

SCHEDULES

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.”

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;
 - (b) in subsection (2), for the words “section 22 of this Act” there shall be substituted the words “Part III of the Road Traffic Act 1988”; 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.”
- 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)”.

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”; and
 - (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.”

- 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”.

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”;

- (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—

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- (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
 - (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.”
- 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”.

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- 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) in subsection (1)(d), for the words from “contain” to the end there shall be substituted the words “specify those other classes”;
 - (b) in subsection (2), for paragraphs (a), (b) and (c) there shall be substituted—
 - “(a) a provisional licence, or
 - (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”.
- 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”.
- 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 holding or obtaining a licence to drive and driving motor vehicles of that class.”
- 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

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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.”.
- 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”.

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- 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” ”.
- 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

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- such powers as are, under section 164(1) or (3) or 165 of this Act, exercisable by a constable.”
- 21 In section 172(1) of the 1988 Act (duty to give information as to identity of driver, etc., in certain cases)—
- (a) in paragraph (a)(ii), for “117” there shall be substituted “120”;
 - (b) in paragraph (b), for the words “27 and 45” there shall be substituted “and 27”; and
 - (c) in paragraph (c), at the end, there shall be inserted the words “except an offence under paragraph 8 of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989”.
- 22 In section 173(2) of the 1988 Act (forgery of documents, etc.), in paragraph (f), the words “or 117(2)” shall be omitted.
- 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-carrying vehicles in the public service of the Crown shall be exercised by the prescribed authority.”.
- 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; and
 - (b) in subsection (4) (entitlement to new licence free of endorsements), for the words from “a new” to “effective” there shall be substituted the words “issued to him with effect from the end of the period for which the endorsement remains effective a new licence free from the endorsement if”.
- 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”;

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- (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”;
- (d) in the table, in the entry for section 99 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 or”; 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.
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.”

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—

“RTA section 92(7C)	Failure to deliver licence revoked by virtue of section 92(7A) to Secretary of State.	Summarily. Level 3 on the standard scale.	—	—	—
RTA section 93(3)	Failure to deliver licence to Secretary of State.	Summarily. Level 3 on the standard scale.	—	—	—”

- (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)”, and
- (ii) in column 2, after the word “failing” there shall be inserted the words “when his licence is revoked, to surrender it or”;
- (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 of LGV or PCV licence, or causing or permitting person under 21 to drive LGV or PCV in contravention of such conditions.	Summarily.	Level 3 on the standard scale.	—	—	—
RTA section 118	Failing to surrender revoked or suspended LGV or PCV licence.	Summarily.	Level 3 on the standard scale.	—	—	—”

(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”.

29 In Schedule 2 to the Road Traffic Offenders Act 1988, at the end of Part I there shall be inserted—

“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 driver’s licence to surrender it upon revocation	Summarily.	Level 3 on the standard scale.	—	—	—
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	or surrender of his existing licence under Part III of RTA.					
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) about existing HGV or PSV drivers' licences.	Summarily.	Level 3 on the standard scale.	—	—	—
RTA 1989, Schedule 1, para. 10(4).	Taking PSV test before applying for licence or within prescribed	Summarily.	Level 3 on the standard scale.	—	—	—

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	period afterwards.					
RTA 1989, Schedule 1, para. 10(5).	Taking PSV test after refusal of licence.	Summarily. Level 3 on the standard scale.	—	—	—	—”

- 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 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—

“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.”