Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

[^1]Effects of disqualification[

[^2]Obtaining licence, or driving, while disqualified. [E+W]

(1) A person is guilty of an offence if, while disqualified for holding or obtaining a licence, he—
   (a) obtains a licence, or
   (b) drives a motor vehicle on a road.

(2) A licence obtained by a person who is disqualified is of no effect (or, where the disqualification relates only to vehicles of a particular class, is of no effect in relation to vehicles of that class).

[^3] . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(4) [^4]Subsection (1) above does not apply in relation to disqualification by virtue of section 101 of this Act.

(5) [^5]Subsection (1)(b) above does not apply in relation to disqualification by virtue of section 102 of this Act.

(6) In the application of [^6]subsection (1) above to a person whose disqualification is limited to the driving of motor vehicles of a particular class by virtue of—
   (a) section 102 [^7]117 or 117A] of this Act, or
   (b) subsection (9) of section 36 of the Road Traffic Offenders Act 1988 (disqualification until test is passed),
the references to disqualification for holding or obtaining a licence and driving motor vehicles are references to disqualification for holding or obtaining a licence to drive and driving motor vehicles of that class.]
Obtaining licence, or driving, while disqualified.

(1) A person is guilty of an offence if, while disqualified for holding or obtaining a licence, he—
   (a) obtains a licence, or
   (b) drives a motor vehicle on a road.

(2) A licence obtained by a person who is disqualified is of no effect (or, where the disqualification relates only to vehicles of a particular class, is of no effect in relation to vehicles of that class).

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

(4) Subsections (1) and (3) above do not apply in relation to disqualification by virtue of section 101 of this Act.

(5) Subsections (1)(b) and (3) above do not apply in relation to disqualification by virtue of section 102 of this Act.

(6) In the application of subsections (1) and (3) above to a person whose disqualification is limited to the driving of motor vehicles of a particular class by virtue of—
   (a) section 102 [\[^117\] or 117A] of this Act, or
   (b) subsection (9) of section 36 of the Road Traffic Offenders Act 1988 (disqualification until test is passed),
the references to disqualification for holding or obtaining a licence and driving motor vehicles are references to disqualification for holding or obtaining a licence to drive and driving motor vehicles of that class.

Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments


F8 Words in s. 103(6)(a) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, Sch. 1 para. 16

Modifications etc. (not altering text)

C5 S. 103(1)(b) excluded (17.4.2019) by The Motor Sport on Public Roads (Scotland) Regulations 2019 (S.S.I. 2019/138), regs. 1, 6, sch. 2

C6 S. 103 modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), art. 27
Status:
There are multiple versions of this provision on screen. These apply to different geographical extents.
Skip to:
- E+W - England and Wales extent
- S - Scotland extent

