

Status: Point in time view as at 01/02/1991.

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SCHEDULES

SCHEDULE 1

Section 1.

EXISTING HGV AND PSV DRIVERS’ LICENCES

VALID FROM 01/04/1991

PART I

EXISTING HGV AND PSV DRIVERS’ LICENCES

Preliminary

- 1 In this Part of this Schedule—
- “conduct” means—
- (a) in relation to the holder of an existing heavy goods vehicle licence, his conduct as a driver of a motor vehicle, and
 - (b) in relation to the holder of an existing public service vehicle licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a public service vehicle licence,
- including, in either case, such conduct in Northern Ireland;
- “existing licence” means a licence to drive heavy goods vehicles or public service vehicles (as the case may be) continued in force by section 1(2) of this Act, and “existing heavy goods vehicle licence” and “existing public service vehicle licence” shall be construed accordingly;
- “full”, in relation to an existing heavy goods vehicle licence, indicates a licence other than a provisional licence;
- “heavy goods vehicle” has the same meaning as it had for the purposes of Part IV of the 1988 Act before its repeal by section 1 of this Act and “large goods vehicle” has the same meaning;
- “notice” means notice in writing and “notify” shall be construed accordingly;
- “passenger-carrying vehicle” has the same meaning as it has in Part IV of the 1988 Act;
- “prescribed”, unless the context requires otherwise, means prescribed by regulations made under paragraph 8 below; and
- “public service vehicle” has the same meaning as it had for the purposes of section 22 of the 1981 Act before its repeal by section 1 of this Act.

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Commencement Information

I1 Sch. 1 para. 1 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

Functions of Secretary of State and Traffic Commissioners

- 2 (1) The functions conferred by the following provisions of this Part of this Schedule in relation to existing licences shall be functions of the Secretary of State except where, by any provision, the function is conferred on a traffic commissioner or any court.
- (2) Traffic commissioners shall, in the exercise of those functions, act in accordance with directions given by the Secretary of State; but such directions shall be general directions not relating to the exercise of functions in a particular case.

Commencement Information

I2 Sch. 1 para. 2 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

Conditions of existing HGV licences

- 3 (1) An existing heavy goods vehicle licence issued as a provisional licence, or an existing full heavy goods vehicle licence held by a person under the age of 21, is subject to the prescribed conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions he is guilty of an offence.
- (2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a heavy goods vehicle of any class in contravention of any prescribed conditions to which that other person's licence is subject.

Commencement Information

I3 Sch. 1 para. 3 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

Duration of existing licences

- 4 (1) An existing heavy goods vehicle licence shall, unless previously revoked, suspended or surrendered, continue in force for 3 years from the date on which it is expressed to take effect.
- (2) Subject to sub-paragraph (3) below, a provisional heavy goods vehicle licence shall, unless previously revoked, suspended or surrendered, continue in force for 6 months from the date on which it is expressed to take effect.
- (3) Sub-paragraph (2) above does not apply to a heavy goods vehicle licence treated as a provisional licence by virtue of regulations under paragraph 8 below.
- (4) An existing public service vehicle licence shall, unless previously revoked, suspended or surrendered, continue in force for 5 years from the date on which it is expressed to take effect.

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- (5) If on the date on which an application is made under Part III of the 1988 Act for a licence to drive large goods vehicles or passenger-carrying vehicles, the applicant is the holder of an existing heavy goods vehicle licence or an existing public service vehicle licence, as the case may be, his existing licence shall not expire in accordance with the foregoing provisions before the application is disposed of.

Commencement Information

I4 Sch. 1 para. 4 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

Revocation or suspension of existing licences

- 5 (1) An existing heavy goods vehicle licence or public service vehicle licence—
- (a) must be revoked—
 - (i) if its holder develops such physical disability as may be prescribed, or
 - (ii) if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;
 - (b) must be revoked or suspended if his conduct or physical disability is such as to make him unfit to hold such a licence;
- and where the licence is suspended under paragraph (b) above it shall during the time of suspension be of no effect.
- (2) Where it appears that the conduct or physical disability of the holder of an existing licence falls within both sub-paragraph (1)(a) above and sub-paragraph (1)(b) above, proceedings shall be taken or continued under sub-paragraph (1)(a) and not sub-paragraph (1)(b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.
- (3) Regulations made for the purposes of sub-paragraph (1)(a) above—
- (a) may make different provision for heavy goods vehicles and for public service vehicles and for different descriptions of persons; and
 - (b) shall provide for the determination of the cases in which, under paragraph 6 below, a person whose licence has been revoked is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.
- (4) Any question arising under sub-paragraph (1)(b) above as to whether a person is or is not, by reason of his conduct, fit to hold a heavy goods vehicle licence or a public service vehicle licence, as the case may be, may be referred by the Secretary of State to the traffic commissioner for the area in which the holder of the licence resides.
- (5) Where, on any reference under sub-paragraph (4) above, the traffic commissioner determines that the holder of the licence is not fit to hold a heavy goods vehicle licence or a public service vehicle licence, as the case may be, he shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under paragraph 6(2)(a) below (and, if so, for what period) or under paragraph 6(2)(b) below.
- (6) A traffic commissioner to whom a reference has been made under sub-paragraph (4) above may require the holder of the licence to furnish the commissioner with such

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information as he may require and may, by notice to the holder, require him to attend before the commissioner at the time and place specified by the commissioner to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as the commissioner may put to him.

- (7) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put by a commissioner when required to do so under sub-paragraph (6) above, the commissioner may notify the failure to the Secretary of State and, if the commissioner does so, the Secretary of State may, as he thinks fit, revoke the licence or suspend it for such period as he thinks fit.
- (8) Except where he has given such a notification as is mentioned in sub-paragraph (7) above, the traffic commissioner to whom a reference has been made under sub-paragraph (4) above shall notify the Secretary of State and the holder of the licence of his determination in the matter and the decision of the commissioner shall be binding on the Secretary of State.
- (9) Where the Secretary of State, without making such a reference, determines to revoke or suspend a person's licence under sub-paragraph (1) above he shall notify his determination in the matter to the holder of the licence and, where he suspends it, to the traffic commissioner for the area in which the holder of the licence resides.

Commencement Information

I5 Sch. 1 para. 5 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

Disqualification on revocation of existing licences

- 6 (1) Where in pursuance of paragraph 5(1)(a) above the Secretary of State revokes a person's existing licence, the Secretary of State must, in accordance with the regulations made for the purposes of that paragraph, order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.
- (2) Where in pursuance of paragraph 5(1)(b) above the Secretary of State revokes an existing licence, he may—
- (a) order the holder to be disqualified indefinitely or for such period as the Secretary of State thinks fit, or
 - (b) except where the licence is a provisional licence, if it appears to the Secretary of State that, owing to the conduct or physical disability of the holder of the licence it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part III of the 1988 Act until he passes the prescribed test of competence under that Part to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence to drive until he passes such a test.
- (3) If, while the holder of an existing licence is disqualified under sub-paragraph (1) above, the circumstances prescribed for the purposes of paragraph 5(1)(a)(ii) above cease to exist in his case, the Secretary of State must, on an application made to him for the purpose, remove the disqualification.

