



Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

Requirement to hold licence

87 Drivers of motor vehicles to have driving licences

- (1) It is 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 is an offence for a person to cause or permit another person to drive on a road a motor vehicle of any class if that other person is not the holder of a licence authorising him to drive a motor vehicle of that class.

88 Exceptions

- (1) Notwithstanding section 87 of this Act, a person may drive or cause or permit another person to drive a vehicle of any class if—
 - (a) the driver has held a licence to drive vehicles of that class or an exchangeable licence to drive vehicles of a category corresponding to that class and (in either case) 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for a period which includes that time has been received by the Secretary of State or such a licence granted to him has been revoked or surrendered in pursuance of section 99 of this Act, and
 - (c) any conditions which by virtue of section 97(3) or 98(2) of this Act apply to the driving under the authority of the licence of vehicles of that class are complied with.
- (2) The benefit of subsection (1) above does not extend—

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- (a) beyond the date when a licence is granted in pursuance of the application mentioned in subsection (1)(b) above or (as the case may be) in pursuance of section 99(7) of this Act in consequence of the revocation or surrender so mentioned, or
 - (b) in a case where a licence is not in fact so granted, beyond the expiration of the period 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 subsection (1)(b) above.
- (3) The Secretary of State may by regulations provide that subsection (1) above shall also apply (where the requirements of that subsection are otherwise met) in the case of a person who has not previously held a licence to drive vehicles of the relevant class.
- (4) Regulations made by virtue of subsection (3) above shall, if not previously revoked, expire at the end of the period of one year beginning with the day on which they came into operation.
- (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 section 87 of this Act as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if—
- (a) he satisfies the prescribed conditions, and
 - (b) he 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.
- (6) Regulations made by virtue of subsection (5) above 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.
- (7) Notwithstanding section 87 of this Act—
- (a) a person who is not the holder of a licence may 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 86 of the Road Traffic Regulation Act 1984, 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 and Part IV of this Act, and
 - (b) a person may cause or permit another person who is not the holder of a licence so to act.

Tests

89 Tests of competence to drive

- (1) A licence authorising the driving of motor vehicles of any class shall not be granted to any person unless he satisfies the Secretary of State—
- (a) that at some time during the period of ten years ending on the date of the coming into force of the licence applied for he has passed the test of competence to drive prescribed by virtue of subsection (3) below or a test of competence which under subsection (6) below is a sufficient test, or
 - (b) that within that period of ten years he has held a licence authorising the driving of vehicles of that class, not being a provisional licence, a licence granted by

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virtue of section 99(4) of the Road Traffic Act 1960 or a licence which has been revoked in pursuance of section 99(3) of this Act, or

- (c) that, at the time of application for the licence—
 - (i) he holds an exchangeable licence authorising the driving of vehicles of a category corresponding to that 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 one year, or
- (d) that—
 - (i) within that 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 section 99(4) of the Road Traffic Act 1960, and
 - (ii) he is not, at the time of application for the licence, disqualified under that law for holding or obtaining a licence under it to drive vehicles of any class.

This subsection is subject to the provisions of this Part of this Act as to provisional licences and to the provisions of any regulations made by virtue of section 105(2)(f) of this Act.

- (2) For the purposes of subsection (1)(d) 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.
- (3) Regulations may make provision with respect to—
 - (a) the nature of tests of competence to drive for the purposes of this section,
 - (b) the qualifications, selection and appointment of persons by whom they may be conducted and the revocation of any appointment,
 - (c) evidence of the results of such tests,and generally with respect to such tests.
- (4) In particular, regulations may, without prejudice to the generality of subsection (3) above, provide—
 - (a) for requiring a person submitting himself for a test to provide a vehicle for the purposes of the test,
 - (b) for requiring a fee, of such amount as may be specified in the regulations or, in such cases as may be prescribed, specified by such person as may be prescribed, 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 for 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 section 90 of this Act,and different regulations may be made with respect to tests of competence to drive different classes of vehicles.
- (5) If regulations make provision for a test of competence to drive to consist of separate parts, they may make for each part—