Changes to legislation:
Road Traffic Act 1988, Section 103 is up to date with all changes known to be in force on or before 11 February 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- s. 34A inserted by 2000 c. 37 Sch. 7 para. 6 (This amendment not applied to legislation.gov.uk. The amending provision has been repealed)
- s. 41(2)(m) inserted by 2006 c. 49 s. 18(1)(a)
- s. 41(2)(ba) inserted by 2006 c. 49 s. 56(3)
- s. 49(3A) inserted by 2006 c. 49 s. 48(1)
- s. 55(1A)-(1C) inserted (temp.) by S.I. 2019/648 reg. 2(2)(a) (This amendment is temp. and expires at the end of a period of 2 years beginning with IP completion day)
- s. 55(2A) inserted (temp.) by S.I. 2019/648 reg. 2(2)(c) (This amendment is temp. and expires at the end of a period of 2 years beginning with IP completion day)
- s. 55(9) inserted (temp.) by S.I. 2019/648 reg. 2(2)(e) (This amendment is temp. and expires at the end of a period of 2 years beginning with IP completion day)
- s. 57(1ZA)(1ZB) inserted (temp.) by S.I. 2019/648 reg. 2(3)(a) (This amendment is temp. and expires at the end of a period of 2 years beginning with IP completion day)
- s. 58(8) inserted (temp.) by S.I. 2019/648 reg. 2(4)(c) (This amendment is temp. and expires at the end of a period of 2 years beginning with IP completion day)
- s. 66(7A) inserted by 2006 c. 49 s. 56(5)
- s. 85(1) words inserted (temp.) by S.I. 2019/648 reg. 2(5)(b) (This amendment is temp. and expires at the end of a period of 2 years beginning with IP completion day)
- s. 85(1) words inserted (temp.) by S.I. 2019/648 reg. 2(5)(c) (This amendment is temp. and expires at the end of a period of 2 years beginning with IP completion day)
- s. 85(1) words omitted (temp.) by S.I. 2019/648 reg. 2(5)(a) (This amendment is temp. and expires at the end of a period of 2 years beginning with IP completion day)
- s. 85(1) words omitted (temp.) by S.I. 2019/648 reg. 2(5)(d) (This amendment is temp. and expires at the end of a period of 2 years beginning with IP completion day)
- s. 85(2) added by 1988 c. 54 Sch. 2 para. 17(c)
- s. 97(1)(c)(ia) words repealed by 2006 c. 49 Sch. 3 para. 6(2)(b)Sch. 7(4)
- s. 97(1)(d)(ii) words omitted by S.I. 2018/1251 reg. 2(4)
- s. 97(1ZA) inserted by 2006 c. 49 s. 38(2)
- s. 108(1BA) inserted by S.I. 2018/1251 reg. 2(5)(c)
- s. 123123A substituted for s. 123 by 2006 c. 49 Sch. 6 para. 2
- s. 123A(3) words inserted by 2009 c. 17 s. 1(3)
- s. 124(3)-(5) inserted by 2009 c. 17 s. 3
– s. 124(6) inserted by 2015 c. 20 Sch. 2 para. 2(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 125(3A)-(3D) inserted by 2015 c. 20 Sch. 2 para. 3(2) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 125(5A) inserted by 2015 c. 20 Sch. 2 para. 3(3) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 125A(5)-(7E) substituted for s. 125A(5)-(7) by 2006 c. 49 Sch. 6 para. 6(3)
– s. 125ZA inserted by 2006 c. 49 Sch. 6 para. 5
– s. 125ZA(2)(b) word omitted by 2015 c. 20 Sch. 2 para. 4(2)(a) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 125ZA(2)(d) and word inserted by 2015 c. 20 Sch. 2 para. 4(2)(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 125ZA(4)(c) word omitted by 2015 c. 20 Sch. 2 para. 4(3)(c) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 125ZA(4)(c) words substituted by 2015 c. 20 Sch. 2 para. 4(3)(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 125ZA(4)(ba)(bb) inserted by 2015 c. 20 Sch. 2 para. 4(3)(a) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 125ZA(4)(ca) inserted by 2015 c. 20 Sch. 2 para. 4(3)(d) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 125ZA(4)(c) word omitted by 2015 c. 20 Sch. 2 para. 4(3)(c) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 126(5) omitted by 2015 c. 20 Sch. 2 para. 6 (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 126A inserted by 2016 c. 16 s. 1(3)
– s. 126A omitted (cond.) by 2006 c. 49 Sch. 6 para. 8A (as inserted) by 2016 c. 16 s. 3(3)
– s. 126A heading words inserted by S.I. 2016/1089 reg. 3(2)
– s. 126A(1) words inserted by S.I. 2016/1089 reg. 3(3)(a)
– s. 126A(1) words inserted by S.I. 2016/1089 reg. 3(3)(b)
– s. 128A inserted by 2006 c. 49 Sch. 6 para. 11
– s. 128A(4) inserted by 2006 c. 49 Sch. 6 para. 11 (as inserted) by 2016 c. 16 s. 4(4)
– s. 128B inserted by 2015 c. 20 Sch. 2 para. 9 (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
– s. 128ZA inserted by 2009 c. 17 s. 1(1)
– s. 128ZB inserted by 2009 c. 17 s. 2
– s. 128ZA128AZB inserted by 2016 c. 16 s. 2(2)
– s. 128ZA128AZB inserted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by 2016 c. 16 s. 4(2)
– s. 128ZA128AZB substituted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by 2016 c. 16 s. 4(2)
– s. 128ZA heading words inserted by S.I. 2016/1089 reg. 4(2)(a)
– s. 128ZA(1) words inserted by S.I. 2016/1089 reg. 4(2)(b)
– s. 128ZA(4) words inserted by S.I. 2016/1089 reg. 4(2)(c)
– s. 128ZB heading words inserted by S.I. 2016/1089 reg. 4(3)(a)
– s. 128ZB(1) words inserted by S.I. 2016/1089 reg. 4(3)(b)(i)
– s. 128ZB(1) words inserted by S.I. 2016/1089 reg. 4(3)(b)(ii)
– s. 131(3)(b)(c) substituted for s. 131(3)(b) and word by 2006 c. 49 Sch. 6 para. 13(4)
– s. 131(6) inserted by 2016 c. 16 s. 2(4)
s. 131(6) inserted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by 2016 c. 16 s. 4(5)

s. 131(6) substituted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by 2016 c. 16 s. 4(5)

s. 132-133ZA and cross-heading substituted for ss. 132, 133 and cross-heading by 2006 c. 49 Sch. 6 para. 14

s. 133(2)(a) words omitted by 2015 c. 20 Sch. 2 para. 10(a) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)

s. 133(2)(b) words omitted by 2015 c. 20 Sch. 2 para. 10(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)

s. 133D(1A) inserted by 2015 c. 20 Sch. 2 para. 14(2) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)

s. 140(1)(2) inserted by 2006 c. 49 Sch. 6 para. 23(2)

s. 140(3) s. 140 renumbered as s. 140(3) by 2006 c. 49 Sch. 6 para. 23(1)

s. 141A(5) words repealed by 2006 c. 49 Sch. 3 para. 24 Sch. 7(4)

s. 143(1A) repealed (cond.) by S.I. 2019/1047 Sch. 2 para. 2 (This amendment not applied to legislation.gov.uk. The insertion of s. 143(1A) by 2018 c. 18, Sch. para. 17 was repealed (1.11.2019) by The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, Sch. 2 para. 1 (with reg. 5) without ever being brought into force.)

s. 173(2)(g)-(gb) substituted for s. 173(2)(g) by 2006 c. 49 Sch. 6 para. 27

s. 173(2)(n) and word inserted by 2006 c. 49 s. 37(8)

s. 174(1)(da) inserted by 2006 c. 49 Sch. 6 para. 28

s. 183(6A) inserted by 2006 c. 49 Sch. 6 para. 29