



# Road Traffic Act 1972

## 1972 CHAPTER 20

### PART III

#### LICENSING OF DRIVERS OF VEHICLES

##### *Driving licences*

#### **84 Drivers of motor vehicles to have driving licences**

- (1) It shall be an offence for a person to drive on a road a motor vehicle of any class if he is not the holder of a licence authorising him to drive a motor vehicle of that class.
- (2) It shall be an offence for a person to employ a person to drive on a road a motor vehicle of any class if the person employed is not the holder of a licence authorising him to drive a motor vehicle of that class.
- (3) Notwithstanding the foregoing provisions of this section, a person may, without holding a licence, act as steersman of a motor vehicle, being a vehicle on which a speed limit of five miles per hour or less is imposed by or under section 78 of the Road Traffic Regulation Act 1967, under the orders of another person engaged in the driving of the vehicle who is licensed in that behalf in accordance with the requirements of this Part of this Act and Part IV of this Act, and a person may employ another person who is not the holder of a licence so to act.
- (4) Notwithstanding the foregoing provisions of this section, a person may at any time drive or employ another person to drive a vehicle of any class if—
  - (a) the driver has held and is entitled to obtain a licence to drive vehicles of that class; and
  - (b) an application by the driver for the grant of such a licence for a period which includes that time has been received by the Secretary of State or such a licence granted to him has been revoked or surrendered in pursuance of section 89 of this Act; and

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- (c) any conditions which by virtue of section 88(2) or (4) of this Act apply to the driving under the authority of the licence of vehicles of that class are complied with;

but the benefit of the foregoing provisions of this subsection shall not extend beyond the date when a licence is granted in pursuance of the application mentioned in paragraph (b) above or, as the case may be, in pursuance of subsection (4) of the said section 89 in consequence of the revocation or surrender so mentioned nor (in a case where a licence is not in fact so granted) beyond the expiration of the period for which it fell to be granted.

- (5) Regulations may provide that a person who becomes resident in Great Britain shall, during the prescribed period after he becomes so resident, be treated for the purposes of subsections (1) and (2) above as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if he satisfies the prescribed conditions and is the holder of a permit of the prescribed description authorising him to drive vehicles under the law of a country outside the United Kingdom; and the regulations may provide for the application of any enactment relating to licences or licence holders, with or without modifications, in relation to any such permit and its holder respectively.

## **85 Tests of competence to drive**

- (1) Subject to the provisions of this Part of this Act as to provisional licences, a licence authorising the driving of motor vehicles of any class shall not be granted to a person unless he satisfies the Secretary of State—
- (a) that at some time during the period of ten years ending on the date of coming into force of the licence applied for he has passed the test of competence to drive prescribed by virtue of subsection (2) below or a test of competence which under subsection (4) below is a sufficient test, or
  - (b) that within the said period of ten years he has held a licence authorising the driving of vehicles of that class, not being a provisional licence or a licence granted by virtue of section 99(4) of the Road Traffic Act 1960, or
  - (c) that within the said period of ten years he has held a licence granted under a relevant external law to drive vehicles of that class, not being a licence corresponding to a provisional licence or a licence granted under any provision of that law corresponding to the said section 99(4), and is not, at the time of application for the licence, disqualified under that law for holding or obtaining a licence thereunder to drive vehicles of any class.

For the purposes of paragraph (c) above "relevant external law" means the law for the time being in force in Northern Ireland, that for the time being in force in the Isle of Man or that for the time being in force in any of the Channel Islands that corresponds to this Part of this Act.

- (2) Regulations may make provision with respect to the nature of tests of competence to drive for the purposes of this section, to the qualifications, selection and appointment of persons by whom they may be conducted and to the revocation of any appointment, to evidence of the results thereof and generally with respect thereto, and in particular, but without prejudice to the generality of the foregoing provisions, regulations having effect by virtue of this subsection may provide—
- (a) for requiring a person submitting himself for a test to provide a vehicle for the purposes thereof;

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- (b) for requiring a fee of such amount as may be specified in the regulations to be paid by a person who submits himself for a test or applies for an appointment for a test;
- (c) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself to another test by the same or any other person before the expiration of a period specified in the regulations except under an order made by a court or sheriff under the power conferred by subsection (3) below;

and different regulations may be made with respect to tests of competence to drive different classes of vehicles.

- (3) A magistrates' court acting for the petty sessions area in which a person who has submitted himself for a test of competence to drive resides, or if he resides in Scotland, the sheriff within whose jurisdiction he resides, shall have power on the application" of that person to determine whether the test was properly conducted in accordance with the regulations and, if it appears to the court or sheriff that the test was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another test before the expiration of the period specified for the purposes of subsection (2)(c) above and may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.
- (4) For the purposes of paragraph (a) of subsection (1) above a test of competence shall be sufficient for the granting of a licence authorising the driving of—
  - (a) vehicles of any class, if at the time the test was passed it authorised the granting of a licence to drive vehicles of that class;
  - (b) vehicles of any classes which are designated by regulations as a group for the purposes of the said paragraph (a), if at the said time the test authorised the granting of a licence to drive vehicles of any class included in the group;and if vehicles of any classes are designated by regulations as a group for the purposes of paragraph (b) of subsection (1) above, a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of the said paragraph (b) to authorise the driving of vehicles of all classes included in the group.
- (5) The last reference in subsection (4) above and the first reference in paragraph (b) of subsection (1) above to a licence do not include a licence which has been revoked in pursuance of section 89(2) of this Act.

