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SCHEDULES

SCHEDULE 3

Section 13.

AMENDMENTS OF PART III OF ROAD TRAFFIC ACT 1972

- 1 In section 84(4) (cases where a person who is entitled to obtain, and has applied for, a driving licence may lawfully drive or be employed to drive a motor vehicle) for the words " for which it fell to be granted " there shall be substituted the words " of one year or such shorter period as may be prescribed, beginning on the date of the application or, as the case may be, the revocation or surrender mentioned in paragraph (b) above ".
- 2 (1) In section 87, in subsection (1) (applicants for licences to state whether they are suffering or have suffered from relevant disabilities) after the word " suffered " there shall be inserted " (a) " and at the end of the subsection there shall be added the words "or
 - (b) from any other disability which at the time of the application is not of such a kind that it is a relevant disability but which, by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in course of time (such disability being hereafter in this section referred to as a ' prospective disability ')."
- (2) In subsection (3) of that section (cases where the Secretary of State may not refuse a licence to a person suffering from a relevant disability) in paragraph (a) after the words "relevant disability" there shall be inserted the words " which is prescribed for the purposes of this paragraph " and in paragraph (c) for the words " other than a disability " there shall be substituted the words " which is ".
- (3) In subsection (4) of that section (power of Secretary of State, in the case of certain disabilities, to bar a person from obtaining a licence or to limit the types of vehicle which he may drive) in paragraph (i) for the words " for the purposes of subsection (3) (c) " there shall be substituted the words " under subsection (1) " and after the words " person aforesaid" there shall be inserted the words " and if the disability is prescribed for the purposes of subsection (3)(c) above it shall be deemed not to be so prescribed in relation to him ".
- (4) In subsection (5) of that section (power of Secretary of State by notice to revoke a licence by reason of a relevant disability, the revocation to take effect at the expiration of a period of not less than seven nor more than thirty days beginning with the date of service of the notice) for the words from " at the expiration " to " begin with " there shall be substituted the words " with effect from such date as may be specified in the notice, not being earlier than ".
- (5) After subsection (5) of that section there shall be inserted the following subsection:—
 - “(5A) If the Secretary of State is at any time satisfied on inquiry that the licence holder is suffering from a prospective disability, the Secretary of State may—

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- (a) serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice ; and
- (b) on receipt of the licence so revoked and of an application made for the purposes of this subsection, grant to the licence holder, free of charge, a new licence for a period determined by the Secretary of State under section 89(1)(aa) of this Act;

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) At the end of subsection (6) of that section there shall be added the following subsection:—

“(7) Without prejudice to subsection (6) above, for the purposes of subsection (3) (a) above—

- (a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he has passed a test of competence to drive which, under a provision of a relevant external law corresponding to subsection (2) or subsection (4) of section 85 of this Act, either is prescribed in relation to vehicles of 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, and
- (b) in the case of an applicant who is treated as having passed a relevant test by virtue of paragraph (a) above, disclosure of a disability to the authority having power under the relevant external law to grant a licence to drive a motor vehicle shall be treated as disclosure to the Secretary of State,

and in this subsection 'relevant external law' has the meaning assigned to it in section 85(1) of this Act.”

- 3 After section 87 there shall be inserted the following section:—

“87A Provision of information, etc. relating to disabilities.

- (1) If at any time during the period for which his licence remains in force, a licence holder becomes aware—
- (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Secretary of State, or
 - (b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the licence was granted,

then, unless the disability is one from which the licence holder has not previously suffered and he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of three months beginning with the date on which he first becomes aware that he suffers from it, the licence holder shall forthwith notify the Secretary of State in writing of the nature and extent of his disability.

