

SCHEDULE 1

AMENDMENTS TO THE ROAD TRAFFIC ACT 1988

- 2.—(1) Section 89 (tests of competence to drive) shall be amended as follows.
- (2) In subsection (1)(1) —
- (a) for “satisfies the Secretary of State” there shall be substituted “meets the relevant residence requirement and satisfies the Secretary of State”,
 - (b) in paragraph (c), the words “conducted under any relevant external law or” shall be omitted,
 - (c) in paragraph (e)—
 - (i) the words “of another member State or”, and
 - (ii) the words “or a designated country or territory”,shall be omitted,
 - (d) after “or” at the end of that paragraph there shall be inserted—
 - “(ea) that either at the time of the application for the licence he holds a Community licence authorising the driving of vehicles of that or a corresponding class or at some time he has held such a Community licence; or”, and
 - (e) for paragraph (f) there shall be substituted—
 - “(f) that, at the time of the application for the licence, he holds an exchangeable licence authorising the driving of vehicles of that or a corresponding class.”
- (3) After that subsection there shall be inserted—
 - “(1A) An applicant meets the relevant residence requirement referred to in subsection (1) above if on the date the application for the licence is made—
 - (a) in a case where he satisfies the Secretary of State in respect of paragraph (ea) of that subsection, he is normally resident in the United Kingdom or has been attending a course of study in the United Kingdom during the period of six months ending on that date;
 - (b) in a case where he satisfies the Secretary of State in respect of paragraph (f) of that subsection, he is normally resident in Great Britain but has not been so resident for more than the prescribed period; and
 - (c) in any other case, he is normally resident in Great Britain.”
- (4) In subsection (2)(2) —
- (a) for paragraph (a) there shall be substituted—
 - “(a) a licence which has been revoked under section 99(3) of this Act or under any corresponding provision of—
 - (i) the law of Northern Ireland,
 - (ii) the relevant external law, or
 - (iii) the law of an EEA State other than the United Kingdom,as a licence granted in error shall be disregarded for the purposes of paragraph (b), (d) or (ea) (as the case may be) of that subsection;”, and
 - (b) paragraph (b) shall be omitted.

(1) Paragraphs (a) to (f) were inserted by section 4(1) of the 1989 Act.

(2) Substituted by section 4(3) of the 1989 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (5) In subsection (4), after paragraph (a) there shall be inserted—
 - “(aa) for requiring a person submitting himself for a test to have been normally resident in Great Britain or the United Kingdom for such period ending on the date of his appointment for the test as may be prescribed.”
- (6) In subsection (7)(3), in paragraph (a), after “group” there shall be inserted “(except where regulations otherwise provide)”.
- (7) In subsection (8)(4), the words “member State” shall be omitted.
- (8) In subsection (9)(5), in paragraph (a), after “if” there shall be inserted “(except where regulations otherwise provide)”.
- (9) In subsection (10)—
 - (a) after “British Forces licence” there shall be inserted “, a Community licence”,
 - (b) after “(d)” there shall be inserted “, (ea)”, and
 - (c) at the beginning of paragraph (a) there shall be inserted “(except where regulations otherwise provide)”.
- (10) In subsection (11), the words from the beginning to “licence and” shall be omitted.

(3) Amended by paragraph 8 of Schedule 3 to the 1989 Act.

(4) Amended by paragraph 8 of Schedule 3 to the 1989 Act.

(5) Subsections (9), (10) and (11) were substituted by paragraph 8 of Schedule 3 to the 1989 Act.