## **86 Repayment of test fees**

A fee paid in pursuance of regulations made under section 85(2) of this Act on application for an appointment for a test may be repaid in the following cases and not otherwise, that is to say:—

- (a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Secretary of State;
- (b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed for the purposes of this paragraph by regulations made as aforesaid;
- (c) if the person for whom the appointment is made keeps the appointment, but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test; or

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- (d) if an order for the repayment of the fee is made by the court under section 85(3) of this Act pursuant to a finding that the test was not properly conducted in accordance with the regulations.

## **87 Requirements as to physical fitness of drivers**

- (1) An application for the grant of a licence shall include a declaration by the applicant, in such form as the Secretary of State may require, stating whether he is suffering or has at any time (or, if a period is prescribed for the purposes of this subsection, has during that period) suffered from any prescribed disability or from any other disability likely to cause the driving of a vehicle by him in pursuance of the licence to be a source of danger to the public (such prescribed or other disability being hereafter in this section referred to as a "relevant disability").
- (2) If it appears from the declaration aforesaid, or if on inquiry the Secretary of State is satisfied from other information, that the applicant is suffering from a relevant disability, then, subject to the following provisions of this section, the Secretary of State shall refuse to grant the licence.
- (3) The Secretary of State shall not by virtue of subsection (2) above refuse to grant a licence—
  - (a) on account of any relevant disability, if the applicant has at any time passed a relevant test and it does not appear to the Secretary of State that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the Secretary of State at that time ;
  - (b) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person in whose case the disability is appropriately controlled ;
  - (c) on account of any relevant disability other than a disability prescribed for the purposes of this paragraph, if the application is for a provisional licence.
- (4) If as the result of a test of competence to drive the Secretary of State is satisfied that the person who took the test is suffering from a disability such that there is likely to be danger to the public—
  - (a) if he drives any vehicle, or
  - (b) if he drives a vehicle other than a vehicle of a particular construction or design, the Secretary of State shall serve notice in writing to that effect on that person and shall include in the notice a description of the disability; and where a notice is served in pursuance of this subsection, then—
    - (i) if the notice is in pursuance of paragraph (a) of this subsection and the disability is not prescribed for the purposes of subsection (3)(c) above, it shall be deemed to be so prescribed in relation to the person aforesaid; and
    - (ii) if the notice is in pursuance of paragraph (b) of this subsection, any licence granted to that person shall be limited to vehicles of the particular construction or design specified in the notice.
- (5) If the Secretary of State is at any time satisfied on inquiry—
  - (a) that the licence holder is suffering from a relevant disability, and
  - (b) that the Secretary of State would be required by virtue of subsection (2) or (4) (ii) above to refuse an application for the licence made by him at that time,

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the Secretary of State may serve notice in writing on the licence holder revoking the licence at the expiration of a period specified in the notice which shall not be less than seven nor more than thirty days and shall begin with the date of service of the notice ; and it shall be the duty of a person whose licence is revoked under this subsection to deliver up the licence to the Secretary of State forthwith after the revocation.

(6) In this section—

" disability " includes disease ; and

" relevant test ", in relation to an application for a licence, means any such test of competence as is mentioned in section 85 of this Act or a test as to fitness or ability in pursuance of section 100 of the Road Traffic Act 1960 as originally enacted, being a test authorising the grant of a licence in respect of vehicles of the classes to which the application relates ;

and for the purposes of subsection (3)(a) above a person to whom a licence was granted after the making of a declaration under paragraph (c) of the proviso to section 5(2) of the Road Traffic Act 1930 (which contained transitional provisions with respect to certain disabilities) shall be treated as having passed, at the time of the declaration, a relevant test in respect of vehicles of the classes to which the licence related.

## **88 Grant of licences**

(1) Subject to section 87 of this Act, the Secretary of State shall, on payment of the prescribed fee, grant a licence to a person who—

- (a) makes an application for it in such manner and containing such particulars as the Secretary of State may specify; and
- (b) furnishes the Secretary of State with such evidence or further evidence in support of the application as the Secretary of State may require ; and
- (c) surrenders to the Secretary of State any previous licence granted to him after 1st June 1970 or furnishes the Secretary of State with an explanation for not surrendering it which the Secretary of State considers adequate ; and
- (d) is not disqualified by reason of age or otherwise from obtaining the licence for which he makes the application and is not prevented from obtaining it by the provisions of section 85 of this Act.

(2) If the application aforesaid states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in section 85 of this Act shall apply to such a licence; but a provisional licence—

- (a) shall be granted subject to prescribed conditions;
- (b) shall, in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed; and
- (c) shall not authorise a person to drive a motor cycle whereof the cylinder capacity of the engine exceeds 250 cubic centimetres, not being a vehicle having three wheels, unless he has passed the test of competence to drive prescribed under section 85 of this Act.

