



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

## 1989 CHAPTER 22

### PART I

#### DRIVING LICENCES

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

- (1) On the appointed day Part IV of the Road Traffic Act 1988 and section 22 of the 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.
- (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 Public Passenger Vehicles Act 1981;

“the 1988 Act” means the 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.

## **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—

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“(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,

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

### **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 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—

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“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—

(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

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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, 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

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- (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 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.”

## **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)—

- (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”.

(3) In subsection (7) (licence limited to special vehicles)—

- (a) for the words “construction or design” there shall be substituted the word “class”; and
- (b) at the end there shall be added the words “and, if the Secretary of State so directs in the notice, his entitlement to drive other classes of vehicles by virtue of section 98(2) of this Act shall be limited as specified in the notice”.

(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 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.”



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- (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”; and
- (b) in paragraph (b), for the words from “the authority” to “vehicle” there shall be substituted the words “his licensing authority”.
- (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) A licence shall not by virtue of subsection (2) above 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.”

## 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 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

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(e) the making, in connection with the supply of forms of certificates, of reasonable charges for the discharge of the functions of the Secretary of State under the regulations; and different provision may be made for training in different classes of motor cycles.

(3B) Regulations may prescribe cases in which persons holding a provisional licence are exempt from the restriction imposed by subsection (3)(e) above on their driving under the licence; and the regulations may—

- (a) limit the exemption to persons in prescribed circumstances;
- (b) limit the exemption to a prescribed period or in respect of driving in a prescribed area;
- (c) attach conditions to the exemption; and
- (d) regulate applications for, and the issue and form of, certificates evidencing the holder's exemption from the restriction.”.

## **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.