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- (a) any provision that could be made for a test not consisting of separate parts, and
 - (b) provision for the supply by the Secretary of State of forms for certificates evidencing the results and for charges to be made for the supply.
- (6) For the purposes of subsection (1)(a) 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 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.
- (7) If vehicles of any classes are designated by regulations as a group for the purposes of subsection (1)(b) above, a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of subsection (1)(b) to authorise the driving of vehicles of all classes included in the group.
- The reference in this subsection to a licence does not include a licence which has been revoked in pursuance of section 99(3) of this Act.
- (8) For the purposes of this section and section 88(1) of this Act, an exchangeable licence issued in respect of a member State, country or territory shall not be treated as authorising a person to drive a vehicle of any category if—
- (a) the licence is not for the time being valid for that purpose, or
 - (b) it was issued in respect of that category for a purpose corresponding to that mentioned in section 97(2) of this Act.
- (9) Where an exchangeable licence authorises the driving of vehicles of any category and any vehicle falling within that category falls also within any of the classes designated as a group for the purposes of subsection (1)(a) above—
- (a) that category shall be treated for the purposes of subsection (1)(c) above as corresponding to all classes included in the group, and
 - (b) where, by virtue of regulations, a person who passes a test of competence authorising the granting of a licence to drive vehicles of any class included in the group is treated as competent also to drive vehicles of a class included in another group, that category shall be treated for the purposes of subsection (1)(c) above as corresponding to all categories included in that other group.

90 Review of conduct of test

- (1) On the application of a person who has submitted himself for a test of competence to drive—
- (a) a magistrates' court acting for the petty sessions area in which he resides, or
 - (b) in Scotland, the sheriff within whose jurisdiction he resides,
- may determine whether the test was properly conducted in accordance with regulations.
- (2) The court or, as the case may be, sheriff may, if it appears that the test was not so conducted—
- (a) order that the applicant shall be eligible to submit himself for another test before the expiration of the period specified for the purposes of section 89(4)(c) of this Act, and

- (b) 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.
- (3) If regulations make provision for a test of competence to drive to consist of separate parts, this section applies in relation to each part as well as in relation to the whole of the test.

91 Repayment of test fees

A fee paid in pursuance of regulations made by virtue of section 89(4) of this Act on application for an appointment for a test may be repaid in the following cases and not otherwise—

- (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,
- (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
- (d) if an order for the repayment of the fee is made by the court or, as the case may be, sheriff under section 90 of this Act pursuant to a finding that the test was not properly conducted in accordance with the regulations.

Physical fitness

92 Requirements as to physical fitness of drivers

- (1) An application for the grant of a licence must 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 relevant disability or any prospective disability.
- (2) In this Part of this Act—
 - “disability” includes disease,
 - “relevant disability” in relation to any person means—
 - (a) any prescribed disability, and
 - (b) any other disability likely to cause the driving of a vehicle by him in pursuance of a licence to be a source of danger to the public, and
 - “prospective disability” in relation to any person means any other disability which—
 - (a) at the time of the application for the grant of a licence or, as the case may be, the material time for the purposes of the provision in which the expression is used, is not of such a kind that it is a relevant disability, but
 - (b) by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in course of time.
- (3) If it appears from the applicant’s declaration, or if on inquiry the Secretary of State is satisfied from other information, that the applicant is suffering from a relevant disability, the Secretary of State must, subject to the following provisions of this section, refuse to grant the licence.

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- (4) The Secretary of State must not by virtue of subsection (3) above refuse to grant a licence—
- (a) on account of any relevant disability which is prescribed for the purposes of this paragraph, 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 which is prescribed for the purposes of this paragraph, if the application is for a provisional licence.
- (5) Where as a 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 a 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 must serve notice in writing to that effect on that person and must include in the notice a description of the disability.
- (6) Where a notice is served in pursuance of subsection (5)(a) above, then—
- (a) if the disability is not prescribed under subsection (2) above, it shall be deemed to be so prescribed in relation to the person who took the test, and
 - (b) if the disability is prescribed for the purposes of subsection (4)(c) above it shall be deemed not to be so prescribed in relation to him.
- (7) Where a notice is served in pursuance of subsection (5)(b) above, any licence granted to the person who took the test shall be limited to vehicles of the particular construction or design specified in the notice.
- (8) In this section “relevant test”, in relation to an application for a licence, means any such test of competence as is mentioned in section 89 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.
- (9) Without prejudice to subsection (8) above, for the purposes of subsection (4)(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 subsections (3) and (4) or (6) and (7) of section 89 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.