(3) A licence shall be in such form as the Secretary of State may determine and shall—

- (a) state whether, apart from subsection (4) below, it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes;

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- (b) specify any restrictions to which, under the provisions of section 4 or this Part of this Act, its holder is subject as respects the driving of vehicles of any class in pursuance of the licence ;
  - (c) in the case of a provisional licence, specify the conditions subject to which it is granted ; and
  - (d) where by virtue of subsection (4) below the licence authorises its holder to drive vehicles of classes other than those specified in the licence in pursuance of paragraph (a) above, contain such statements as the Secretary of State considers appropriate for indicating the effect of that subsection.
- (4) A licence which, apart from this subsection, authorises its holder to drive motor vehicles of certain classes only shall also authorise him to drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive the last-mentioned vehicles; but a licence shall not by virtue of this subsection authorise a person to drive—
- (a) a vehicle which he is prohibited from driving by section 4 of this Act, or
  - (b) such a motor cycle as is mentioned in paragraph (c) of subsection (2) above, unless he has passed the test of competence to drive prescribed under section 85 of this Act.
- (5) In subsection (4) above the first reference to a licence does not include a reference to a licence granted before 1st June 1970 or a provisional licence granted thereafter or any other licence of a description prescribed for the purposes of this subsection.
- (6) A person who fails to comply with any condition applicable to him by virtue of subsection (2) or (4) above shall be guilty of an offence.

## **89 Duration of licences**

- (1) A licence shall, unless previously revoked or surrendered, remain in force—
- (a) except in a case falling within paragraph (b) or (c) of this subsection, for a period of three years or, 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 disability within the meaning of section 87 of this Act, for such shorter period, not less than one year, as the Secretary of State may determine ;
  - (b) 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
  - (c) in the case of a provisional licence, for a period of one year;
- and any such period shall begin with the date on which the licence in question is expressed to come into force.
- (2) Where it appears to the Secretary of State that a licence granted by him to any person is required to be endorsed in pursuance of any enactment or was granted in error or with an error or omission in the particulars specified in the licence or required to be so endorsed on it, the Secretary of State may serve notice in writing on that person revoking the licence and requiring him to deliver up the licence forthwith to the Secretary of State.
- (3) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder shall forthwith surrender the licence to the Secretary of State and furnish to him particulars of the alterations falling to be made in the name or address

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and, in the case of a provisional licence as respects which the prescribed conditions are satisfied, with a statement of his sex and date of birth; and a person who fails to comply with the provisions of this subsection shall be guilty of an offence.

- (4) On the surrender of a licence by any person in pursuance of subsection (2) or (3) above, the Secretary of States—
- (a) shall, except where the licence was granted in error or is surrendered in pursuance of the said subsection (2) in consequence of an error or omission appearing to the Secretary of State to be attributable to that person's fault or in consequence of a current disqualification, and
  - (b) may in such an excepted case which does not involve a current disqualification,
- grant to that person free of charge a new licence for the period for which the surrendered licence was granted.

## **90 Appeals relating to licences**

- (1) A person who is aggrieved by the Secretary of State's—
- (a) refusal to grant or revocation of a licence in pursuance of section 87 of this Act, or
  - (b) grant of a licence for less than three years in pursuance of section 89(1)(a) of this Act, or
  - (c) revocation of a licence in pursuance of section 89(2) of this Act,
- or by a notice served on him in pursuance of section 87(4) of this Act may, after giving to the Secretary of State notice of his intention to do so appeal to a magistrates' court acting for the petty sessions area in which he resides or, if he resides in Scotland, to the sheriff within whose jurisdiction he resides ; and on any such appeal 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.
- (2) It is hereby declared that, without prejudice to section 85(3) of this Act, in any proceedings under this section the court or sheriff is not entitled to entertain any question as to whether the appellant passed a test of competence to drive if he was declared by the person who conducted it to have failed it.

## **91 Driving with uncorrected defective eyesight**

- (1) If a person drives a motor vehicle on a road while his eyesight is such (whether through a defect which cannot be or one which is not for the time being sufficiently corrected) that he cannot comply with any requirement as to eyesight prescribed under this Part of this Act for the purposes of tests of competence to drive, he shall be guilty of an offence.
- (2) A constable having reason to suspect that a person driving a motor vehicle may be guilty of an offence under subsection (1) above may require him to submit to a test for the purpose of ascertaining whether, using no other means of correction than he used at the time of driving, he can comply with the said requirement as to eyesight; and if that person refuses to submit to the test he shall be guilty of an offence.

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## **92 Notification of disease or disability**

If, in any proceedings for an offence committed in respect of a motor vehicle, it appears to the court that the accused may be suffering from any disease or physical disability which would be likely to cause the driving by him of a motor vehicle to be a source of danger to the public, the court shall notify the Secretary of State.

A notice sent by a court to the Secretary of State in pursuance of this section shall be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.