



# Road Traffic (Driver Licensing and Information Systems) Act 1989

## 1989 CHAPTER 22

### PART II

#### DRIVER INFORMATION SYSTEMS

##### *Licensing for driver information systems*

#### **9 Requirement for licence to operate driver information system.**

- (1) Except as provided under subsection (2) below, no person shall operate a driver information system in relation to public roads in England or Wales or Scotland unless he is authorised to do so by a licence granted to him by the Secretary of State.
- (2) The Secretary of State may, by order, direct that this Part of this Act shall not apply to any description of driver information system specified in the order; and the description of a system may be framed by reference to any of its characteristics, its effects or any other circumstances.
- (3) [<sup>F1</sup>The holding by a person of a licence under this section shall not relieve him of—
  - (a) any liability in respect of a failure to hold [<sup>F2</sup>a licence under section 8 of the Wireless Telegraphy Act 2006] ; or
  - (b) any obligation to comply with requirements imposed by or under Chapter 1 of Part 2 of the Communications Act 2003 (electronic communications networks and electronic communications services).]
- (4) Any person who operates a driver information system in contravention of this section commits an offence.
- (5) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum; and
  - (b) on conviction on indictment, to a fine.

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**Changes to legislation:** Road Traffic (Driver Licensing and Information Systems) Act 1989, Cross Heading: Licensing for driver information systems is up to date with all changes known to be in force on or before 08 July 2023. 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. (See end of Document for details) View outstanding changes

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### Textual Amendments

- F1** S. 9(3) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 97\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))
- F2** Words in s. 9(3)(a) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), [Sch. 7 para. 7](#)

## 10 Operators' licences.

- (1) The Secretary of State may grant a licence to operate a driver information system in any area in England or Wales or Scotland (such a licence being referred to in this Part of this Act as an “operator’s licence”).
- (2) More than one operator’s licence may be granted for the same area but an operator’s licence is not assignable.
- (3) An operator’s licence may authorise the operation of all or only one or more descriptions of driver information system and may authorise the transmission of data from which route guidance is derived to the drivers of motor vehicles of all or only one or more classes or its collection from motor vehicles of all or only one or more classes.
- (4) An operator’s licence shall be in writing and shall specify, in accordance with subsection (3) above, the scope of the authority given and the area within which the licence holder may operate.
- (5) An operator’s licence shall, unless revoked, suspended or surrendered, remain in force for the period specified in the licence.
- (6) An operator’s licence shall be granted on such terms and subject to such conditions as the Secretary of State considers appropriate and he may—
  - (a) with the consent of the licence holder, attach new conditions or vary any of the terms or conditions; or
  - (b) without the consent of the licence holder, attach new conditions designed to prevent danger to the public or vary any such condition.
- (7) An operator’s licence may include a term requiring the rendering to the Secretary of State of a payment on the grant of the licence or payments during the currency of the licence or both of such amount or amounts as may be determined by or under the licence.
- (8) The conditions subject to which an operator’s licence is granted may include, in particular, conditions—
  - (a) specifying the classes or descriptions of public road or any particular public road in, upon, under, over, along or across which system apparatus may or may not be installed;
  - (b) specifying the classes or descriptions of public road or any particular public road which may or may not be included in route guidance to drivers or to the drivers of specified classes of motor vehicles or specifying the circumstances in which the roads or road may be included or excluded;

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- (c) specifying the classes of motor vehicles to whose drivers route guidance may or may not be given or the circumstances in which it may or may not be given to such drivers;
  - (d) regulating the size, shape or other characteristics of system apparatus;
  - (e) regulating the charges that may be made by the licence holder to drivers or other persons for receiving data transmitted by a driver information system;
  - (f) requiring the licence holder to furnish to the Secretary of State such information relating to motor vehicles or traffic conditions derived from data which is or has been stored in the driver information system by the licence holder as the Secretary of State requires and authorising the Secretary of State to make such use, including the sale, of the information as he thinks fit;
  - (g) requiring the licence holder to keep such records relating to the operation of the system as the Secretary of State specifies and to permit persons authorised by the Secretary of State to inspect the records and make copies or extracts from them;
  - (h) authorising the Secretary of State to disclose the roads permitted to be included in route guidance under the licence to persons appearing to him to be affected;
  - (i) requiring the licence holder to disclose the roads included in route guidance under the licence to persons requesting the information on payment (if required) of a charge not exceeding such amount as may be specified in the licence.
- (9) No information may be required to be furnished to the Secretary of State under subsection (8)(f) above in a way that would enable individual owners or drivers of motor vehicles to be identified.
- (10) The Secretary of State may make such payments as he may determine in respect of the furnishing of information by virtue of subsection (8)(f) above.
- (11) Any sums received by the Secretary of State in pursuance of subsection (7) above shall be paid into the Consolidated Fund.

## **11 Sanctions for operating outside licence area or for breach of licence conditions.**

- (1) The Secretary of State may, subject to subsection (2) below, at any time revoke or suspend an operator's licence on the ground that—
- (a) the licence holder's operations have extended beyond the area in which the licence authorised him to operate, or
  - (b) there has been a breach of any condition of the licence.
- (2) The Secretary of State shall not revoke or suspend a licence for breach of a condition unless he is satisfied that owing to—
- (a) the frequency of the breach of conditions,
  - (b) the intentional nature of the breach, or
  - (c) the danger to the public involved in the breach,
- the licence should be revoked or suspended.
- (3) Where the Secretary of State revokes a licence he may, if it appears to him to be expedient to do so, direct that the revocation is a provisional revocation which will not take effect until a future date; and where he gives such a direction he may either make final the revocation or withdraw it.

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- (4) An operator's licence suspended under the foregoing provisions of this section shall during the time of suspension be of no effect.
- (5) Subject to subsection (6) below, if a condition attached to an operator's licence is broken, the holder of the licence commits an offence.
- (6) It shall be a defence for a person charged with an offence under subsection (5) above to prove that he took all reasonable precautions and exercised all due diligence to avoid a breach of that condition.
- (7) A person guilty of an offence under subsection (5) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Changes to legislation:**

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**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):

- Sch. 3 para. 18(b)(d) by [2000 c. 38 s. 274](#)[Sch. 31 Pt. 5\(1\)](#)