In this subsection “relevant external law” has the meaning given by section 89(2) of this Act.

93 Revocation of licence because of disability or prospective disability

- (1) If the Secretary of State is at any time satisfied on inquiry—
 - (a) that a licence holder is suffering from a relevant disability, and
 - (b) that the Secretary of State would be required by virtue of section 92(3) or (7) of this Act to refuse an application for the licence made by him at that time,the Secretary of State may 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.
- (2) If the Secretary of State is at any time satisfied on inquiry that a licence holder is suffering from a prospective disability, the Secretary of State may—
 - (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 99(1)(b) of this Act.
- (3) A person whose licence is revoked under subsection (1) or (2) above must deliver up the licence to the Secretary of State forthwith after the revocation.
- (4) Where a person whose licence is revoked under subsection (1) or (2) above—
 - (a) is not in possession of his licence in consequence of the fact that he has surrendered it to a constable or authorised person (within the meaning of Part III of the Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act but
 - (b) delivers it to the Secretary of State immediately on its return,he is not in breach of the duty under subsection (3) above.

94 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,the licence holder must forthwith notify the Secretary of State in writing of the nature and extent of his disability.
- (2) The licence holder is not required to notify the Secretary of State under subsection (1) above if—
 - (a) the disability is one from which he has not previously suffered, and
 - (b) 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.
- (3) A person who fails without reasonable excuse to notify the Secretary of State as required by subsection (1) above is guilty of an offence.

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- (4) 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, subsection (5) below applies for the purpose of enabling the Secretary of State to satisfy himself whether or not that is the case.
- (5) The Secretary of State may by notice in writing served on the applicant or holder—
- (a) require him to provide the Secretary of State, within such reasonable time as may be specified in the notice, with such an authorisation as is mentioned in subsection (6) below, or
 - (b) require him, as soon as practicable, to arrange to submit himself for examination—
 - (i) by such registered medical practitioner or practitioners as may be nominated by the Secretary of State, or
 - (ii) 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 a test of competence to drive, being a test authorising the grant of a licence in respect of vehicles—
 - (i) of all or any of the classes to which the application relates, or
 - (ii) which he is authorised to drive (otherwise than by virtue of section 98(2) of this Act) by the licence which he holds,
 as the case may be.
- (6) The authorisation referred to in subsection (5)(a) 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 provided, 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.
- (7) 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 (5) 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 under that subsection.
- (8) If any person on whom a notice is served under subsection (5) 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 sections 92 and 93 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 section 92(4) of this Act 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.

- (9) The Secretary of State must defray any fees or other reasonable expenses of a registered medical practitioner in connection with—
- (a) the provision of information in pursuance of an authorisation required to be provided under subsection (5)(a) above, or
 - (b) any examination which a person is required to undergo as mentioned in subsection (5)(b) above.

95 Notification of refusal of insurance on grounds of health

- (1) 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.
- (2) In subsection (1) above “authorised insurer” means a person or body of persons carrying on insurance business within Group 2 in Part II of Schedule 2 to the Insurance Companies Act 1982 and being a member of the Motor Insurers' Bureau (a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946).

96 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 is 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 requirement concerned.
- (3) If that person refuses to submit to the test he is guilty of an offence.

Granting of licences, their form and duration

97 Grant of licences

- (1) Subject to subsection (2) below and section 92 of this Act, the Secretary of State must, on payment of such fee (if any) as may be prescribed, 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,
 - (b) provides the Secretary of State with such evidence or further evidence in support of the application as the Secretary of State may require,
 - (c) surrenders to the Secretary of State any previous licence granted to him after 1st June 1970 or provides the Secretary of State with an explanation for not surrendering it which the Secretary of State considers adequate and, where