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- (4) Where the holder of an existing licence is disqualified under sub-paragraph (2)(a) above, the Secretary of State may, in such circumstances as may be prescribed, remove the disqualification.
- (5) Where the holder of an existing full licence is disqualified under sub-paragraph (2) (b) above, the Secretary of State must not afterwards grant him a full licence under Part III of the 1988 Act to drive large goods vehicles or passenger-carrying vehicles of any class unless satisfied that he has since the disqualification passed the prescribed test of competence under that Part to drive vehicles of that class, and until he passes that test any such full Part III licence obtained by him shall be of no effect.
- (6) So long as the disqualification under sub-paragraph (1) or (2)(a) above of the holder of an existing licence continues in force, no licence under Part III of the 1988 Act to drive large goods vehicles or passenger-carrying vehicles (as the case may be) shall be granted to him and any such licence obtained by him shall be of no effect.
- (7) In this paragraph “disqualified”—
 - (a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified for holding or obtaining a licence under Part III of the 1988 Act to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and
 - (b) in a case of revocation of a public service vehicle licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified for holding or obtaining a licence under Part III of the 1988 Act to drive passenger-carrying vehicles of the prescribed classes.

Modifications etc. (not altering text)

C1 Sch. 1 Pt. I para. 6(4) extended (1.4.1991) by S.I. 1990/2611, reg. 10(1)

Commencement Information

I6 Sch. 1 para. 6 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

Appeals relating to existing licences

- 7 (1) The holder of an existing licence who is aggrieved by the Secretary of State’s—
 - (a) suspension or revocation of his licence under paragraph 5 above, or
 - (b) ordering of disqualification under paragraph 6 above,may, after giving to the Secretary of State and any traffic commissioner to whom the matter was referred notice of his intention to do so, appeal to a magistrates’ court acting for the petty sessions area in which the holder of the licence resides, or, in Scotland, to the sheriff within whose jurisdiction he resides.
- (2) On an appeal under sub-paragraph (1)(a) above the Secretary of State and, if the matter was referred to a traffic commissioner, the commissioner shall be respondent.
- (3) On any appeal under sub-paragraph (1) above 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.

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Commencement Information

I7 Sch. 1 para. 7 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

Regulations

- 8 (1) The Secretary of State may make regulations for prescribing anything which may be prescribed under this Part of this Schedule and generally for the purpose of carrying its provisions into effect.
- (2) Regulations under this paragraph may make different provision for different cases and circumstances and may in particular—
- (a) provide that a full licence to drive heavy goods vehicles of a particular class shall also be treated for the purposes of this Part of this Schedule as a provisional licence to drive heavy goods vehicles of another prescribed class;
 - (b) make provision with respect to the custody and production of existing licences and requiring, and regulating the procedure on, the surrender or production to the Secretary of State, a traffic commissioner or any constable or officer of existing licences which have been revoked or suspended or have expired;
 - (c) provide for the issue by traffic commissioners of duplicate licences in place of existing licences lost or defaced on payment of the prescribed fee;
 - (d) provide that a person who contravenes or fails to comply with any specified provision is guilty of an offence; and
 - (e) provide that this Part of this Schedule shall not apply to prescribed classes of heavy goods vehicle or of public service vehicle either generally or in such circumstances as may be prescribed.
- (3) The power to make regulations under this paragraph is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Before making any regulations under this paragraph the Secretary of State must consult with such representative organisations as he thinks fit.

Commencement Information

I8 Sch. 1 para. 8 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

Provisions as to existing Northern Ireland licences

- 9 (1) In this paragraph “existing Northern Ireland licence” means a licence specifically to drive heavy goods vehicles or public service vehicles granted under the law of Northern Ireland.
- (2) The Secretary of State may exercise as respects Great Britain the like power of revoking or suspending any existing Northern Ireland licence and of making an order under paragraph 6(2) above as is conferred on him in relation to an existing heavy goods vehicle licence or public service vehicle licence by paragraphs 5(1) (b) and 6(2) above, and the provisions of paragraphs 5(1) and (4) to (9) and 6(2),

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(4), (5), (6) and (7) and the power to make regulations under paragraph 8(2)(b) shall have effect accordingly subject to the modification that references to the traffic commissioner for the area in which the holder of the licence resides shall be construed as references to the prescribed traffic commissioner.

- (3) Where an existing Northern Ireland licence which has been revoked is surrendered to the Secretary of State in pursuance of regulations made under paragraph 8(2)(b), the Secretary of State shall send it to the licensing authority in Northern Ireland together with particulars of the revocation.
- (4) A holder of an existing Northern Ireland licence who is aggrieved by the revocation or suspension of the licence or the ordering of disqualification by virtue of sub-paragraph (2) above shall have the like right of appeal as is conferred by paragraph 7 above except that an appeal brought by virtue of this sub-paragraph shall, if the appellant is not resident in Great Britain, lie to a prescribed magistrates' court or a prescribed sheriff.

Commencement Information

I9 Sch. 1 para. 9 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

PART II

TRANSITORY PROVISIONS

- [^{F1}10] (1) Notwithstanding section 22(1) of the 1981 Act but subject to sub-paragraphs (2) and (3) below, a person may drive, or be employed to drive, a public service vehicle on a road without being the holder of a licence if—
- (a) he has made an application for the grant of a licence, and
 - (b) he has passed the test of competence to drive.
- (2) The authority conferred by sub-paragraph (1) above shall extend only for the prescribed period.
- (3) In the event of the applicant's being refused the grant of a licence, the authority conferred by sub-paragraph (1) above shall cease to have effect as from the date on which he is notified of the refusal.
- (4) A person who, for the purposes of an application for the grant of a licence, takes the test of competence to drive—
- (a) before the application is made, or
 - (b) within the prescribed period beginning with the date on which the application was made,
- is guilty of an offence and the test shall be of no effect.
- (5) A person who, after the refusal of his application for a licence, takes a test of competence to drive arranged for the purposes of his application, is guilty of an offence and the test shall be of no effect.
- (6) The Secretary of State may make regulations for prescribing anything which may be prescribed under this paragraph and the power is exercisable by statutory instrument

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which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this paragraph—

“licence” means a licence under section 22 of the 1981 Act to drive public service vehicles;

“test of competence to drive” means the test of competence to drive prescribed for the purposes of subsection (3) of that section;

and, in the case of a licence limited to any class of public service vehicle, any reference to a test of competence to drive is a reference to a test of competence to drive that class of public service vehicle.]

Textual Amendments

F1 Sch. 1 Pt. II para. 10 repealed (prosp.) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 16, 17(2), Sch. 6

[^{F2}11 Notwithstanding section 87 of the 1988 Act, a person who is the holder of a licence to drive motor vehicles granted under Part III of that Act and coming into force on or after 1st June 1990 and is also the holder of—

- (a) a licence under Part IV of that Act to drive heavy goods vehicles of any class, or
- (b) a licence under section 22 of the 1981 Act to drive public service vehicles of any class,

may drive, or be caused or permitted to drive, a heavy goods vehicle or (as the case may be) a public service vehicle of that class notwithstanding that his licence under Part III of the 1988 Act does not authorise him to drive such a vehicle.]

Textual Amendments

F2 Sch. 1 Pt. II para. 11 repealed (prosp.) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 16, 17(2), Sch. 6

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12 The power to make regulations under paragraph 8 above includes power to prescribe the classes of goods vehicle or passenger-carrying vehicle which, by virtue of section 1(2) of this Act, the holder of an existing licence is authorised to drive during the currency of his existing licence.

Commencement Information

I10 Sch. 1 para. 12 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

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VALID FROM 01/04/1991

SCHEDULE 2

Section 2.

PROVISIONS INSERTED IN ROAD TRAFFIC ACT 1988

“PART IV

LICENSING OF DRIVERS OF LARGE GOODS VEHICLES AND PASSENGER-CARRYING VEHICLES

Licensing of drivers of large goods vehicles and passenger-carrying vehicles.

110 (1) Licences under Part III of this Act to drive motor vehicles of classes which include large goods vehicles or passenger-carrying vehicles or large goods vehicles or passenger-carrying vehicles of any class shall be granted by the Secretary of State in accordance with this Part of this Act and shall, in so far as they authorise the driving of large goods vehicles or passenger-carrying vehicles, be otherwise subject to this Part of this Act in addition to Part III of this Act.