- (2) If the Secretary of State has reasonable grounds for believing that a person who is an applicant for, or the holder of, a licence may be suffering from a relevant or prospective disability then, for the purpose of enabling the

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Secretary of State to satisfy himself whether or not that is the case, the Secretary of State may by notice in writing served on that person—

- (a) require him to furnish to the Secretary of State, within such reasonable time as may be specified in the notice, such an authorisation as is referred to in subsection (3) below; or
 - (b) require him, as soon as practicable, to arrange to submit himself for examination by such registered medical practitioner or practitioners as may be nominated by the Secretary of State, or, with respect to a disability of a prescribed description, by such officer of the Secretary of State as may be so nominated, for the purpose of determining whether or not he suffers or has at any time suffered from a relevant or prospective disability; or
 - (c) except where the application is for, or the licence held is, a provisional licence, require him to submit himself for such a test of competence as is mentioned in section 85 of this Act, being a test authorising the grant of a licence in respect of vehicles of all or any of the classes to which the application relates or, as the case may be, which he is authorised to drive (otherwise than by virtue of section 88(4) of this Act) by the licence which he holds.
- (3) the authorisation referred to in paragraph (a) of subsection (2) above—
- (a) shall be in such form and contain such particulars as may be specified in the notice by which it is required to be furnished ; and
 - (b) shall authorise any registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned to release to the Secretary of State any information which he may have, or which may be available to him, with respect to the question whether, and if so to what extent, the applicant or licence holder concerned may be suffering, or may at any time have suffered, from a relevant or prospective disability.
- (4) If he considers it appropriate to do so in the case of any applicant or licence holder, the Secretary of State—
- (a) may include in a single notice under subsection (2) above requirements under more than one paragraph of that subsection ; and
 - (b) may at any time after the service of a notice under that subsection serve a further notice or notices thereunder.
- (5) If any person on whom a notice is served under subsection (2) above—
- (a) fails without reasonable excuse to comply with a requirement contained in the notice, or
 - (b) fails any test of competence which he is required to take as mentioned in paragraph (c) of that subsection,
- the Secretary of State may exercise his powers under section 87 of this Act as if he were satisfied that the applicant or licence holder concerned is suffering from a relevant disability which is not prescribed for the purposes of any paragraph of subsection (3) of that section or, if the Secretary of State so determines, as if he were satisfied that the applicant or licence holder concerned is suffering from a prospective disability.
- (6) The Secretary of State shall defray any fees or other reasonable expenses of a registered medical practitioner in connection with—

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- (a) the provision of information in pursuance of an authorisation required to be furnished to the Secretary of State under paragraph (a) of subsection (2) above, or
 - (b) any examination which a person is required to undergo as mentioned in paragraph (b) of that subsection.
- (7) In this section 'disability', 'relevant disability' and 'prospective disability' have the same meanings as in section 87 of this Act."
- 4 (1) In section 88, in subsection (1) (grant of licences) for the words " payment of the prescribed fee " there shall be substituted the words " payment of such fee, if any, as may be prescribed ".
- (2) In subsection (2) of that section (provisional licences) after paragraph (b) there shall be inserted the following paragraph:—
- “(bb) may, in the case of a person appearing to the Secretary of State to be suffering from a relevant disability or a prospective disability, within the meaning of section 87 of this Act, be restricted so as to authorise only the driving of vehicles of a particular construction or design specified in the licence ; and”.
- (3) At the beginning of subsection (4) of that section (licences to drive motor vehicles of certain classes to operate as provisional licences to drive those of other classes) there shall be inserted the words " Subject to subsection (4A) below " and at the end of the subsection there shall be added the following subsection—
- “(4A) In such cases as the Secretary of State may prescribe, the provisions of subsection (4) above shall not apply or shall apply subject to such limitations as he may prescribe.”
- (4) In subsection (5) of that section (subsection (4) not to apply to certain licences) the words " or any other licence of a description prescribed for the purposes of this subsection " shall be omitted.
- 5 (1) In section 89, in subsection (1) (duration of driving licences) for paragraph (a) (full licences to run for three years except where the Secretary of State specifies a shorter period in the case of an applicant suffering from a relevant disability) there shall, subject to sub-paragraph (2) below, be substituted the following paragraphs:—
- “(a) except in a case falling within paragraph (aa), (b) or (c) of this subsection, for the period ending on the seventieth anniversary of the applicant's date of birth or for a period of three years, whichever is the longer ;
 - (aa) except in a case falling within paragraph (b) or (c) 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 within the meaning of section 87 of this Act, for such period of not more than three years and not less than one year as the Secretary of State may determine”;
- and in paragraph (c) (provisional licences to run for one year) for the words " a period of one year" there shall be substituted the words " such period as may be prescribed or, if the Secretary of State so determines in the case of a licence to be granted to such a person as is referred to in paragraph (aa) above, for such shorter period of not less than one year as the Secretary of State may determine ".

