying vehicles of the prescribed classes.

**Revoked or suspended licences: surrender, return and endorsement.**

- 118 (1) Where, in pursuance of section 115 of this Act, the Secretary of State revokes a licence, he must serve notice on the holder of the licence requiring him to deliver the licence [F8and its counterpart]forthwith to the Secretary of State, and it shall be the duty of the holder of the licence to comply with the requirement.
- (2) Where, in pursuance of section 115 of this Act, the Secretary of State suspends a licence, then—
- (a) where he does so without making any reference under section 116 of this Act to a traffic commissioner, the Secretary of State must serve notice on the holder of the licence requiring him to deliver the licence [F9and its counterpart]forthwith to the traffic commissioner for the area in which the holder of the licence resides;
  - (b) where he does so in pursuance of a determination of a traffic commissioner on such a reference, the traffic commissioner must, if the [F10licence and its counterpart have]not previously been delivered to him, serve notice on the holder of the licence requiring him to deliver [F11them]forthwith to the commissioner;

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and it shall be the duty of the holder of the licence to comply with the requirement.

- (3) Any holder of a licence who fails without reasonable excuse to comply with his duty under subsection (1) or (2) above is guilty of an offence.
- (4) On the delivery of a licence [<sup>F12</sup>and its counterpart] by a person to the Secretary of State in pursuance of subsection (1) above, the Secretary of State must issue to him, on payment of such fee (if any) as may be prescribed, a licence authorising the driving of the classes of vehicles which are unaffected by the revocation.
- [<sup>F13</sup>(5) On the delivery of a suspended licence and its counterpart to a traffic commissioner, the traffic commissioner must endorse the counterpart of the licence with particulars of the suspension and return the licence and its counterpart to the holder.]

### **Appeals to magistrates' court or sheriff.**

- 119 (1) A person who, being the holder of, or an applicant for, a large goods vehicle or passenger-carrying vehicle driver's licence, is aggrieved by the Secretary of State's—
- (a) refusal or failure to grant such a licence in pursuance of section 112 or 113(4) of this Act,
  - (b) suspension or revocation of such a licence in pursuance of section 115 or 116(4) of this Act, or
  - (c) ordering of disqualification under section 117(2) of this Act,
- may, after giving to the Secretary of State and any traffic commissioner to whom the matter was referred notice of his intention to do so, appeal to a magistrates' court acting for the petty sessions area in which the holder of or applicant for the licence resides or, in Scotland, to the sheriff within whose jurisdiction he resides.
- (2) On any appeal under subsection (1)(a) or (b) above the Secretary of State and, if the matter was referred to a traffic commissioner, the commissioner shall be respondent.
  - (3) On any appeal under subsection (1) above the court or sheriff may make such order as it or he thinks fit and the order shall be binding on the Secretary of State.

### **Regulations.**

- 120 (1) The Secretary of State may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying the provisions of this Part of this Act into effect.
- (2) Regulations under this section may in particular require applicants for tests of competence under Part III of this Act to drive large goods vehicles or passenger-carrying vehicles or for large goods vehicle or passenger-carrying vehicle driver's licences (whether full or provisional) to have such qualifications, experience and knowledge as may be prescribed and, in particular, where they are to be authorised to drive large goods vehicles or passenger-carrying vehicles of any class at an age below the normal minimum age for driving vehicles of that class, to fulfil such requirements with respect to participation in an approved training scheme for drivers as may be prescribed.
  - (3) In subsection (2) above—

“approved training scheme for drivers” means a training scheme for drivers (as defined in section 101(5) of this Act) approved for the time being by the Secretary of State for the purposes of regulations under that section; and

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“normal minimum age for driving”, in relation to the driving of vehicles of any class, means the age which is in force under section 101 of this Act (but apart from any approved training scheme for drivers) in relation to that class of vehicle.

- (4) Regulations under this section may make different provision as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.
- (5) Regulations under this section may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence.
- (6) The Secretary of State may by regulations provide that this Part of this Act shall not apply to large goods vehicles or passenger-carrying vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.

### **Interpretation.**

121 (1) In this Part of this Act—

“conduct” means—

- (a) in relation to an applicant for or the holder of a large goods vehicle driver’s licence, his conduct as a driver of a motor vehicle, and
- (b) in relation to an applicant for or the holder of a passenger-carrying vehicle driver’s licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a passenger-carrying vehicle driver’s licence,

including, in either case, such conduct in Northern Ireland;

[<sup>F14</sup>“counterpart”, in relation to a licence to drive under Part III of this Act, has the same meaning as in that Part;]

“full licence” means a large goods vehicle or passenger-carrying vehicle driver’s licence other than a provisional licence;

“large goods vehicle” means—

- (a) an articulated goods vehicle, or
- (b) a motor vehicle (not being an articulated goods vehicle) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes;

“passenger-carrying vehicle” means—

- (a) a large passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers which is constructed or adapted to carry more than 16 passengers, or
- (b) a small passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers for hire or reward which is constructed or adapted to carry more than 8 but not more than 16 passengers;

“notice” means notice in writing and “notify” shall be construed accordingly;

“prescribed” means, unless the context requires otherwise, prescribed by regulations under section 120 of this Act;

“provisional licence” means a licence granted by virtue of section 97(2) of this Act;

and “articulated goods vehicle” and “permissible maximum weight” have the same meanings as in Part III of this Act.



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## Provisions as to Northern Ireland licences.