(2) In this Part of this Act—

“large goods vehicle driver’s licence” means a licence under Part III of this Act in so far as it authorises a person to drive large goods vehicles of any class; and

“passenger-carrying vehicle driver’s licence” means a licence under Part III of this Act in so far as it authorises a person to drive passenger-carrying vehicles of any class.

Functions of traffic commissioners.

111 (1) The traffic commissioner for any area constituted for the purposes of the Public Passenger Vehicles Act 1981 shall exercise the functions conferred by the following provisions of this Part of this Act relating to the conduct of applicants for and holders of large goods vehicle and passenger-carrying vehicle drivers’ licences.

(2) Traffic commissioners shall, in the exercise of those functions, act in accordance with directions given by the Secretary of State; but such directions shall be general directions not relating to the exercise of functions in a particular case.

Grant of licences: fitness as regards conduct.

112 The Secretary of State shall not grant to an applicant a large goods vehicle driver’s licence or a passenger-carrying vehicle driver’s licence unless he is satisfied, having regard to his conduct, that he is a fit person to hold the licence applied for.

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Grant of licences: referral of matters of conduct to traffic commissioners.

- 113 (1) Any question arising under section 112 of this Act relating to the conduct of an applicant for a licence may be referred by the Secretary of State to the traffic commissioner for the area in which the applicant resides.
- (2) On any reference under subsection (1) above, the traffic commissioner shall determine whether the applicant for the licence is or is not, having regard to his conduct, a fit person to hold a licence to drive large goods vehicles or passenger-carrying vehicles, as the case may be.
- (3) A traffic commissioner to whom a reference has been made under this section may require the applicant for the licence to furnish the commissioner with such information as he may require and may, by notice to the applicant, require him to attend before the commissioner at the time and place specified by the commissioner to furnish the information and to answer such questions (if any) relating to his application as the commissioner may put to him.
- (4) If the applicant fails without reasonable excuse to furnish information to or attend before or answer questions properly put by a commissioner when required to do so under subsection (3) above, the commissioner may decline to proceed further with the application and, if he does so, the commissioner shall notify the Secretary of State of that fact and the Secretary of State shall refuse to grant the licence.
- (5) The traffic commissioner to whom a reference has been made under this section shall, unless he has declined to proceed further with the application, notify the Secretary of State and the applicant of his determination in the matter and the decision of the commissioner shall be binding on the Secretary of State.

Conditions of certain licences.

- 114 (1) A large goods vehicle or passenger-carrying vehicle driver's licence issued as a provisional licence, or a full large goods vehicle or passenger-carrying vehicle driver's licence issued to a person under the age of 21, shall be subject to the prescribed conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions he is guilty of an offence.
- (2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a large goods vehicle of any class or a passenger-carrying vehicle of any class in contravention of the prescribed conditions to which that other person's licence is subject.

Revocation or suspension of licences.

- 115 (1) A large goods vehicle or passenger-carrying vehicle driver's licence—
- (a) must be revoked if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;
- (b) must be revoked or suspended if his conduct is such as to make him unfit to hold such a licence;
- and where the licence is suspended under paragraph (b) above it shall during the time of suspension be of no effect.
- (2) Where it appears that the conduct of the holder of a licence falls within both paragraph (a) and paragraph (b) of subsection (1) above, proceedings shall be taken

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or continued under paragraph (a) and not under paragraph (b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.

- (3) Regulations made for the purposes of subsection (1)(a) above—
- (a) may make different provision for large goods vehicles and for passenger-carrying vehicles and for different descriptions of persons; and
 - (b) shall provide for the determination of the cases in which, under section 117 of this Act, a person whose licence has been revoked is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.

Revocation or suspension of licences: referral of matters of conduct to traffic commissioners.

- 116 (1) Any question arising under section 115(1)(b) of this Act as to whether a person is or is not, by reason of his conduct, fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, may be referred by the Secretary of State to the traffic commissioner for the area in which the holder of the licence resides.
- (2) Where, on any reference under subsection (1) above, the traffic commissioner determines that the holder of the licence is not fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, he shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under section 117(2)(a) of this Act (and, if so, for what period) or under section 117(2)(b) of this Act.
- (3) A traffic commissioner to whom a reference has been made under subsection (1) above may require the holder of the licence to furnish the commissioner with such information as he may require and may, by notice to the holder, require him to attend before the commissioner at the time and place specified by the commissioner to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as the commissioner may put to him.
- (4) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put by a commissioner when required to do so under subsection (3) above, the commissioner may notify the failure to the Secretary of State and, if the commissioner does so, the Secretary of State may, as he thinks fit, revoke the licence or suspend it for such period as he thinks fit.
- (5) Except where he has given such a notification as is mentioned in subsection (4) above, the traffic commissioner to whom a reference has been made under subsection (1) above shall notify his determination in the matter to the Secretary of State and the holder of the licence and the decision of the commissioner shall be binding on the Secretary of State.
- (6) Where the Secretary of State, without making such a reference, determines to revoke or suspend a person's licence under section 115(1) of this Act he shall notify his determination in the matter to the holder of the licence and, where he suspends it, to the traffic commissioner for the area in which the holder of the licence resides.

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Disqualification on revocation of licence.

- 117 (1) Where in pursuance of section 115(1)(a) of this Act the Secretary of State revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, the Secretary of State must, in accordance with the regulations made for the purposes of that paragraph, order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.
- (2) Where in pursuance of section 115(1)(b) of this Act the Secretary of State revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, the Secretary of State may—
- (a) order the holder to be disqualified indefinitely or for such period as the Secretary of State thinks fit, or
 - (b) except where the licence is a provisional licence, if it appears to the Secretary of State that, owing to the conduct of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part III of this Act until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test.
- (3) If, while the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under subsection (1) above, the circumstances prescribed for the purposes of section 115(1)(a) of this Act cease to exist in his case, the Secretary of State must, on an application made to him for the purpose, remove the disqualification.
- (4) Where the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under subsection (2)(a) above, the Secretary of State may, in such circumstances as may be prescribed, remove the disqualification.
- (5) Where the holder of a full licence is disqualified under subsection (2)(b) above, the Secretary of State must not afterwards grant him a full licence to drive a large goods vehicle or passenger-carrying vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.
- (6) So long as the disqualification under subsection (1) or (2)(a) above of the holder of a large goods vehicle or passenger-carrying vehicle driver's licence continues in force, a large goods vehicle or passenger-carrying vehicle driver's licence must not be granted to him and any such licence obtained by him shall be of no effect.
- (7) In this section "disqualified"—
- (a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and
 - (b) in a case of revocation of a passenger-carrying vehicle driver's licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive passenger-carrying vehicles of the prescribed classes.

Status: Point in time view as at 01/02/1991.

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Revoked or suspended licences: surrender, return and endorsement.

118 (1) Where, in pursuance of section 115 of this Act, the Secretary of State revokes a licence, he must serve notice on the holder of the licence requiring him to deliver the licence [^{F3}and its counterpart]forthwith to the Secretary of State, and it shall be the duty of the holder of the licence to comply with the requirement.

(2) Where, in pursuance of section 115 of this Act, the Secretary of State suspends a licence, then—

(a) where he does so without making any reference under section 116 of this Act to a traffic commissioner, the Secretary of State must serve notice on the holder of the licence requiring him to deliver the licence [^{F4}and its counterpart]forthwith to the traffic commissioner for the area in which the holder of the licence resides;

(b) where he does so in pursuance of a determination of a traffic commissioner on such a reference, the traffic commissioner must, if the [^{F5}licence and its counterpart have]not previously been delivered to him, serve notice on the holder of the licence requiring him to deliver [^{F6}them]forthwith to the commissioner;

and it shall be the duty of the holder of the licence to comply with the requirement.