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- (2) In subsection (2) of that section (power of Secretary of State to revoke licence granted in error, etc.) after the words " Secretary of State", in the first place where they occur, there shall be inserted " (a) " and after the words " so endorsed on it" there shall be inserted the words "or
- (b) that the particulars specified in a licence granted by him to any person do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment".
- (3) In subsection (4) of that section (grant of licence free of charge in certain cases where previous licence is surrendered) for the words from " for the period " to the end of the subsection there shall be substituted the words " for such a period that it expires on the date on which the surrendered licence would have expired had it not been surrendered, except that, where the period for which the surrendered licence was granted was based on an error with respect to the licence holder's date of birth such that, if that error had not been made, that licence would have been expressed to expire on a different date, the period of the new licence shall be such that it expires on that different date ".
- 6 In section 90(1) (appeals relating to licences) for paragraph (b) there shall be substituted the following paragraphs:—
- “(b) determination under section 89(1)(aa) of this Act to grant a licence for three years or less, or
- (bb) determination under section 89(1)(c) of this Act to grant a provisional licence for a period shorter than that prescribed thereunder, or”.
- 7 (1) In section 92 (notification by a court of disease or disability of the accused) at the beginning there shall be inserted " (1) " and for the words from " disease " to " public " there shall be substituted the words " relevant disability or prospective disability within the meaning of section 87 of this Act ".
- (2) At the end of that section there shall be added the following subsections—
- “(2) If an authorised insurer refuses to issue to any person such a policy of insurance as complies with the requirements of Part VI of this Act on the ground that the state of health of that person is not satisfactory, or on grounds which include that ground, the insurer shall as soon as practicable notify the Secretary of State of that refusal and of the full name, address, sex and date of birth of that person as disclosed by him to the insurer.
- (3) In subsection (2) above ' authorised insurer' has the same meaning as in section 145(2) of this Act.”
- 8 After section 94 there shall be inserted the following sections—
- “94A Powers of appellate courts to suspend disqualification.**
- (1) This section applies where a person has been convicted by a court in England or Wales of an offence involving obligatory or discretionary disqualification and has been ordered to be disqualified; and in the following provisions of this section—

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- (a) any reference to a person ordered to be disqualified shall be construed as a reference to a person so convicted and so ordered to be disqualified ; and
 - (b) any reference to his sentence includes a reference to the order of disqualification and to any other order made on his conviction and, accordingly, any reference to an appeal against his sentence includes a reference to an appeal against any order forming part of his sentence.
- (2) Where a person ordered to be disqualified—
- (a) appeals to the Crown Court, or
 - (b) appeals or applies for leave to appeal to the Court of Appeal,
- against his conviction or his sentence, the Crown Court or, as the case may require, the Court of Appeal may, if it thinks fit, suspend the disqualification.
- (3) Where a person ordered to be disqualified has appealed or applied for leave to appeal to the House of Lords—
- (a) under section 1 of the Administration of Justice Act 1960 from any decision of a Divisional Court of the Queen's Bench Division which is material to his conviction or sentence, or
 - (b) under section 33 of the Criminal Appeal Act 1968 from any decision of the Court of Appeal which is material to his conviction or sentence,
- the Divisional Court or, as the case may require, the Court of Appeal may, if it thinks fit, suspend the disqualification.
- (4) Where a person ordered to be disqualified makes an application in respect of the decision of the court in question under section 87 of the Magistrates' Courts Act 1952 (statement of case by magistrates' court) or section 10(3) of the Courts Act 1971 (statement of case by Crown Court) the High Court may, if it thinks fit, suspend the disqualification.
- (5) Where a person ordered to be disqualified—
- (a) applies to the High Court for an order of certiorari to remove into the High Court any proceedings of a magistrates' court or of the Crown Court, being proceedings in or in consequence of which he was convicted or his sentence was passed, or
 - (b) applies to the High Court for leave to make such an application,
- the High Court may, if it thinks fit, suspend the disqualification.
- (6) Any power of a court under the preceding provisions of this section to suspend the disqualification of any person is a power to do so on such terms as the court thinks fit.
- (7) In any case where, by virtue of this section, a court suspends the disqualification of any person, it shall send notice of the suspension to the Secretary of State; and for the purposes of this section any such notice shall be sent in such manner and to such address and shall contain such particulars as the Secretary of State may determine.