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- the application is made by virtue of section 89(1)(c) of this Act, surrenders to the Secretary of State his exchangeable licence, 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 89 of this Act.
- (2) If the application for the licence 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 89 of this Act shall apply to such a licence.
- (3) 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,
 - (c) may, in the case of a person appearing to the Secretary of State to be suffering from a relevant disability or a prospective disability, be restricted so as to authorise only the driving of vehicles of a particular construction or design specified in the licence, and
 - (d) shall not authorise a person, before he has passed a test of competence to drive, to drive a motor cycle having two wheels only, unless it is a learner motor cycle (as defined in subsection (5) below) or its first use (as defined in regulations) occurred before 1st January 1982 and the cylinder capacity of its engine does not exceed 125 cubic centimetres.
- (4) Regulations may authorise or require the Secretary of State to refuse a provisional licence authorising the driving of a motor cycle of a prescribed class if the applicant has held such a provisional licence and the licence applied for would come into force within the prescribed period—
- (a) beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor cycle, or
 - (b) beginning at such other time as may be prescribed.
- (5) A learner motor cycle is a motor cycle which either is propelled by electric power or has the following characteristics—
- (a) the cylinder capacity of its engine does not exceed 125 cubic centimetres,
 - (b) the maximum power output of its engine does not exceed nine kilowatts (as measured in accordance with International Standards Organisation standard 4106-1978.09.01), and
 - (c) its power to weight ratio does not exceed 100 kilowatts per metric tonne, the power being the maximum power output mentioned in paragraph (b) above and the weight that mentioned in subsection (6) below.
- (6) The weight referred to in subsection (5) above is the weight of the motor cycle with a full supply of fuel in its tank, an adequate supply of other liquids needed for its propulsion and no load other than its normal equipment, including loose tools.
- (7) A person who fails to comply with any condition applicable to him by virtue of subsection (3) above is guilty of an offence.

98 Form of licence

- (1) A licence shall be in such form as the Secretary of State may determine and shall—
- (a) state whether, apart from subsection (2) 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,
 - (b) specify the restrictions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of the provisions of section 101 of this Act,
 - (c) in the case of a provisional licence, specify the conditions subject to which it is granted, and
 - (d) where, by virtue of subsection (2) 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.
- (2) Subject to subsections (3) and (4) below, a licence which, apart from this subsection, authorises its holder to drive motor vehicles of certain classes only (not being—
- (a) a licence granted before 1st June 1970,
 - (b) a provisional licence granted after that date, or
 - (c) any other licence of a description prescribed for the purposes of this subsection)
- 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 motor vehicles of those other classes.
- (3) A licence shall not by virtue of subsection (2) above authorise a person to drive—
- (a) a vehicle of a class for the driving of which he could not, by reason of the provisions of section 101 of this Act, lawfully hold a licence, or
 - (b) unless he has passed a test of competence to drive, a motor cycle which, by virtue of section 97(3)(d) of this Act, a provisional licence would not authorise him to drive before he had passed that test.
- (4) In such cases as the Secretary of State may prescribe, the provisions of subsections (2) and (3) above shall not apply or shall apply subject to such limitations as he may prescribe.
- (5) A person who fails to comply with any condition applicable to him by virtue of subsection (2) above is guilty of an offence.

99 Duration of licences

- (1) A licence shall, unless previously revoked or surrendered, remain in force, subject to subsection (2) below—
- (a) except in a case falling within paragraph (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,
 - (b) except in a case falling within paragraph (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, for such period of not more than three years and not less than one year as the Secretary of State may determine, and

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- (c) 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.
- (2) To the extent that a provisional licence authorises the driving of a motor cycle of a prescribed class it shall, unless previously surrendered or revoked, remain in force—
- (a) for such period as may be prescribed, or
 - (b) if the licence is granted to the holder of a previous licence which was surrendered, revoked or treated as being revoked—
 - (i) for the remainder of the period for which the previous licence would have authorised the driving of such a motor cycle, or
 - (ii) in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.
- (3) Where it appears to the Secretary of State—
- (a) 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, 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,
- the Secretary of State may serve notice in writing on that person revoking the licence and requiring him to surrender the licence forthwith to the Secretary of State.
- (4) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder must forthwith surrender the licence to the Secretary of State and provide him with particulars of the alterations falling to be made in the name or address 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.
- (5) A person who fails to comply with the duty under subsection (4) above is guilty of an offence.
- (6) Where a person who has a duty under this section to surrender his licence is not in possession of the licence in consequence of the fact that he has surrendered it to a constable or authorised person (within the meaning of Part III of the Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act, he does not fail to comply with the duty if he surrenders the licence to the Secretary of State immediately on its return.
- (7) On the surrender of a licence by any person in pursuance of subsection (3) or (4) above, the Secretary of State—
- (a) must, except where the licence was granted in error or is surrendered in pursuance of subsection (3) above 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 such period (subject to subsection (8) below) that it expires on the date on which the surrendered licence would have expired had it not been surrendered.