(3) Any holder of a licence who fails without reasonable excuse to comply with his duty under subsection (1) or (2) above is guilty of an offence.

(4) On the delivery of a licence [^{F7}and its counterpart]by a person to the Secretary of State in pursuance of subsection (1) above, the Secretary of State must issue to him, on payment of such fee (if any) as may be prescribed, a licence authorising the driving of the classes of vehicles which are unaffected by the revocation.

[^{F8}(5) On the delivery of a suspended licence and its counterpart to a traffic commissioner, the traffic commissioner must endorse the counterpart of the licence with particulars of the suspension and return the licence and its counterpart to the holder.]

Appeals to magistrates' court or sheriff.

119 (1) A person who, being the holder of, or an applicant for, a large goods vehicle or passenger-carrying vehicle driver's licence, is aggrieved by the Secretary of State's—

(a) refusal or failure to grant such a licence in pursuance of section 112 or 113(4) of this Act,

(b) suspension or revocation of such a licence in pursuance of section 115 or 116(4) of this Act, or

(c) ordering of disqualification under section 117(2) of this Act,

may, after giving to the Secretary of State and any traffic commissioner to whom the matter was referred notice of his intention to do so, appeal to a magistrates' court acting for the petty sessions area in which the holder of or applicant for the licence resides or, in Scotland, to the sheriff within whose jurisdiction he resides.

(2) On any appeal under subsection (1)(a) or (b) above the Secretary of State and, if the matter was referred to a traffic commissioner, the commissioner shall be respondent.

(3) On any appeal under subsection (1) above 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.

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Regulations.

- 120 (1) The Secretary of State may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying the provisions of this Part of this Act into effect.
- (2) Regulations under this section may in particular require applicants for tests of competence under Part III of this Act to drive large goods vehicles or passenger-carrying vehicles or for large goods vehicle or passenger-carrying vehicle driver's licences (whether full or provisional) to have such qualifications, experience and knowledge as may be prescribed and, in particular, where they are to be authorised to drive large goods vehicles or passenger-carrying vehicles of any class at an age below the normal minimum age for driving vehicles of that class, to fulfil such requirements with respect to participation in an approved training scheme for drivers as may be prescribed.
- (3) In subsection (2) above—
- “approved training scheme for drivers” means a training scheme for drivers (as defined in section 101(5) of this Act) approved for the time being by the Secretary of State for the purposes of regulations under that section; and
- “normal minimum age for driving”, in relation to the driving of vehicles of any class, means the age which is in force under section 101 of this Act (but apart from any approved training scheme for drivers) in relation to that class of vehicle.
- (4) Regulations under this section may make different provision as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.
- (5) Regulations under this section may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence.
- (6) The Secretary of State may by regulations provide that this Part of this Act shall not apply to large goods vehicles or passenger-carrying vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.

Interpretation.

- 121 (1) In this Part of this Act—
- “conduct” means—
- (a) in relation to an applicant for or the holder of a large goods vehicle driver's licence, his conduct as a driver of a motor vehicle, and
- (b) in relation to an applicant for or the holder of a passenger-carrying vehicle driver's licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a passenger-carrying vehicle driver's licence,
- including, in either case, such conduct in Northern Ireland;
- [^{F9}“counterpart”, in relation to a licence to drive under Part III of this Act, has the same meaning as in that Part;]
- “full licence” means a large goods vehicle or passenger-carrying vehicle driver's licence other than a provisional licence;

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“large goods vehicle” means—

- (a) an articulated goods vehicle, or
- (b) a motor vehicle (not being an articulated goods vehicle) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes;

“passenger-carrying vehicle” means—

- (a) a large passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers which is constructed or adapted to carry more than 16 passengers, or
- (b) a small passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers for hire or reward which is constructed or adapted to carry more than 8 but not more than 16 passengers;

“notice” means notice in writing and “notify” shall be construed accordingly;

“prescribed” means, unless the context requires otherwise, prescribed by regulations under section 120 of this Act;

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

and “articulated goods vehicle” and “permissible maximum weight” have the same meanings as in Part III of this Act.

Provisions as to Northern Ireland licences.

122 (1) In this section “Northern Ireland driving licence” has the same meaning as in Part III of this Act.

- (2) The Secretary of State may exercise as respects Great Britain the like power of revoking or suspending any Northern Ireland driving licence and of making an order under section 117(2) of this Act as is conferred on him in relation to a large goods vehicle or passenger-carrying vehicle driver’s licence by sections 115(1)(b) and 117(2) of this Act, and the provisions of sections 115(1), 116, 117 and (with the exception of subsection (3)) 118 shall have effect accordingly subject to the modification that references to the traffic commissioner for the area in which the holder of the licence resides shall be construed as references to the prescribed traffic commissioner.
- (3) Where a revoked Northern Ireland driving licence [^{F10}and its counterpart are]surrendered to the Secretary of State in pursuance of section 118 of this Act, the Secretary of State shall send [^{F11}them]to the licensing authority in Northern Ireland together with particulars of the revocation.
- (4) A holder of a Northern Ireland driving licence who is aggrieved by the revocation or suspension of the licence or the ordering of disqualification by virtue of subsection (2) above shall have the like right of appeal as is conferred by section 119 of this Act except that an appeal brought by virtue of this subsection shall, if the appellant is not resident in Great Britain, lie to a prescribed magistrates’ court or a prescribed sheriff.”

Textual Amendments

F3 Words inserted by S.I. 1990/144, regs. 2(3), 3, Sch. 3 para. 2(2)(a)

Status: Point in time view as at 01/02/1991.

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- F4** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(b)**
- F5** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(c)(i)(ii)**
- F6** Word substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(c)(i)(ii)**
- F7** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(d)**
- F8** S. 118(5)(inserted in the new Part IV of the Road Traffic Act 1988) substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(e)**
- F9** Definition inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(3)**
- F10** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(4)(a)(b)**
- F11** Word substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(4)(a)(b)**

Textual Amendments

- F3** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(a)**
- F4** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(b)**
- F5** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(c)(i)(ii)**
- F6** Word substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(c)(i)(ii)**
- F7** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(d)**
- F8** S. 118(5)(inserted in the new Part IV of the Road Traffic Act 1988) substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(2)(e)**
- F9** Definition inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(3)**
- F10** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(4)(a)(b)**
- F11** Word substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 2(4)(a)(b)**

SCHEDULE 3

Section 7.

DRIVING LICENCES: MINOR, CONSEQUENTIAL, AND FURTHER AMENDMENTS

VALID FROM 01/04/1991

Energy Act 1976 (c.76)

- 1 In Schedule 1 to the Energy Act 1976, in paragraph 2, for sub-paragraphs (a) and (b) there shall be substituted—
- “(a) drive a passenger-carrying vehicle (within the meaning of Part IV of the Road Traffic Act 1988) notwithstanding that his licence under Part III of that Act does not authorise him to do so; or
 - (b) cause or permit to drive any such vehicle a person whose licence does not so authorise him.”

Commencement Information

- I11** **Sch. 3 para. 1** wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, **Sch.**

Status: Point in time view as at 01/02/1991.