- 122 (1) In this section “Northern Ireland driving licence” has the same meaning as in Part III of this Act.
- (2) The Secretary of State may exercise as respects Great Britain the like power of revoking or suspending any Northern Ireland driving licence and of making an order under section 117(2) of this Act as is conferred on him in relation to a large goods vehicle or passenger-carrying vehicle driver’s licence by sections 115(1)(b) and 117(2) of this Act, and the provisions of sections 115(1), 116, 117 and (with the exception of subsection (3)) 118 shall have effect accordingly subject to the modification that references to the traffic commissioner for the area in which the holder of the licence resides shall be construed as references to the prescribed traffic commissioner.
- (3) Where a revoked Northern Ireland driving licence [<sup>F15</sup>and its counterpart are]surrendered to the Secretary of State in pursuance of section 118 of this Act, the Secretary of State shall send [<sup>F16</sup>them]to the licensing authority in Northern Ireland together with particulars of the revocation.
- (4) A holder of a Northern Ireland driving licence who is aggrieved by the revocation or suspension of the licence or the ordering of disqualification by virtue of subsection (2) above shall have the like right of appeal as is conferred by section 119 of this Act except that an appeal brought by virtue of this subsection shall, if the appellant is not resident in Great Britain, lie to a prescribed magistrates’ court or a prescribed sheriff.”

### Textual Amendments

- F8** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(a)**
- F9** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(b)**
- F10** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(c)(i)(ii)**
- F11** Word substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(c)(i)(ii)**
- F12** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(d)**
- F13** S. 118(5)(inserted in the new Part IV of the Road Traffic Act 1988) substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(e)**
- F14** Definition inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(3)**
- F15** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(4)(a)(b)**
- F16** Word substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(4)(a)(b)**

### Textual Amendments

- F8** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(a)**
- F9** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(b)**
- F10** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(c)(i)(ii)**
- F11** Word substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(c)(i)(ii)**
- F12** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(d)**
- F13** S. 118(5)(inserted in the new Part IV of the Road Traffic Act 1988) substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(e)**
- F14** Definition inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(3)**
- F15** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(4)(a)(b)**
- F16** Word substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(4)(a)(b)**

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## SCHEDULE 3

Section 7.

### DRIVING LICENCES: MINOR, CONSEQUENTIAL, AND FURTHER AMENDMENTS

#### *Energy Act 1976 (c.76)*

- 1 In Schedule 1 to the Energy Act 1976, in paragraph 2, for sub-paragraphs (a) and (b) there shall be substituted—
- “(a) drive a passenger-carrying vehicle (within the meaning of Part IV of the Road Traffic Act 1988) notwithstanding that his licence under Part III of that Act does not authorise him to do so; or
  - (b) cause or permit to drive any such vehicle a person whose licence does not so authorise him.”

#### **Commencement Information**

**I17** Sch. 3 para. 1 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

#### *Public Passenger Vehicles Act 1981 (c.14)*

- 2 In section 24 of the Public Passenger Vehicles Act 1981 (conduct of PSV drivers and conductors)—
- (a) in subsection (1), the words “persons licensed to act as” shall be omitted;
  - [<sup>F17</sup>(b) in subsection (2)—
    - (i) after the words “endorsed upon” there shall be inserted the words “ the counterpart of ”, and
    - (ii) for the words “section 22 of this Act” there shall be substituted the words “ Part III of the Road Traffic Act 1988 ”;]
  - [<sup>F18</sup>(bb) in subsection (3)—
    - (i) after the words “custody of the licence” there shall be inserted the words “ and its counterpart ”, and
    - (ii) for the words “the licence” in the second place where they occur there shall be substituted the word “ them ”; and]
  - (c) after subsection (4) there shall be inserted the following subsection—
    - “(5) Notwithstanding section 1(1) of this Act, in this section and in sections 25 and 26 of this Act “public service vehicle” shall be construed as meaning a public service vehicle being used on a road for carrying passengers for hire or reward.”

#### **Textual Amendments**

**F17** Sch. 3 para. 2(b) substituted by S.I. 1990/144, regs. 2(3), 3, Sch. 3 para. 3(2)(a)

**F18** Sch. 3 para. 2(bb) inserted by S.I. 1990/144, regs. 2(3), 3, Sch. 3 para. 3(2)(b)

#### **Commencement Information**

**I18** Sch. 3 para. 2 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

*Status: Point in time view as at 29/12/2003.*

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- 3 In section 46(1) of the Public Passenger Vehicles Act 1981 (fare-paying passengers on school buses), for the words “12(1) and 22” there shall be substituted the words “and 12(1)”.

**Commencement Information**

**I19** Sch. 3 para. 3 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2, Sch.](#)

*Transport Act 1985 (c.67)*

- 4 In section 18 of the Transport Act 1985 (exemption from PSV operator and driver licensing requirements of vehicles used under permits)—
- (a) for the words “Sections 12(1) and 22” there shall be substituted “Section 12(1)”;
  - (b) after paragraph (a) there shall be inserted the word “or”;
  - (c) for paragraph (c) and the word “or” preceding it there shall be substituted “and a person may drive any vehicle at a time when it is being used as mentioned in paragraph (a) or (b) above notwithstanding that his licence under Part III of the Road Traffic Act 1988 does not authorise him to drive vehicles of the class to which that vehicle belongs.”

**Commencement Information**

**I20** Sch. 3 para. 4 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2, Sch.](#)

- 5 In section 23(2) of the Transport Act 1985 (conditions of community bus permits), in paragraph (b), after the word “holds” there shall be inserted the words “a passenger-carrying vehicle driver’s licence (within the meaning of Part IV of the Road Traffic Act 1988) or”.

**Commencement Information**

**I21** Sch. 3 para. 5 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2, Sch.](#)

*Road Traffic Act 1988 (c.52)*

- 6 In section 23 of the 1988 Act (restriction on carriage of persons on motor cycles), for the words “two-wheeled motor cycle” in both places where they occur, there shall be substituted the words “motor bicycle”.
- 7 In section 87 of the 1988 Act (drivers obliged to have licences), at the end, there shall be inserted the following subsection—
- “(3) This section is subject to paragraph 11 of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989.”
- 8 In section 89 of the 1988 Act (tests of competence to drive)—
- (a) in subsection (4), at the end of paragraph (a) there shall be inserted the words “, 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”;

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- (b) in subsection (6)—
- (i) for the words “(1)(a) above”, where first occurring, there shall be substituted the words “ (1)(a)(iii) above or section 89A(2)(b)(iii) below ”,
  - (ii) in paragraph (b), for the word “any” where it first occurs there shall be substituted the word “ all ”, and
  - (iii) after paragraph (b) there shall be inserted the following paragraph—  
 “, and  
 (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.”;
- (c) in subsection (7), for the words from “(1)(b) to authorise” to “in the group” there shall be substituted “(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
  - (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”;
- (d) in subsection (8), for the word “category” in both places where it occurs, there shall be substituted the word “ class ”; and
- (e) for subsection (9), there shall be substituted the following subsections—
- “(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

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- (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.”