- (8) 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.

Appeals

100 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 92 or 93 of this Act, or
 - (b) determination under section 99(1)(b) of this Act to grant a licence for three years or less, or
 - (c) revocation of a licence in pursuance of section 99(3) of this Act,
- or by a notice served on him in pursuance of section 92(5) 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, in Scotland, to the sheriff within whose jurisdiction he resides.
- (2) 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.
- (3) It is hereby declared that, without prejudice to section 90 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.

Disqualification (otherwise than on conviction)

101 Disqualification of persons under age

- (1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of a class specified in the following Table if he is under the age specified in relation to it in the second column of the Table.

TABLE

<i>Class of motor vehicle</i>	<i>Age (in years)</i>
1. Invalid carriage	16
2. Motor cycle	16
3. Small passenger vehicle or small goods vehicle	17
4. Agricultural tractor	17

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<i>Class of motor vehicle</i>	<i>Age (in years)</i>
5. Medium-sized goods vehicle	18
6. Other motor vehicles	21

- (2) The Secretary of State may by regulations provide that subsection (1) above shall have effect as if for the classes of vehicles and the ages specified in the Table in that subsection there were substituted different classes of vehicles and ages or different classes of vehicles or different ages.
- (3) Subject to subsection (4) below, the regulations may—
- (a) apply to persons of a class specified in or under the regulations,
 - (b) apply in circumstances so specified,
 - (c) impose conditions or create exemptions or provide for the imposition of conditions or the creation of exemptions,
 - (d) contain such transitional and supplemental provisions (including provisions amending section 108, 120 or 183(5) of this Act) as the Secretary of State considers necessary or expedient.
- (4) For the purpose of defining the class of persons to whom, the class of vehicles to which, the circumstances in which or the conditions subject to which regulations made by virtue of subsection (2) above are to apply where an approved training scheme for drivers is in force, it is sufficient for the regulations to refer to a document which embodies the terms (or any of the terms) of the scheme or to a document which is in force in pursuance of the scheme.
- (5) In subsection (4) above—
- “approved” means approved for the time being by the Secretary of State for the purpose of the regulations,
- “training scheme for drivers” means a scheme for training persons to drive vehicles of a class in relation to which the age which is in force under this section (but apart from any such scheme) is 21 years,
- but no approved training scheme for drivers shall be amended without the approval of the Secretary of State.

102 Disqualification to prevent duplication of licences

A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class so long as he is the holder of another licence authorising him to drive a motor vehicle of that class, whether the licence is suspended or not.

103 Obtaining licence, or driving, while disqualified

- (1) If a person disqualified for holding or obtaining a licence—
- (a) obtains a licence while he is so disqualified, or
 - (b) while he is so disqualified drives on a road a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a particular class, a motor vehicle of that class,
- he is guilty of an offence.
- (2) A licence obtained by any person who is disqualified is of no effect.

- (3) A constable in uniform may arrest without warrant any person driving or attempting to drive a motor vehicle on a road whom he has reasonable cause to suspect of being disqualified.

Miscellaneous

104 Conduct of proceedings in certain courts by or against the Secretary of State

- (1) Any proceedings by or against the Secretary of State in a magistrates' court or before the registrar of a county court under this Part of this Act or Part II of the Road Traffic Offenders Act 1988 may be conducted on behalf of the Secretary of State by a person authorised by him for the purposes of this subsection.
- (2) Any proceedings in any court in Scotland, other than the High Court of Justiciary or the Court of Session, against the Secretary of State under this Part of this Act or Part II of the Road Traffic Offenders Act 1988 may be conducted on behalf of the Secretary of State by any person authorised by him for the purposes of this subsection.