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VALID FROM 01/04/1991

Public Passenger Vehicles Act 1981 (c.14)

- 2 In section 24 of the Public Passenger Vehicles Act 1981 (conduct of PSV drivers and conductors)—
- (a) in subsection (1), the words “persons licensed to act as” shall be omitted;
 - [^{F12}(b) in subsection (2)—
 - (i) after the words “endorsed upon” there shall be inserted the words “ the counterpart of”, and
 - (ii) for the words “section 22 of this Act” there shall be substituted the words “ Part III of the Road Traffic Act 1988 ”;]
 - [^{F13}(bb) in subsection (3)—
 - (i) after the words “custody of the licence” there shall be inserted the words “ and its counterpart ”, and
 - (ii) for the words “the licence” in the second place where they occur there shall be substituted the word “ them ”; and]
 - (c) after subsection (4) there shall be inserted the following subsection—

“(5) Notwithstanding section 1(1) of this Act, in this section and in sections 25 and 26 of this Act “public service vehicle” shall be construed as meaning a public service vehicle being used on a road for carrying passengers for hire or reward.”

Textual Amendments

- F12** Sch. 3 para. 2(b) substituted by [S.I. 1990/144, regs. 2\(3\), 3](#), [Sch. 3 para. 3\(2\)\(a\)](#)
- F13** Sch. 3 para. 2(bb) inserted by [S.I. 1990/144, regs. 2\(3\), 3](#), [Sch. 3 para. 3\(2\)\(b\)](#)

Commencement Information

- I12** Sch. 3 para. 2 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2](#), [Sch.](#)

- 3 In section 46(1) of the Public Passenger Vehicles Act 1981 (fare-paying passengers on school buses), for the words “12(1) and 22” there shall be substituted the words “ and 12(1) ”.

Commencement Information

- I13** Sch. 3 para. 3 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2](#), [Sch.](#)

VALID FROM 01/04/1991

Transport Act 1985 (c.67)

- 4 In section 18 of the Transport Act 1985 (exemption from PSV operator and driver licensing requirements of vehicles used under permits)—
- (a) for the words “Sections 12(1) and 22” there shall be substituted “ Section 12(1) ”;

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- (b) after paragraph (a) there shall be inserted the word “ or ”; and
- (c) for paragraph (c) and the word “or” preceding it there shall be substituted “ and a person may drive any vehicle at a time when it is being used as mentioned in paragraph (a) or (b) above notwithstanding that his licence under Part III of the Road Traffic Act 1988 does not authorise him to drive vehicles of the class to which that vehicle belongs. ”

Commencement Information

I14 Sch. 3 para. 4 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2, Sch.](#)

- 5 In section 23(2) of the Transport Act 1985 (conditions of community bus permits), in paragraph (b), after the word “holds” there shall be inserted the words “ a passenger-carrying vehicle driver’s licence (within the meaning of Part IV of the Road Traffic Act 1988) or ”.

Commencement Information

I15 Sch. 3 para. 5 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2, Sch.](#)

Road Traffic Act 1988 (c.52)

- 6 In section 23 of the 1988 Act (restriction on carriage of persons on motor cycles), for the words “two-wheeled motor cycle” in both places where they occur, there shall be substituted the words “ motor bicycle ”.
- 7 In section 87 of the 1988 Act (drivers obliged to have licences), at the end, there shall be inserted the following subsection—
- “(3) This section is subject to paragraph 11 of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989.”
- 8 In section 89 of the 1988 Act (tests of competence to drive)—
- (a) in subsection (4), at the end of paragraph (a) there shall be inserted the words “ , in the case of prescribed classes of goods vehicle, loaded or unloaded as may be prescribed and, if requirements as respects loading are prescribed, loaded in accordance with the requirements ”;
 - (b) in subsection (6)—
 - (i) for the words “(1)(a) above”, where first occurring, there shall be substituted the words “ (1)(a)(iii) above or section 89A(2)(b)(iii) below ”,
 - (ii) in paragraph (b), for the word “any” where it first occurs there shall be substituted the word “ all ”, and
 - (iii) after paragraph (b) there shall be inserted the following paragraph—

“, and

 - (c) vehicles of all classes included in another such group, if a person passing the test is treated by virtue of regulations made for the purposes of this

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- paragraph as competent also to drive vehicles of a class included in that other group.”;
- (c) in subsection (7), for the words from “(1)(b) to authorise” to “in the group” there shall be substituted “(1)(b)(i) above or section 89A(4)(a) below to authorise the driving of—
- (a) vehicles of all classes included in the group, and
 - (b) vehicles of all classes included in another such group, if a person holding the licence is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group”;
- (d) in subsection (8), for the word “category” in both places where it occurs, there shall be substituted the word “ class ”; and
- (e) for subsection (9), there shall be substituted the following subsections—
- “(9) A test of competence falling within paragraphs (a)(ii), (c) or (e) of subsection (1) above shall be sufficient for the granting of a licence authorising the driving of—
- (a) vehicles of all classes 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, or of any class corresponding to a class included in the group, and
 - (b) vehicles of all classes included in another such group, if a person passing a test of competence authorising the granting of a licence to drive vehicles of a class included in the group mentioned in paragraph (a) above is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group.
- (10) A full Northern Ireland licence, a full British external licence, a full British Forces licence or an exchangeable licence shall be treated for the purposes of paragraphs (b)(ii), (d) or (f) (as the case may be) of subsection (1) above as authorising the driving of—
- (a) vehicles of all classes designated by regulations as a group for the purposes of subsection (1)(b) above, if the licence authorises the driving of vehicles of any class included in the group, or any class corresponding to a class included in the group, and
 - (b) vehicles of all classes included in another such group, if by virtue of regulations a person holding a licence authorising him to drive vehicles of any class included in the group mentioned in paragraph (a) above is treated as competent also to drive vehicles of a class included in that other group.
- (11) In this section “designated country or territory” means a country or territory designated under section 108(2) of this Act for the purposes of the definition of exchangeable licence and in this section and section 89A “the appointed day” means the day appointed for the coming into force of section 1 of the Road Traffic (Driver Licensing and Information Systems) Act 1989.”

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Commencement Information

I16 Sch. 3 para. 8 wholly in force at 1.4.1991; para. 8 not in force at Royal Assent see s. 17(2); para. 8(b) (ii)(iii) in force at 1.6.1990 by [S.I. 1990/802](#); para. 8 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2](#), [Sch.](#)

- 9 In section 97(1) of the 1988 Act (licences to be granted on fulfilment of certain conditions)—
- (a) after the words “section 92 of this Act” there shall be inserted the words “ and, in the case of licences to drive large goods vehicles or passenger-carrying vehicles, to Part IV of this Act ”;
 - (b) in paragraph (a), at the end, there shall be inserted the words “ and pays the fee (if any) which is prescribed ”;
 - (c) in paragraph (c), for the words “1st June 1970” there shall be substituted the words “ 1st January 1976 ” and for the words from “89(1)(c)” to the end there shall be substituted the words “ 89(1)(d) or (f) of this Act, surrenders to the Secretary of State his British external licence, his British Forces licence or his exchangeable licence, as the case may be, and ”; and
 - (d) in paragraph (d), for the words from “disqualified” to “application” there shall be substituted the words “ , in accordance with section 88(1B) of this Act, subject to a current disqualification which is relevant to the licence he applies for ”.

Commencement Information

I17 Sch. 3 para. 9 wholly in force at 1.4.1991; para. 9 not in force at Royal Assent see s. 17(2); para. 9(b) (d) in force at 1.6.1990 by [S.I. 1990/802](#); para. 9 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2](#), [Sch.](#)

- 10 In section 97(3) of the 1988 Act (provisional licences), in paragraph (d), for the words “motor cycle having two wheels only” there shall be substituted the words “ motor bicycle without a side-car ”.
- 11 In section 98 of the 1988 Act (form of licence and provisional entitlement)—
- (a) ^{F14}
 - (b) in subsection (2), for paragraphs (a), (b) and (c) there shall be substituted—
 - “(a) a provisional licence, or
 - (b) any other prescribed description of licence”;
 - (c) in subsection (3)—
 - (i) in paragraph (b), for the words “motor cycle” there shall be substituted the words “ motor bicycle without a side-car ”, and
 - (ii) after paragraph (b), there shall be inserted the words “; or
 - (c) unless he has passed a test of competence to drive, a motor bicycle on a road in circumstances in which, by virtue of section 97(3)(e) of this Act, a provisional licence would not authorise him to drive it before he had passed that test.”; and
 - (d) in subsection (4), after the words “In such cases” there shall be inserted the words “ or as respects such classes of vehicles ”.