#### Commencement Information

**I22** Sch. 3 para. 8 wholly in force at 1.4.1991; para. 8 not in force at Royal Assent see s. 17(2); para. 8(b)(ii)(iii) in force at 1.6.1990 by [S.I. 1990/802](#); para. 8 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2](#), [Sch.](#)

- 9 In section 97(1) of the 1988 Act (licences to be granted on fulfilment of certain conditions)—
- (a) after the words “section 92 of this Act” there shall be inserted the words “ and, in the case of licences to drive large goods vehicles or passenger-carrying vehicles, to Part IV of this Act ”;
  - (b) in paragraph (a), at the end, there shall be inserted the words “ and pays the fee (if any) which is prescribed ”;
  - (c) in paragraph (c), for the words “1st June 1970” there shall be substituted the words “ 1st January 1976 ” and for the words from “89(1)(c)” to the end there shall be substituted the words “ 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 ”; and
  - (d) in paragraph (d), for the words from “disqualified” to “application” there shall be substituted the words “ , in accordance with section 88(1B) of this Act, subject to a current disqualification which is relevant to the licence he applies for ”.

#### Commencement Information

**I23** Sch. 3 para. 9 wholly in force at 1.4.1991; para. 9 not in force at Royal Assent see s. 17(2); para. 9(b)(d) in force at 1.6.1990 by [S.I. 1990/802](#); para. 9 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2](#), [Sch.](#)

- 10 In section 97(3) of the 1988 Act (provisional licences), in paragraph (d), for the words “motor cycle having two wheels only” there shall be substituted the words “ motor bicycle without a side-car ”.

- 11 In section 98 of the 1988 Act (form of licence and provisional entitlement)—

- (a) .....<sup>F19</sup>
- (b) in subsection (2), for paragraphs (a), (b) and (c) there shall be substituted—  
“(a) a provisional licence, or

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- (b) any other prescribed description of licence”;
- (c) in subsection (3)—
  - (i) in paragraph (b), for the words “motor cycle” there shall be substituted the words “ motor bicycle without a side-car ”, and
  - (ii) after paragraph (b), there shall be inserted the words “; or
  - (c) unless he has passed a test of competence to drive, a motor bicycle on a road in circumstances in which, by virtue of section 97(3)(e) of this Act, a provisional licence would not authorise him to drive it before he had passed that test.”; and
- (d) in subsection (4), after the words “In such cases” there shall be inserted the words “ or as respects such classes of vehicles ”.

#### Textual Amendments

**F19** Sch. 3 para. 11(a) repealed by [S.I. 1990/144](#), regs. 2(3), 3, [Sch. 3 para. 3\(3\)](#)

#### Commencement Information

**I24** Sch. 3 para. 11 wholly in force at 1.4.1991; para. 11 not in force at Royal Assent see s. 17(2); para. 11(b) in force at 1.6.1990 by [S.I. 1990/802](#); para. 11(c) in force at 1.12.1990 by [S.I. 1990/2228](#); para. 11 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2](#), [Sch.](#)

- 12 In section 99 of the 1988 Act (duration of licences)—
- (a) in subsection (1), for the words “A licence”, in the first place where they occur, there shall be substituted the words “ In so far as a licence authorises its holder to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, it ”;
  - (b) in subsection (3), at the end, there shall be inserted the words “ and it shall be the duty of that person to comply with the requirement. ”; and
  - (c) in subsection (5)—
    - (i) after the word “who” there shall be inserted the words “ without reasonable excuse ”, and
    - (ii) after the word “subsection” there shall be inserted the words “ (3) or ”.

#### Commencement Information

**I25** Sch. 3 para. 12 wholly in force at 1.4.1991; para. 12 not in force at Royal Assent see s. 17(2); para. 12(b) (c) in force at 1.6.1990 by [S.I. 1990/802](#); para. 12 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2 sch.](#)

- 13 In section 103 of the 1988 Act (obtaining licence, or driving, while disqualified)—
- (a) in subsection (1)(b), the words from “or, if” to the end shall be omitted; and
  - (b) after subsection (3) there shall be inserted the following subsection—
    - “(4) In the application of subsections (1), (2) and (3) above to a person whose disqualification is limited by virtue of section 101, 102 or 117 of this Act to the driving of a motor vehicle of a particular class the references to disqualification for holding or obtaining a licence and driving motor vehicles are references to disqualification for

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holding or obtaining a licence to drive and driving motor vehicles of that class.”

#### Commencement Information

**I26** Sch. 3 para. 13 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

- 14 In section 105 of the 1988 Act (regulations), in subsection (2), there shall be inserted, after paragraph (e), the following paragraph—
- “(ee) the correspondence for any purpose of this Part of this Act of one class of motor vehicle with another class of motor vehicle or of one test of competence to drive with another (whatever the law under which the classification is made or the test conducted).”.
- 15 In section 108(1) of the 1988 Act (interpretation)—
- (a) after the definition of “articulated goods vehicle” there shall be inserted the following—
- ““British external licence” and “British Forces licence” have the meanings given by section 88(8) of this Act.”;
- (b) in the definition of “disqualified”, after the word “licence” there shall be inserted the words “ or, in cases where the disqualification is limited, a licence to drive motor vehicles of the class to which the disqualification relates ”;
- (c) after the definition of “exchangeable licence” there shall be inserted the following—
- ““full licence” means a licence other than a provisional licence.”;
- (d) in the definition of “licence”, before the word “means” there shall be inserted the words “ (except where the context otherwise requires) ”;
- (e) after the definition of “medium-sized goods vehicle” there shall be inserted the following—
- ““Northern Ireland driving licence” or “Northern Ireland licence” means a licence to drive a motor vehicle granted under the law of Northern Ireland,
- “passenger-carrying vehicle” has the meaning given by section 121(1) of this Act.”;
- (f) after the definition of “relevant disability” there shall be inserted the following—
- ““relevant external law” has the meaning given by section 88(8) of this Act.”; and
- (g) after the definition of “test of competence to drive” there shall be inserted the following—
- ““approved training course for motor cyclists” and, in relation to such a course, “prescribed certificate of completion” mean respectively any course of training approved under, and the certificate of completion prescribed in, regulations under section 97(3A) of this Act.”.