105 Regulations

- (1) The Secretary of State may make regulations for any purpose for which regulations may be made under the provisions of this Part of this Act and the relevant provisions of the Road Traffic Offenders Act 1988 and for prescribing anything which may be prescribed under any of those provisions, and otherwise for the purpose of carrying any of those provisions into effect.
- (2) In particular, but without prejudice to the generality of subsection (1) above, the regulations may make provision with respect to—
- (a) licences,
 - (b) making any particulars with respect to any persons who are disqualified or whose licences are suspended or endorsed available for use by the police,
 - (c) preventing a person holding more than one licence,
 - (d) facilitating identification of holders of licences,
 - (e) providing for the issue of a new licence in the place of a licence lost or defaced on payment of such fee as may be prescribed,
 - (f) the effect of a change in the classification of motor vehicles for the purposes of this Part of this Act on licences then in force or issued or on the right to or the subsequent granting of licences, and
 - (g) enabling a person—
 - (i) whose entitlement to the grant of a licence to drive a class of motor vehicle is preserved by regulations made by virtue of paragraph (f) above, and
 - (ii) who satisfies such conditions as may be prescribed,
to drive (and be employed in driving) that class of motor vehicle while he applies for the licence to be granted to him,and different regulations may be made as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.
- (3) The regulations may—
- (a) make different provision for different circumstances,

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- (b) provide for exemptions from any provision of the regulations, and
 - (c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations,
- and nothing in the other provisions of this Part of this Act shall be construed as prejudicing the generality of the preceding provisions of this subsection.
- (4) Any fee prescribed under this Part of this Act shall be of an amount approved by the Treasury, and different fees may be prescribed for different circumstances.
 - (5) In subsection (1) above “the relevant provisions of the Road Traffic Offenders Act 1988” means the following provisions of that Act: sections 2, 7, 8, 23 to 26, 27, 31 and 34 to 48.

106 Destination of fees for licences, etc

- (1) All fees received by the Secretary of State for licences under this Part of this Act shall be paid into the Consolidated Fund.
- (2) Fees in respect of tests of competence to drive payable by virtue of regulations made by virtue of section 89(4) of this Act shall be paid to such person as may be prescribed by the regulations, and any such fees received by a person so prescribed (other than any as to which the regulations provide that they are to be paid to the person conducting the test and retained by him as remuneration) shall be paid into the Consolidated Fund.

107 Service of notices

A notice authorised to be served on any person by section 92, 93 or 99(3) of this Act may be served on him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this section and section 7 of the Interpretation Act 1978 in its application to this section the proper address of any person shall be his latest address as known to the person serving the notice.

108 Interpretation

- (1) In this Part of this Act—
 - “agricultural tractor” means a tractor used primarily for work on land in connection with agriculture,
 - “articulated goods vehicle” means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached to it in such manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle, and “articulated goods vehicle combination” means an articulated goods vehicle with a trailer so attached,
 - “Community licence” means a document issued in respect of a member State other than the United Kingdom by an authority of that or another member State (including the United Kingdom) authorising the holder to drive a motor vehicle, not being—
 - (a) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than a member State, or
 - (b) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926, the Geneva

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Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968,

“disability” has the meaning given by section 92 of this Act,

“disqualified” means disqualified for holding or obtaining a licence, and “disqualification” is to be interpreted accordingly,

“exchangeable licence” means a Community licence or a document which would be a Community licence if—

- (a) Gibraltar, and
- (b) each country or territory within this paragraph by virtue of an order under subsection (2) below,

were or formed part of a member State other than the United Kingdom,

“licence” means a licence to drive a motor vehicle granted under this Part of this Act,

“maximum gross weight”, in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry,

“maximum train weight”, in relation to an articulated goods vehicle combination, means the weight of the combination laden with the heaviest load which it is constructed or adapted to carry,

“medium-sized goods vehicle” means a motor vehicle which is constructed or adapted to carry or to haul goods and is not adapted to carry more than nine persons inclusive of the driver and the permissible maximum weight of which exceeds 3.5 but not 7.5 tonnes,

“permissible maximum weight”, in relation to a goods vehicle (of whatever description), means—

- (a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the relevant maximum weight of the vehicle,
- (b) in the case of an articulated goods vehicle—
 - (i) when drawing only a semi-trailer, the relevant maximum train weight of the articulated goods vehicle combination,
 - (ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer,
 - (iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer,
 - (iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle,
- (c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer,

“prescribed” means prescribed by regulations,

“prospective disability” has the meaning given by section 92 of this Act,

“provisional licence” means a licence granted by virtue of section 97(2) of this Act,

“regulations” means regulations made under section 105 of this Act,

“relevant disability” has the meaning given by section 92 of this Act,

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“relevant maximum weight”, in relation to a motor vehicle or trailer, means