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Textual Amendments

F14 Sch. 3 para. 11(a) repealed by [S.I. 1990/144, regs. 2\(3\), 3](#), [Sch. 3 para. 3\(3\)](#)

Commencement Information

I18 Sch. 3 para. 11 wholly in force at 1.4.1991; para. 11 not in force at Royal Assent see s. 17(2); para. 11(b) in force at 1.6.1990 by [S.I. 1990/802](#); para. 11(c) in force at 1.12.1990 by [S.I. 1990/2228](#); para. 11 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610, art. 2](#), [Sch.](#)

- 12 In section 99 of the 1988 Act (duration of licences)—
- (a) in subsection (1), for the words “A licence”, in the first place where they occur, there shall be substituted the words “ In so far as a licence authorises its holder to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, it ”;
 - (b) in subsection (3), at the end, there shall be inserted the words “ and it shall be the duty of that person to comply with the requirement. ”; and
 - (c) in subsection (5)—
 - (i) after the word “who” there shall be inserted the words “ without reasonable excuse ”, and
 - (ii) after the word “subsection” there shall be inserted the words “ (3) or ”.

Commencement Information

I19 Sch. 3 para. 12 wholly in force at 1.4.1991; para. 12 not in force at Royal Assent see s. 17(2); para. 12(b) (c) in force at 1.6.1990 by [S.I. 1990/802](#); para. 12 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610, art. 2 sch.](#)

VALID FROM 01/04/1991

- 13 In section 103 of the 1988 Act (obtaining licence, or driving, while disqualified)
- (a) in subsection (1)(b), the words from “or, if” to the end shall be omitted; and
 - (b) after subsection (3) there shall be inserted the following subsection—

“(4) In the application of subsections (1), (2) and (3) above to a person whose disqualification is limited by virtue of section 101, 102 or 117 of this Act to the driving of a motor vehicle of a particular class 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.”

Commencement Information

I20 [Sch. 3 para. 13](#) wholly in force at 1.4.1991 see [s. 17\(2\)](#) and [S.I. 1990/2610, art. 2, Sch.](#)

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- 14 In section 105 of the 1988 Act (regulations), in subsection (2), there shall be inserted, after paragraph (e), the following paragraph—
- “(ee) the correspondence for any purpose of this Part of this Act of one class of motor vehicle with another class of motor vehicle or of one test of competence to drive with another (whatever the law under which the classification is made or the test conducted)”.
- 15 In section 108(1) of the 1988 Act (interpretation)—
- (a) after the definition of “articulated goods vehicle” there shall be inserted the following—
- ““British external licence” and “British Forces licence” have the meanings given by section 88(8) of this Act,”;
- (b) in the definition of “disqualified”, after the word “licence” there shall be inserted the words “ or, in cases where the disqualification is limited, a licence to drive motor vehicles of the class to which the disqualification relates ”;
- (c) after the definition of “exchangeable licence” there shall be inserted the following—
- ““full licence” means a licence other than a provisional licence,”;
- (d) in the definition of “licence”, before the word “means” there shall be inserted the words “ (except where the context otherwise requires) ”;
- (e) after the definition of “medium-sized goods vehicle” there shall be inserted the following—
- ““Northern Ireland driving licence” or “Northern Ireland licence” means a licence to drive a motor vehicle granted under the law of Northern Ireland,
- “passenger-carrying vehicle” has the meaning given by section 121(1) of this Act,”;
- (f) after the definition of “relevant disability” there shall be inserted the following—
- ““relevant external law” has the meaning given by section 88(8) of this Act,”; and
- (g) after the definition of “test of competence to drive” there shall be inserted the following—
- ““approved training course for motor cyclists” and, in relation to such a course, “prescribed certificate of completion” mean respectively any course of training approved under, and the certificate of completion prescribed in, regulations under section 97(3A) of this Act.”.

Commencement Information

- 121** Sch. 3 para. 15 wholly in force at 1.4.1991; para. 15 not in force at Royal Assent see s. 17(2); para. 15(a) (f) wholly in force and para. 15(e) partly in force at 1.6.1990 by [S.I. 1990/802](#); para. 15(g) wholly in force at 1.12.1990 by [S.I. 1990/2228](#); para. 15 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), art. 2, [Sch](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: Road Traffic (Driver Licensing and Information Systems) Act 1989 is up to date with all changes known to be in force on or before 04 January 2024. 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)

- 16 In section 109 of the 1988 Act (driving in Great Britain as holder of Northern Ireland licence)—
- (a) in subsection (1)—
 - (i) for the words “licence to drive a motor vehicle granted under the law of Northern Ireland” there shall be substituted the words “Northern Ireland driving licence”; and
 - (ii) after the words “this Part”, where first occurring, there shall be inserted the words “or Part IV”; and
 - (b) in subsection (2), for the words “licence so granted” there shall be substituted the words “Northern Ireland driving licence”.
- 17 In section 121(2) of the 1988 Act (heavy goods vehicle licence grantable to holder of corresponding Northern Ireland licence), for the words “an enactment of the Parliament of” there shall be substituted the words “a statutory provision having effect in”.
- 18 In section 164 of the 1988 Act (production to constables of driving licences)—
- (a) in subsection (3)—
 - (i) for paragraph (a) there shall be substituted—
 - “(a) the Secretary of State has—
 - (i) revoked a licence under section 93 or 99 of this Act, or
 - (ii) revoked or suspended a large goods vehicle driver’s licence or a passenger-carrying vehicle driver’s licence under section 115 of this Act, and” and
 - (ii) in paragraph (b), after the words “Secretary of State” there shall be inserted the words “or the traffic commissioner, as the case may be” and for the words “the section in question” there shall be substituted the words “section 93, 99 or 118 (as the case may be)”;
 - (b) after subsection (4) there shall be inserted the following subsection—
 - “(4A) Where a constable to whom a provisional licence has been produced by a person driving a motor bicycle has reasonable cause to believe that the holder was not driving it as part of the training being provided on a training course for motor cyclists, the constable may require him to produce the prescribed certificate of completion of a training course for motor cyclists.”;
 - (c) in subsection (6), after the words “date of birth” there shall be inserted the words “or to produce his certificate of completion of a training course for motor cyclists”; and
 - (d) in subsection (11), after the words ““provisional licence”” there shall be inserted the words “and “training course for motor cyclists” and, in relation to such a course, “the prescribed certificate of completion””.

Commencement Information

I22 Sch. 3 para. 18 wholly in force at 1.4.1991; para. 18 not in force at Royal Assent see s. 17(2); para. 18(b)(c)(d) in force at 1.12.1990 by [S.I. 1990/2228](#); para. 18 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), art. 2, [Sch.](#)

Status: Point in time view as at 01/02/1991.

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- 19 In section 165(4) of the 1988 Act (defence in case of failure to produce certain documents), for “subsection (1)” there shall be substituted “ subsection (3) ”.

VALID FROM 01/04/1991

- 20 For section 166 of the 1988 Act (powers of certain officers as respects goods vehicles) there shall be substituted the following section—

“166 Powers of certain officers as respects goods vehicles and passenger-carrying vehicles.