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### Commencement Information

- I27** Sch. 3 para. 15 wholly in force at 1.4.1991; para. 15 not in force at Royal Assent see s. 17(2); para. 15(a) (f) wholly in force and para. 15(e) partly in force at 1.6.1990 by [S.I. 1990/802](#); para. 15(g) wholly in force at 1.12.1990 by [S.I. 1990/2228](#); para. 15 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2](#), [Sch](#)
- 16 In section 109 of the 1988 Act (driving in Great Britain as holder of Northern Ireland licence)—
- (a) in subsection (1)—
- (i) for the words “licence to drive a motor vehicle granted under the law of Northern Ireland” there shall be substituted the words “Northern Ireland driving licence”, and
- (ii) after the words “this Part”, where first occurring, there shall be inserted the words “or Part IV”; and
- (b) in subsection (2), for the words “licence so granted” there shall be substituted the words “Northern Ireland driving licence”.
- 17 In section 121(2) of the 1988 Act (heavy goods vehicle licence grantable to holder of corresponding Northern Ireland licence), for the words “an enactment of the Parliament of” there shall be substituted the words “a statutory provision having effect in”.
- 18 In section 164 of the 1988 Act (production to constables of driving licences)—
- (a) in subsection (3)—
- (i) for paragraph (a) there shall be substituted—
- “(a) the Secretary of State has—
- (i) revoked a licence under section 93 or 99 of this Act, or
- (ii) revoked or suspended a large goods vehicle driver’s licence or a passenger-carrying vehicle driver’s licence under section 115 of this Act, and” and
- (ii) in paragraph (b), after the words “Secretary of State” there shall be inserted the words “or the traffic commissioner, as the case may be” and for the words “the section in question” there shall be substituted the words “section 93, 99 or 118 (as the case may be)”;
- (b) after subsection (4) there shall be inserted the following subsection—
- “(4A) Where a constable to whom a provisional licence has been produced by a person driving a motor bicycle has reasonable cause to believe that the holder was not driving it as part of the training being provided on a training course for motor cyclists, the constable may require him to produce the prescribed certificate of completion of a training course for motor cyclists.”;
- (c) in subsection (6), after the words “date of birth” there shall be inserted the words “or to produce his certificate of completion of a training course for motor cyclists”; and
- (d) in subsection (11), after the words ““provisional licence”” there shall be inserted the words “and “training course for motor cyclists” and, in relation to such a course, “the prescribed certificate of completion””.



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#### Commencement Information

**I28** Sch. 3 para. 18 wholly in force at 1.4.1991; para. 18 not in force at Royal Assent see s. 17(2); para. 18(b)(c)(d) in force at 1.12.1990 by [S.I. 1990/2228](#); para. 18 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2](#), [Sch.](#)

19 In section 165(4) of the 1988 Act (defence in case of failure to produce certain documents), for “subsection (1)” there shall be substituted “ subsection (3) ”.

20 For section 166 of the 1988 Act (powers of certain officers as respects goods vehicles) there shall be substituted the following section—

#### “166 Powers of certain officers as respects goods vehicles and passenger-carrying vehicles.

Any of the following officers, namely—

- (a) an examiner appointed under section 68 of this Act,
- (b) a certifying officer appointed under section 7(1) of the Public Passenger Vehicles Act 1981,
- (c) an examiner appointed under section 7(2) of that Act, and
- (d) a person authorised for the purpose by a traffic commissioner appointed for the purposes of that Act,

may, on production if so required of his authority, exercise in the case of goods vehicles or passenger-carrying vehicles of any prescribed class all such powers as are, under section 164(1) or (3) or 165 of this Act, exercisable by a constable.”

#### Commencement Information

**I29** Sch. 3 para. 20 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610](#), [art. 2](#), [Sch.](#)

<sup>F20</sup>21 .....

#### Textual Amendments

**F20** Sch. 3 para. 21 repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch.8](#); [S.I. 1992/1286](#), [art. 2](#), [Sch.](#), Appendix

22 In section 173(2) of the 1988 Act (forgery of documents, etc.), in paragraph (f), the words “or 117(2)” shall be omitted.

#### Commencement Information

**I30** Sch. 3 para. 22 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610](#), [art. 2](#), [Sch.](#)

23 For section 183(6) of the 1988 Act (discharge of Part IV functions in relation to H. M. Forces) there shall be substituted the following subsection—

“(6) The functions under Part IV of this Act of traffic commissioners in relation to licences issued to persons subject to the Naval Discipline Act 1957, to military law or to air force law to drive large goods vehicles or passenger-

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carrying vehicles in the public service of the Crown shall be exercised by the prescribed authority.”.

#### Commencement Information

**I31** Sch. 3 para. 23 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2, Sch.](#)

- 24 In section 192(3) of the 1988 Act (interpretation of references to “class” of vehicles), at the end, there shall be inserted the words “ and accordingly as authorising the use of “category” to indicate a class of vehicles, however defined or described ”.