- (a) in the case of a vehicle to which regulations under section 49 of this Act apply which is required by regulations under section 41 of this Act to have a maximum gross weight for the vehicle marked on a plate issued by the Secretary of State under regulations under section 41, the maximum gross weight so marked on the vehicle,
- (b) in the case of a vehicle which is required by regulations under section 41 of this Act to have a maximum gross weight for the vehicle marked on the vehicle and does not also have a maximum gross weight marked on it as mentioned in paragraph (a) above, the maximum gross weight marked on the vehicle,
- (c) in the case of a vehicle on which a maximum gross weight is marked by the same means as would be required by regulations under section 41 of this Act if those regulations applied to the vehicle, the maximum gross weight so marked on the vehicle,
- (d) in the case of a vehicle on which a maximum gross weight is not marked as mentioned in paragraph (a), (b) or (c) above, the notional maximum gross weight of the vehicle, that is to say, such weight as is produced by multiplying the unladen weight of the vehicle by the number prescribed by the Secretary of State for the class of vehicle into which that vehicle falls,

“relevant maximum train weight”, in relation to an articulated goods vehicle combination, means—

- (a) in the case of an articulated goods vehicle to which regulations under section 49 of this Act apply which is required by regulations under section 41 of this Act to have a maximum train weight for the combination marked on a plate issued by the Secretary of State under regulations under section 41, the maximum train weight so marked on the motor vehicle,
- (b) in the case of an articulated goods vehicle which is required by regulations under section 41 of this Act to have a maximum train weight for the combination marked on the vehicle and does not also have a maximum train weight marked on it as mentioned in paragraph (a) above, the maximum train weight marked on the motor vehicle,
- (c) in the case of an articulated goods vehicle on which a maximum train weight is marked by the same means as would be required by regulations under section 41 of this Act if those regulations applied to the vehicle, the maximum train weight so marked on the motor vehicle,
- (d) in the case of an articulated goods vehicle on which a maximum train weight is not marked as mentioned in paragraph (a), (b) or (c) above, the notional maximum gross weight of the combination, that is to say, such weight as is produced by multiplying the sum of the unladen weights of the motor vehicle and the semi-trailer by the number prescribed by the Secretary of State for the class of articulated goods vehicle combination into which that combination falls,

“semi-trailer”, in relation to an articulated goods vehicle, means a trailer attached to it in the manner described in the definition of articulated goods vehicle,

“small goods vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) which is constructed or adapted to carry or to haul goods and

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is not adapted to carry more than nine persons inclusive of the driver and the permissible maximum weight of which does not exceed 3.5 tonnes,

“small passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) which is constructed solely to carry passengers and their effects and is adapted to carry not more than nine persons inclusive of the driver, and

“test of competence to drive” means such a test conducted under section 89 of this Act.

- (2) If the Secretary of State is satisfied that satisfactory provision for the granting of licences to drive motor vehicles is made by the law of a country or territory which neither is nor forms part of a member State, he may by order made by statutory instrument designate that country or territory as a country or territory within paragraph (b) of the definition of exchangeable licence in subsection (1) above.
- (3) Before making any order under subsection (2) above, the Secretary of State shall consult with such representative organisations as he thinks fit.

109 Provisions as to Northern Ireland drivers' licences

- (1) The holder of a licence to drive a motor vehicle granted under the law of Northern Ireland may drive, and a person may cause or permit the holder of such a licence to drive, in Great Britain, a motor vehicle of any class which he is authorised by that licence to drive, and which he is not disqualified from driving under this Part of this Act, notwithstanding that he is not the holder of a licence under this Part of this Act.
- (2) Any driver holding a licence so granted shall be under the like obligation to produce such a licence as if it had been a licence granted under this Part of this Act, and the provisions—
 - (a) of this Act, and
 - (b) of the Road Traffic Offenders Act 1988, being the provisions connected with the licensing of drivers within the meaning of that Act,as to the production of licences granted under this Part of this Act shall apply accordingly.
- (3) The holder of any such licence who by an order of the court is disqualified for holding or obtaining a licence under this Part of this Act must produce the licence so held by him to the court within such time as the court may determine, and the court must, on production of the licence, forward it to the Secretary of State.
- (4) If the holder fails to produce the licence within that time, he is guilty of an offence.
- (5) If the holder of any such licence is convicted of an offence and the court orders particulars of the conviction to be endorsed in accordance with section 44 of the Road Traffic Offenders Act 1988, the court shall send those particulars to the Secretary of State.