Any of the following officers, namely—

- (a) an examiner appointed under section 68 of this Act,
- (b) a certifying officer appointed under section 7(1) of the Public Passenger Vehicles Act 1981,
- (c) an examiner appointed under section 7(2) of that Act, and
- (d) a person authorised for the purpose by a traffic commissioner appointed for the purposes of that Act,

may, on production if so required of his authority, exercise in the case of goods vehicles or passenger-carrying vehicles of any prescribed class all such powers as are, under section 164(1) or (3) or 165 of this Act, exercisable by a constable.”

Commencement Information

I23 Sch. 3 para. 20 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2, Sch.](#)

VALID FROM 01/04/1991

- 21 In section 172(1) of the 1988 Act (duty to give information as to identity of driver, etc., in certain cases)—

- (a) in paragraph (a)(ii), for “117” there shall be substituted “ 120 ”;
- (b) in paragraph (b), for the words “27 and 45” there shall be substituted “ and 27 ”; and
- (c) in paragraph (c), at the end, there shall be inserted the words “ except an offence under paragraph 8 of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989 ”.

Commencement Information

I24 Sch. 3 para. 21 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2, Sch.](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: Road Traffic (Driver Licensing and Information Systems) Act 1989 is up to date with all changes known to be in force on or before 04 January 2024. 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)

VALID FROM 01/04/1991

22 In section 173(2) of the 1988 Act (forgery of documents, etc.), in paragraph (f), the words “or 117(2)” shall be omitted.

Commencement Information

I25 Sch. 3 para. 22 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2, Sch.](#)

VALID FROM 01/04/1991

23 For section 183(6) of the 1988 Act (discharge of Part IV functions in relation to H. M. Forces) there shall be substituted the following subsection—

“(6) The functions under Part IV of this Act of traffic commissioners in relation to licences issued to persons subject to the Naval Discipline Act 1957, to military law or to air force law to drive large goods vehicles or passenger-carrying vehicles in the public service of the Crown shall be exercised by the prescribed authority.”.

Commencement Information

I26 Sch. 3 para. 23 wholly in force at 1.4.1991 see s. 17(2) and [S.I. 1990/2610, art. 2, Sch.](#)

24 In section 192(3) of the 1988 Act (interpretation of references to “class” of vehicles), at the end, there shall be inserted the words “ and accordingly as authorising the use of “category” to indicate a class of vehicles, however defined or described ”.

Road Traffic Offenders Act 1988 (c.53)

25 In section 45 of the Road Traffic Offenders Act 1988 (effect of endorsement)—
(a) subsection (3) (offence of applying for or obtaining licence without notifying effective endorsements) shall cease to have effect; . . . ^{F15}
(b) ^{F15}

Textual Amendments

F15 [Sch. 3 para. 25\(b\)](#) and the word “and” preceding it repealed by [S.I. 1990/144, regs. 2\(3\), 3, Sch. 3 para. 3\(3\)](#)

26 In section 98(3) of the Road Traffic Offenders Act 1988 (general interpretation), at the end there shall be inserted “ or, if followed by “1989”, the Road Traffic (Driver Licensing and Information Systems) Act 1989 ”.

27 In Schedule 1 to the Road Traffic Offenders Act 1988—

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- (a) in paragraph 2, the word “and” at the end of sub-paragraph (a) shall be omitted and after sub-paragraph (b) there shall be inserted “, and
 - (c) an offence under section 1(5) of the Road Traffic (Driver Licensing and Information Systems) Act 1989.”;
- (b) in paragraph 3, the word “and” at the end of sub-paragraph (b) shall be omitted and after that sub-paragraph there shall be inserted—
 - “(bb) an offence under paragraph 3 of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989, and”;
- (c) in paragraph 4, the word “and” at the end of sub-paragraph (a) shall be omitted and after that sub-paragraph there shall be inserted—
 - “(aa) an offence under paragraph 3(1) of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989, and”;
- (d) in the table, in the entry for section 99 of the Road Traffic Act 1988 (“RTA”), in column 2, after the word “failing” there shall be inserted the words “ when his licence is revoked, to surrender it [^{F16}and its counterpart]or ”; and
- (e) in the table, after the entry for section 103(1)(b) of the Road Traffic Act 1988 (“RTA”) there shall be inserted—

“ RTA section 114(1)	Failing to comply with conditions of LGV or PCV driver’s licence.	Sections 11 and 12(1) of this Act.
RTA section 114(2)	Causing or permitting a person under 21 to drive LGV or PCV in contravention of conditions of that person’s licence.	Section 11 of this Act.”

Textual Amendments

F16 Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 3(4)**

Commencement Information

I27 **Sch. 3 para. 27** wholly in force at 1.4.1991; **para. 27** not in force at Royal Assent see s. 17(2); **para. 27(d)** in force at 1.6.1990 by S.I. 1990/802; **Sch. 3 para. 15** in force at 1.4.1991 so far as not already in force by S.I. 1990/2610, art. 2, **Sch.**

In Schedule 2 to the Road Traffic Offenders Act 1988, in Part I—

- (a) after the entry for section 87(2) of the Road Traffic Act 1988 (“RTA”) there shall be inserted the following—

“RTA section 92(7C)	Failure to deliver licence revoked	Summarily. Level 3 on the standard scale.
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Status: Point in time view as at 01/02/1991.

Changes to legislation: Road Traffic (Driver Licensing and Information Systems) Act 1989 is up to date with all changes known to be in force on or before 04 January 2024. 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)

	by virtue of section 92(7A) [^{F17} and counterpart]to Secretary of State.	
RTA section 93(3)	Failure to deliver revoked licence [^{F18} and counterpart]to Secretary of State.	Summarily. Level 3 on the standard scale.”
<hr/>		
(b)	in the entry for section 99 of the Road Traffic Act 1988 (“RTA”)— (i) in column 1, after “section 99” there shall be inserted “ (5) ”, and (ii) in column 2, after the word “failing” there shall be inserted the words “ when his licence is revoked, to surrender it [^{F19} and its counterpart]or ”;	
(c)	after the entry for section 109 of the Road Traffic Act 1988 (“RTA”) there shall be inserted the following—	
<hr/>		
“RTA section 114	Failing to comply with conditions of LGV or PCV licence, or causing or permitting person under 21 to drive LGV or PCV in contraven- tion of such conditions.	Summarily. Level 3 on the standard scale.
RTA section 118	Failing to surrender revoked or suspended LGV or PCV licence	Summarily. Level 3 on the standard scale.”

Status: Point in time view as at 01/02/1991.

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[^{F20}and
counterpart].

- (d) in the entry for regulations made by virtue of section 117(4) of the Road Traffic Act 1988—
- (i) in column 1, for the words “section 117(4)” there shall be substituted the words “ section 120(5) ”, and
 - (ii) in column 2, for the word “HGV” there shall be substituted the words “ LGV or PCV ”.