#### *Road Traffic Offenders Act 1988 (c.53)*

- 25 In section 45 of the Road Traffic Offenders Act 1988 (effect of endorsement)—
- (a) subsection (3) (offence of applying for or obtaining licence without notifying effective endorsements) shall cease to have effect; . . . <sup>F21</sup>
- (b) . . . . . <sup>F21</sup>

#### Textual Amendments

**F21** [Sch. 3 para. 25\(b\)](#) and the word “and” preceding it repealed by [S.I. 1990/144, regs. 2\(3\), 3, Sch. 3 para. 3\(3\)](#)

- 26 In section 98(3) of the Road Traffic Offenders Act 1988 (general interpretation), at the end there shall be inserted “ or, if followed by “1989”, the Road Traffic (Driver Licensing and Information Systems) Act 1989 ”.
- 27 In Schedule 1 to the Road Traffic Offenders Act 1988—
- (a) in paragraph 2, the word “and” at the end of sub-paragraph (a) shall be omitted and after sub-paragraph (b) there shall be inserted “, and
- (c) an offence under section 1(5) of the Road Traffic (Driver Licensing and Information Systems) Act 1989.”;
- (b) in paragraph 3, the word “and” at the end of sub-paragraph (b) shall be omitted and after that sub-paragraph there shall be inserted—
- “(bb) an offence under paragraph 3 of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989, and”;
- (c) in paragraph 4, the word “and” at the end of sub-paragraph (a) shall be omitted and after that sub-paragraph there shall be inserted—
- “(aa) an offence under paragraph 3(1) of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989, and”;
- <sup>F22</sup>(d) . . . . . and
- (e) in the table, after the entry for section 103(1)(b) of the Road Traffic Act 1988 (“RTA”) there shall be inserted—

“ RTA section 114(1)	Failing to comply with conditions of LGV or PCV driver’s licence.	Sections 11 and 12(1) of this Act.
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RTA section 114(2)	Causing or permitting a person under 21 to drive LGV or PCV in contravention of conditions of that person’s licence.	Section 11 of this Act.”
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**Textual Amendments**

**F22** Sch. 3 para. 27(d) (apart from the word "and") repealed (1.7.1998) by [S.I. 1998/1420](#), reg. 17, [Sch.](#)

**Commencement Information**

**I32** Sch. 3 para. 27 wholly in force at 1.4.1991; para. 27 not in force at Royal Assent see s. 17(2); para. 27(d) in force at 1.6.1990 by [S.I. 1990/802](#); Sch. 3 para. 15 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), art. 2, [Sch.](#)

- 28 In Schedule 2 to the Road Traffic Offenders Act 1988, in Part I—
- (a) after the entry for section 87(2) of the Road Traffic Act 1988 (“RTA”) there shall be inserted the following—

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“RTA section 92(7C)	Failure to deliver licence revoked by virtue of section 92(7A) [ <sup>F23</sup> and counterpart] to Secretary of State.	Summarily. Level 3 on the standard scale.
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RTA section 93(3)	Failure to deliver licence [ <sup>F24</sup> and counterpart] to Secretary of State.	Summarily. Level 3 on the standard scale.”
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- (b) in the entry for section 99 of the Road Traffic Act 1988 (“RTA”)—
- (i) in column 1, after “section 99” there shall be inserted “ (5) ”, <sup>F25</sup> . . .
- <sup>F25</sup>(ii) . . . . .
- (c) after the entry for section 109 of the Road Traffic Act 1988 (“RTA”) there shall be inserted the following—

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“RTA section 114	Failing to comply with conditions	Summarily. Level 3 on the standard scale.
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of LGV  
 or PCV  
 licence,  
 or  
 causing or  
 permitting  
 person  
 under 21  
 to drive  
 LGV or  
 PCV in  
 contraven-  
 tion of  
 such  
 conditions.

RTA section 118	Failing to surrender revoked or suspended LGV or PCV licence [ <sup>F26</sup> and counterpart].	Summarily. Level 3 on the standard scale.”
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- (d) in the entry for regulations made by virtue of section 117(4) of the Road Traffic Act 1988—
- (i) in column 1, for the words “section 117(4)” there shall be substituted the words “ section 120(5) ”, and
  - (ii) in column 2, for the word “HGV” there shall be substituted the words “ LGV or PCV ”.

#### Textual Amendments

- F23** Words inserted by [S.I. 1990/144, regs. 2\(3\), 3, Sch. 3 para. 3\(5\)\(a\)\(i\)](#)  
**F24** Words inserted by [S.I. 1990/144, regs. 2\(3\), 3, Sch. 3 para. 3\(5\)\(a\)\(ii\)](#)  
**F25** Sch. 3 para. 28(b)(ii) and the word "and" preceding it repealed (1.7.1998) by [S.I. 1998/1420, reg. 17, Sch.](#)  
**F26** Words inserted by [S.I. 1990/144, regs. 2\(3\), 3, Sch. 3 para. 3\(5\)\(c\)](#)

#### Commencement Information

- I33** Sch. 3 para. 28 wholly in force at 1.4.1991; para. 28 not in force at Royal Assent see s. 17(2); para. 28(a) (b) in force at 1.6.1990 by [S.I. 1990/802](#); para. 28 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610, art. 2, Sch.](#)

*Status: Point in time view as at 29/12/2003.*

*Changes to legislation: Road Traffic (Driver Licensing and Information Systems) Act 1989 is up to date with all changes known to be in force on or before 16 May 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)*

*“ Offences under the Road Traffic (Driver Licensing and Information Systems) Act 1989*

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RTA 1989 s.1(5).	Failure of holder of existing HGV or PSV driver's licence to surrender it upon revocation or surrender of his existing licence under Part III of RTA.	Summarily. Level 3 on the standard scale.
RTA 1989, Schedule 1, para.3.	Failing to comply with conditions of existing HGV driver's licence, or causing or permitting person under 21 to drive HGV in contravention of such conditions.	Summarily. Level 3 on the standard scale.
RTA 1989, Schedule 1, para. 8(2).	Contravention of provision of regulations (which is declared by regulations to be an offence)	Summarily. Level 3 on the standard scale.