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94B Power of High Court of Justiciary to suspend disqualification.

- (1) Where a person has been convicted of an offence by a court in Scotland and the circumstances mentioned in subsection (1) of the foregoing section apply to that offence, any references to any person ordered to be disqualified and any reference to his sentence shall in this section be construed in like manner as in that section.
- (2) Where a person ordered to be disqualified appeals to the High Court of Justiciary whether on appeal against a summary conviction or a conviction on indictment or his sentence, the Court, or any single judge thereof may if it or he thinks fit, suspend the disqualification on such terms as the Court or judge thinks fit.
- (3) Where, by virtue of this section, the High Court suspends the disqualification of any person, it shall send notice of the suspension to the Secretary of State ; and for the purposes of this section any such notice shall be sent in such manner and to such address and shall contain such particulars as the Secretary of State may determine.”

- 9 In section 98, in subsection (1) (licence to be suspended so long as disqualification continues) for the words from " suspended" to the end of the subsection there shall be substituted the words " treated as being revoked with effect from the beginning of the period of disqualification ; and for this purpose, if the holder of the licence appeals against the order and the disqualification is suspended under section 94 of this Act, the period of disqualification shall be treated as beginning on the day on which the disqualification ceases to be suspended. ".
- 10 (1) In section 101, in subsection (4) (licence holder who is prosecuted for an offence involving obligatory endorsement to produce the licence to the court for endorsement) for the words from " and the court" to " for endorsement" there shall be substituted the words " the court shall, before making any order under subsection (1) above, require the licence to be produced to it " and after that subsection there shall be inserted the following subsection—
 - “(4A) Where a person is convicted of an offence involving obligatory endorsement and his licence is produced to the court, then in determining what order to make in pursuance of the conviction the court may take into consideration particulars of any previous conviction or disqualification endorsed on the licence.”
- (2) In subsection (7) of that section (entitlement of person whose licence has been endorsed with any particulars to have a new licence issued free from the particulars) after the words " shall be entitled " there shall be inserted the word " either " and after the words " that subsection" there shall be inserted the words " or, subject to the payment of the prescribed fee and the surrender of any subsisting licence, on an application at any time ".
- (3) In the said subsection (7), as it applies in relation to an application for the issue of a new licence made on or after the day appointed under section 22 of this Act for the coming into operation of this sub-paragraph, for the words " three " and " ten " there shall be substituted the words " four " and " eleven ".
- (4) At the end of the said section 101 there shall be added the following subsection—

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- “(8) Nothing in the provisions of sections 15(5) and 31(1) of the Summary Jurisdiction (Scotland) Act 1954 (complaint and previous complaint and previous convictions) shall affect the power of the court under subsection (4A) of this section to take into consideration a previous conviction or disqualification endorsed on the licence of the accused.”
- 11 (1) In section 104 (information to be given as to date of birth and sex where a person is convicted of certain offences and his licence is endorsed or he is disqualified whilst committed for sentence) in subsection (1) the words " orders his driving licence to be endorsed or orders him to be disqualified under section 103(1) of this Act and " shall be omitted.
- (2) In subsection (2) of that section the words " orders his driving licence to be endorsed or orders him to be disqualified under the said section 103(1) and" shall be omitted.
- (3) In subsection (3) of that section the words "in consequence of an order for disqualification made under the said section 103(1)" shall be omitted.
- (4) In subsection (6)(a) of that section the words "orders his licence to be endorsed and " shall be omitted.
- 12 In section 105, in subsection (2) (on disqualification, licence to be forwarded to Secretary of State, but where disqualification expires or is removed before the expiry date of the licence, the licence holder to be entitled, on demand, to a new licence for the period for which the old licence was granted) the words from " but where " to the end of the subsection shall be omitted.