*Status: Point in time view as at 29/12/2003.*

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	about existing HGV or PSV drivers' licences.	
RTA 1989, Schedule 1, para. 10(4).	Taking PSV test before applying for licence or within prescribed period afterwards.	Summarily. Level 3 on the standard scale.
RTA 1989, Schedule 1, para. 10(5).	Taking PSV test after refusal of licence.	Summarily. Level 3 on the standard scale.”

#### Commencement Information

**I34** Sch. 3 para. 29 wholly in force at 1.4.1991; para. 29 not in force at Royal Assent see s. 17(2); para. 29 in force for certain purposes at 8.11.1989 by S.I. 1989/1843; para. 29 in force at 1.4.1991 so far as not already in force by S.I. 1990/2610, art. 2, Sch.

- 30 In Schedule 5 to the Road Traffic Offenders Act 1988—
- (a) in the entry for section 99(5) of the Road Traffic Act 1988 (“RTA”), in column 2, after the word “failing” there shall be inserted the words “ when his licence is revoked, to surrender it [<sup>F27</sup>and its counterpart]or ”;
  - (b) in the entry for section 112 of the Road Traffic Act 1988—
    - (i) in column 1, for the words “section 112” there shall be substituted the words “ section 114 ”, and
    - (ii) in column 2, for the word “HGV” in both places where it occurs there shall be substituted the words “ LGV or PCV ”;
  - (c) in the entry for regulations under section 117 of the Road Traffic Act 1988—
    - (i) in column 1, for the words “section 117” there shall be substituted the words “ section 120(5) ”, and
    - (ii) in column 2, for the word “HGV” there shall be substituted the words “ LGV or PCV ”; and
  - (d) at the end there shall be inserted—

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*“ Offences under the Road Traffic (Driver Licensing and Information Systems) Act 1989*

RTA 1989 s.1(5).	Failure of holder of existing HGV or PSV licence to surrender it upon revocation or surrender of his existing licence under Part III of RTA.
RTA 1989, Schedule 1, para.3.	Failure to comply with conditions of existing HGV driver’s licence or employing person under 21 to drive HGV in contravention of conditions of his licence.
RTA 1989, Schedule 1, para. 8(2).	Contravention of provisions of regulations about existing HGV and PSV drivers’ licences which is declared by the regulations to be an offence.
RTA 1989, Schedule 1, para 10(4).	Taking PSV test before applying for licence or within prescribed period afterwards.
RTA 1989, Schedule 1, para. 10(5).	Taking PSV test after refusal of licence.”

**Textual Amendments**

**F27** Words inserted by [S.I. 1990/144](#), regs. 2(3), 3, [Sch. 3 para. 3\(6\)](#)

**Commencement Information**

**I35** Sch. 3 para. 30 wholly in force at 1.4.1991; para. 30 not in force at Royal Assent see s. 17(2); para. 30(d) in force for certain purposes at 8.11.1989 by [S.I. 1989/1843](#); para. 30(a) in force at 1.6.1990 by [S.I. 1990/802](#); para. 30 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2](#), [Sch.](#)

SCHEDULE 4

Section 13(1).

DRIVER INFORMATION SYSTEM LICENCES: APPLICATION OF ACTS TO LICENCE HOLDERS

1 <sup>[F28]</sup>Sections 271 to 274 of the Town and Country Planning Act 1990 (extinguishment of statutory undertakers’ rights as to apparatus, and their rights of removal, in consequence of certain works), as applied by section 21(1) and (3) of the <sup>M10</sup>Highways Act 1980 in relation to any land specified in subsection (2) of that section (land for highway works), shall apply, in relation to such land, to the holders of operators’ licences under Part II of this Act (and the operations authorised by their licences) as they apply to statutory undertakers; and so as respects the other provisions of <sup>[F28]</sup>the 1990 Act]as applied by the said section 21(1).

*Status: Point in time view as at 29/12/2003.*

*Changes to legislation: Road Traffic (Driver Licensing and Information Systems) Act 1989 is up to date with all changes known to be in force on or before 16 May 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)*

#### Textual Amendments

**F28** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 2, Sch. 2 para. 82](#)

#### Marginal Citations

**M10** [1980 c. 66.](#)

- 2 [F29Section 224 of the Town and Country Planning (Scotland) Act 1997] (extinguishment of statutory undertakers' rights to apparatus etc. in consequence of certain works), as applied by section 134(1) and (2) of the <sup>M11</sup>Roads (Scotland) Act 1984 in relation to any land specified in subsection (1) of that section (land for works in connection with special roads), shall apply, in relation to such land, to the holders of operator's licences under Part II of this Act (and the operations authorised by their licences) as it applies to statutory undertakers; and so as respects the other provisions of the [F29the 1997 Act] as applied by the said section 134(1).

#### Textual Amendments

**F29** Words in [Sch. 4 para. 2](#) substituted (27.5.1997) by [1997 c. 11, s. 4, 6\(2\), Sch. 2 para. 43](#)

#### Marginal Citations

**M11** [1984 c. 54.](#)

- 3 (1) The Highways Act 1980 shall be amended as provided in this paragraph.
- <sup>F30</sup>(2) .....
- (3) In section 116 (power of magistrates' court to authorise stopping up or diversion of highway subject to arrangements for apparatus of statutory undertakers), at the end there shall be inserted the following subsection—
- “(11) In this section “statutory undertakers” includes operators of driver information systems.”
- (4) In subsection (5) of section 142 (licence to plant trees, shrubs, etc., in a highway), at the end there shall be inserted the words “ or driver information systems ”.
- (5) In subsection (6) of section 144 (power to erect flagpoles etc. on highways), at the end there shall be inserted the words “ or a driver information system ”.
- <sup>F30</sup>(6) .....
- (7) In subsection (4) of section 169 (control of scaffolding on highways), at the end there shall be inserted the words “ or a driver information system ”.
- (8) In subsection (3) of section 170 (control of mixing of mortar etc. on highways), at the end there shall be inserted the words “ or a driver information system ”.
- (9) In subsection (4) of section 177 (restriction on construction of buildings over highways), at the end there shall be inserted the words “ or a driver information system ”.



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(10) In subsection (5) of section 178 (restriction on placing of apparatus over highways), after the words “telecommunications code system” there shall be inserted the words “or a driver information system”.

<sup>F30</sup>(11) . . . . .

(12) In section 256 (power of highway authority to exchange land to adjust boundaries of highways subject to arrangements for apparatus of statutory undertakers), after subsection (6) there shall be inserted the following subsection—

“(6A) In this section “statutory undertakers” includes operators of driver information systems.”

(13) In subsection (1) of section 329 (definitions), after the definition of “drainage authority” there shall be inserted the following definition—

““driver information system” has the same meaning as in Part II of the Road Traffic (Driver Licensing and Information Systems) Act 1989, and references to an “operator” of a driver information system are references to an operator licensed under that Part of that Act;”.

(14) In Schedule 12 (provisions as to orders under s.116 and conveyances under s.256), at the end there shall be inserted the following—

### “PART III

#### INTERPRETATION

11 In this Schedule, “statutory undertakers” includes operators of driver information systems.”

#### Textual Amendments

**F30** Sch. 4 para. 3(2)(6)(11) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch.9](#); (E.W) [S.I. 1992/2984](#), art. 2(2), [Sch.2](#); (S.) [S.I. 1992/2990](#), art. 2(2), [Sch. 2](#)

4 Paragraph 23 of Schedule 2 to the <sup>M12</sup>Telecommunications Act 1984 [<sup>F31</sup>(procedure for works involving alteration of electronic communications apparatus)] shall apply to the holders of operators’ licences under Part II of this Act for the purposes of the operations authorised by their licences.

#### Textual Amendments

**F31** Words in Sch. 4 para. 4 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 97\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

#### Marginal Citations

**M12** 1984 c. 61.

5 (1) The <sup>M13</sup>Roads (Scotland) Act 1984 shall be amended as provided in this paragraph.

*Status: Point in time view as at 29/12/2003.*

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- (2) In subsection (4) of section 78 (power to divert waters when constructing or improving public road), at the end there shall be inserted “ and a reference to the operator of a driver information system (whether or not a body) acting in pursuance of a right conferred by or in accordance with section 12 of the Road Traffic (Driver Licensing and Information Systems) Act 1989 ”.
- (3) In subsection (1) of section 151 (definitions)—
- (a) after the definition of “days” there shall be inserted the following definition—
- ““driver information system” has the same meaning as in Part II of the Road Traffic (Driver Licensing and Information Systems) Act 1989, and references to an “operator” of a driver information system are references to an operator licensed under that Part of that Act;”;
- and
- (b) in the definition of “statutory undertakers”—
- (i) after the word “includes” there shall be inserted “ (a) ”,
- (ii) for the word “and,” in the second place where it occurs there shall be substituted “ (b) ”, and
- (iii) at the end there shall be added—
- “and
- (c) except in section 140(4) of this Act, the operator of any driver information system;”.

**Marginal Citations**

M13 1984 c. 54.

SCHEDULE 5

Section 13(2).

DRIVER INFORMATION SYSTEMS: UNDERTAKERS' WORKS

*Preliminary*

- 1 The following provisions of this Schedule apply where a relevant undertaker is proposing to execute any undertaker's works which involve or are likely to involve a temporary or permanent alteration of any system apparatus of a licensed operator of a driver information system kept installed in, upon, under, over, along or across any land.

*Notice of proposed works*

- 2 (1) The relevant undertaker shall, not less than 10 days before the works are commenced, give the operator a notice specifying the nature of the undertaker's works, the alteration or likely alteration involved and the time and place at which the works will be commenced.

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- (2) This paragraph shall not apply in relation to any emergency works of which the relevant undertaker gives the operator notice as soon as practicable after commencing the works.

#### *Counter-notices*

- 3 Where a notice has been given under paragraph 2 above by a relevant undertaker to the operator, the operator may within the period of 10 days beginning with the giving of the notice give the relevant undertaker a counter-notice which may state either—
- (a) that the operator intends himself to make any alterations made necessary or expedient by the proposed undertaker's works; or
  - (b) that he requires the undertaker in making any such alteration to do so under the supervision and to the satisfaction of the operator.
- 4 Where a counter-notice given under paragraph 3 above states that the operator intends himself to make any alteration—
- (a) the operator shall (subject to paragraph 6 below) have the right, instead of the relevant undertaker, to execute any works for the purpose of making that alteration; and
  - (b) any expenses incurred by the operator in or in connection with the execution of those works and the amount of any loss or damage sustained by the operator in consequence of the alteration shall be recoverable by the operator from the undertaker in any court of competent jurisdiction.
- 5 Where a counter-notice given under paragraph 3 above states that any alteration is to be made under the supervision and to the satisfaction of the operator—
- (a) the relevant undertaker shall not make the alteration except as required by the notice or under paragraph 6 below; and
  - (b) any expenses incurred by the operator in or in connection with the provision of that supervision and the amount of any loss or damage sustained by the operator in consequence of the alteration shall be recoverable by the operator from the undertaker in any court of competent jurisdiction.

#### *Execution of works*

- 6 Where—
- (a) no counter-notice is given under paragraph 3 above, or
  - (b) the operator, having given a counter-notice falling within that paragraph, fails within a reasonable time to make any alteration made necessary or expedient by the proposed undertaker's works or, as the case may be, unreasonably fails to provide the required supervision,
- the relevant undertaker may himself execute works for the purpose of making the alteration or, as the case may be, may execute such works without the supervision of the operator; but in either case the undertaker shall execute the works to the satisfaction of the operator.

#### *Penalty*

- 7 (1) If the relevant undertaker or any of his agents—

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- (a) executes any works without the notice required by paragraph 2 above having been given, or
  - (b) fails without reasonable excuse to comply with any reasonable requirement of the operator under this Schedule,
- he shall be guilty of an offence.
- (2) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine which—
- (a) if the service provided by the operator's system is interrupted by the works or failure, shall not exceed level 4 on the standard scale; and
  - (b) if that service is not so interrupted, shall not exceed level 3 on the standard scale.

### *Definitions*

8

In this Schedule—

“relevant undertaker” means—

- (a) any person or authority authorised by or under any Act (whether public general or local) to carry on any railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking;
- (b) [<sup>F32</sup>any electronic communications code operator;]
- (c) any [<sup>F33</sup>public gas transporter] (within the meaning of Part I of the <sup>M14</sup>Gas Act 1986);
- (d) any holder of a licence under Part I of the <sup>M15</sup>Electricity Act 1989 who is entitled to exercise any power conferred by paragraph 1 or 2 of Schedule 4 to that Act;
- (e) The National Rivers Authority or any water undertaker or sewerage undertaker;
- (f) any other licensed operator of a driver information system; or
- (g) any person to whom this Schedule is applied by any Act passed after this Act;

“undertaker's works” means—

- (a) in relation to a relevant undertaker falling within paragraph (a) above, any works which he is authorised to execute for the purpose of, or in connection with, the carrying on by him of the undertaking mentioned in that paragraph;
- (b) in relation to a relevant undertaker falling within paragraph (b) above, any works which he is authorised to execute for the purposes of, or in connection with, [<sup>F34</sup>an electronic communications code network provided by him] ;
- (c) in relation to a relevant undertaker falling within paragraph (c) above, any works which he is authorised to execute for the purposes of, or in connection with, his [<sup>F35</sup>conveying gas as a public gas transporter];
- (d) in relation to a relevant undertaker falling within paragraph (d) above, any works which he is authorised to execute for any purpose connected with the carrying on of the activities which he is authorised by his licence to carry on;

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- (e) in relation to a relevant undertaker falling within paragraph (e) above, any works which that Authority or undertaker has power to execute for purposes connected with the carrying on of its functions;
- (f) in relation to a relevant undertaker falling within paragraph (f) above, any works which he is authorised to execute for the purposes of, or in connection with, a driver information system operated by him; and
- (g) in relation to a relevant undertaker falling within paragraph (g) above, the works for the purposes of which this Schedule is applied to him.

#### Textual Amendments

- F32** Words in Sch. 5 para. 8 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 97\(4\)\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))
- F33** Words in Sch. 5 para. 8(c) in the definition of "relevant undertaker" substituted (1.3.1996) by [1995 c. 45](#), s. 16(1), [Sch. 4 para. 16](#); [S.I. 1996/218](#), [art. 2](#)
- F34** Words in Sch. 5 para. 8 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 97\(4\)\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))
- F35** Words in Sch. 5 para. 8(c) in the definition of "undertaker's works" substituted (1.3.1996) by [1995 c. 45](#), s. 16(1), [Sch. 4 para. 16](#); [S.I. 1996/218](#), [art. 2](#)

#### Marginal Citations

- M14** [1986 c. 44](#).
- M15** [1989 c. 29](#).

## SCHEDULE 6

Section 16.

### REPEALS

#### Commencement Information

- I36** [Sch. 6](#) partly in force at 1.4.1991; [Sch. 6](#) not in force at Royal Assent see [s. 17\(2\)](#); [Sch. 6](#) in force in relation to specified repeals: at 1.6.1990 by [S.I. 1990/802](#); at 1.12.1990 by [S.I. 1990/2228](#); at 1.4.1991 by [S.I. 1990/2610](#), [art. 2](#), [Sch.](#)

1981 c. 14.

Public Passenger Vehicles  
Act 1981.

Sections 22 to 23A.

In section 24(1), the words  
“persons licensed to act as”.

In section 52, subsection (1)  
(b), and subsection (2)(c) and  
the word “or” preceding it.

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		In section 59(a), the words “or licences to drive public service vehicles”.
		In section 68, subsection (2) (b) and the word “and” preceding it, and subsection (4)(b) and the word “and” preceding it.
1983 c. 43.	Road Traffic (Driving Licences) Act 1983.	Section 3.
1985 c. 67.	Transport Act 1985.	In section 12(13)(a), the word “, 22”.
		In section 18, the words “and drivers”.
		In section 23(2)(b), the words “or a public service vehicle driver’s licence”.
		In Schedule 1, paragraph 5.
		In Schedule 2, in Part II, paragraph 4(13).
		In Schedule 7, paragraph 21(7).
1988 c. 52.	Road Traffic Act 1988.	Section 87(3).
		In section 92(9), the words from “In this subsection” to the end.
		In section 97(1), the words “, on payment of such fee (if any) as may be prescribed,”.
		In section 97(3), the word “and” at the end of paragraph (c).
		In section 103(1)(b), the words from “or, if” to the end of the paragraph.
		Sections 110 to 122.
		In section 173(2)(f), the words “or 117(2)”.
1988 c. 53.	Road Traffic Offenders Act 1988.	Section 3(1).
		Section 45(3).
		In Schedule 1—

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1989 c. 22.	Road Traffic (Driver Licensing and Information Systems) Act 1989.	(a) in paragraph 2, the word “and” at the end of subparagraph (a), (b) in paragraph 3, the word “and” at the end of subparagraph (b), (c) in paragraph 4, the word “and” at the end of subparagraph (a), and (d) in the table, the entries relating to sections 110(1), 110(2), 112(6) and 112(7) of the Road Traffic Act 1988.  In Schedule 2, in Part I, the entries relating to sections 110 and 112 of the Road Traffic Act 1988 and the entry relating to section 45 of the Road Traffic Offenders Act 1988.  In Schedule 5, the entry relating to section 110 of the Road Traffic Act 1988.  In Schedule 1—  (a) paragraph 10, (b) paragraph 11.
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**Status:**

Point in time view as at 29/12/2003.

**Changes to legislation:**

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