Textual Amendments

- F17** Words inserted by [S.I. 1990/144](#), regs. 2(3), 3, [Sch. 3 para. 3\(5\)\(a\)\(i\)](#)
F18 Words inserted by [S.I. 1990/144](#), regs. 2(3), 3, [Sch. 3 para. 3\(5\)\(a\)\(ii\)](#)
F19 Words inserted by [S.I. 1990/144](#), regs. 2(3), 3, [Sch. 3 para. 3\(5\)\(b\)](#)
F20 Words inserted by [S.I. 1990/144](#), regs. 2(3), 3, [Sch. 3 para. 3\(5\)\(c\)](#)

Commencement Information

- I28** [Sch. 3 para. 28](#) wholly in force at 1.4.1991; [para. 28](#) not in force at Royal Assent see [s. 17\(2\)](#); [para. 28\(a\)\(b\)](#) in force at 1.6.1990 by [S.I. 1990/802](#); [para. 28](#) in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2](#), [Sch.](#)

- 29 In Schedule 2 to the Road Traffic Offenders Act 1988, at the end of Part I there shall be inserted—

*“ Offences under the Road Traffic (Driver
Licensing and Information Systems) Act 1989*

RTA 1989 s.1(5).	Failure of holder of existing HGV or PSV driver’s licence to surrender it upon revocation or surrender of his existing licence under Part III of RTA.	Summarily. Level 3 on the standard scale.
RTA 1989, Schedule 1, para.3.	Failing to comply with conditions of	Summarily. Level 3 on the standard scale.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Road Traffic (Driver Licensing and Information Systems) Act 1989 is up to date with all changes known to be in force on or before 04 January 2024. 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)

	existing HGV driver's licence, or causing or permitting person under 21 to drive HGV in contravention of such conditions.	
RTA 1989, Schedule 1, para. 8(2).	Contravention of provision of regulations (which is declared by regulations to be an offence) about existing HGV or PSV drivers' licences.	Summarily. Level 3 on the standard scale.
RTA 1989, Schedule 1, para. 10(4).	Taking PSV test before applying for licence or within prescribed period afterwards.	Summarily. Level 3 on the standard scale.
RTA 1989, Schedule 1, para. 10(5).	Taking PSV test after refusal of licence.	Summarily. Level 3 on the standard scale.”

Status: Point in time view as at 01/02/1991.

Changes to legislation: *Road Traffic (Driver Licensing and Information Systems) Act 1989 is up to date with all changes known to be in force on or before 04 January 2024. 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)*

Commencement Information

I29 Sch. 3 para. 29 wholly in force at 1.4.1991; para. 29 not in force at Royal Assent see s. 17(2); para. 29 in force for certain purposes at 8.11.1989 by S.I. 1989/1843; para. 29 in force at 1.4.1991 so far as not already in force by S.I. 1990/2610, art. 2, Sch.

- 30 In Schedule 5 to the Road Traffic Offenders Act 1988—
- (a) in the entry for section 99(5) of the Road Traffic Act 1988 (“RTA”), in column 2, after the word “failing” there shall be inserted the words “ when his licence is revoked, to surrender it [^{F21}and its counterpart]or ”;
 - (b) in the entry for section 112 of the Road Traffic Act 1988—
 - (i) in column 1, for the words “section 112” there shall be substituted the words “ section 114 ”, and
 - (ii) in column 2, for the word “HGV” in both places where it occurs there shall be substituted the words “ LGV or PCV ”;
 - (c) in the entry for regulations under section 117 of the Road Traffic Act 1988—
 - (i) in column 1, for the words “section 117” there shall be substituted the words “ section 120(5) ”, and
 - (ii) in column 2, for the word “HGV” there shall be substituted the words “ LGV or PCV ”; and
 - (d) at the end there shall be inserted—

“ Offences under the Road Traffic (Driver Licensing and Information Systems) Act 1989

RTA 1989 s.1(5).	Failure of holder of existing HGV or PSV licence to surrender it upon revocation or surrender of his existing licence under Part III of RTA.
RTA 1989, Schedule 1, para.3.	Failure to comply with conditions of existing HGV driver’s licence or employing person under 21 to drive HGV in contravention of conditions of his licence.
RTA 1989, Schedule 1, para. 8(2).	Contravention of provisions of regulations about existing HGV and PSV drivers’ licences which is declared by the regulations to be an offence.
RTA 1989, Schedule 1, para 10(4).	Taking PSV test before applying for licence or within prescribed period afterwards.
RTA 1989, Schedule 1, para. 10(5).	Taking PSV test after refusal of licence.”

Status: Point in time view as at 01/02/1991.

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Textual Amendments

F21 Words inserted by [S.I. 1990/144, regs. 2\(3\), 3, Sch. 3 para. 3\(6\)](#)

Commencement Information

I30 Sch. 3 para. 30 wholly in force at 1.4.1991; para. 30 not in force at Royal Assent see s. 17(2); para. 30(d) in force for certain purposes at 8.11.1989 by [S.I. 1989/1843](#); para. 30(a) in force at 1.6.1990 by [S.I. 1990/802](#); para. 30 in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610, art. 2, Sch.](#)

SCHEDULE 4

Section 13(1).

DRIVER INFORMATION SYSTEM LICENCES: APPLICATION OF ACTS TO LICENCE HOLDERS

- 1 [F22Sections 271 to 274 of the Town and Country Planning Act 1990](extinguishment of statutory undertakers' rights as to apparatus, and their rights of removal, in consequence of certain works), as applied by section 21(1) and (3) of the M1Highways Act 1980 in relation to any land specified in subsection (2) of that section (land for highway works), shall apply, in relation to such land, to the holders of operators' licences under Part II of this Act (and the operations authorised by their licences) as they apply to statutory undertakers; and so as respects the other provisions of [F22the 1990 Act]as applied by the said section 21(1).

Textual Amendments

F22 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 2, Sch. 2 para. 82](#)

Marginal Citations

M1 1980 c. 66.

- 2 Section 219 of the M2Town and Country Planning (Scotland) Act 1972 (extinguishment of statutory undertakers' rights to apparatus etc. in consequence of certain works), as applied by section 134(1) and (2) of the M3Roads (Scotland) Act 1984 in relation to any land specified in subsection (1) of that section (land for works in connection with special roads), shall apply, in relation to such land, to the holders of operator's licences under Part II of this Act (and the operations authorised by their licences) as it applies to statutory undertakers; and so as respects the other provisions of the 1972 Act as applied by the said section 134(1).

Marginal Citations

M2 1972 c. 52.

M3 1984 c. 54.

- 3 (1) The Highways Act 1980 shall be amended as provided in this paragraph.

Status: Point in time view as at 01/02/1991.

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- (2) In subsection (9) of section 20 (restriction on laying apparatus in special roads), after the words “Post Office” there shall be inserted the words “ and the operator of a driver information system ”.
- (3) In section 116 (power of magistrates’ court to authorise stopping up or diversion of highway subject to arrangements for apparatus of statutory undertakers), at the end there shall be inserted the following subsection—
 - “(11) In this section “statutory undertakers” includes operators of driver information systems.”
- (4) In subsection (5) of section 142 (licence to plant trees, shrubs, etc., in a highway), at the end there shall be inserted the words “ or driver information systems ”.
- (5) In subsection (6) of section 144 (power to erect flagpoles etc. on highways), at the end there shall be inserted the words “ or a driver information system ”.
- (6) In subsection (4) of section 156 (which authorises overhead telegraphic lines), after the words “overhead telecommunication apparatus” there shall be inserted the words “ ,overhead apparatus of a driver information system ”.
- (7) In subsection (4) of section 169 (control of scaffolding on highways), at the end there shall be inserted the words “ or a driver information system ”.
- (8) In subsection (3) of section 170 (control of mixing of mortar etc. on highways), at the end there shall be inserted the words “ or a driver information system ”.
- (9) In subsection (4) of section 177 (restriction on construction of buildings over highways), at the end there shall be inserted the words “ or a driver information system ”.
- (10) In subsection (5) of section 178 (restriction on placing of apparatus over highways), after the words “telecommunications code system” there shall be inserted the words “ or a driver information system ”.
- (11) In section 181 (provisions relating to placing of apparatus in or under a highway)—
 - (a) in subsection (8), after the words “telecommunications code system” there shall be inserted the words “ or a driver information system ”, and at the end there shall be inserted the words “ or, as the case may be, section 12 of the Road Traffic (Driver Licensing and Information Systems) Act 1989 ”; and
 - (b) in subsection (9), at the end there shall be inserted the words “ or a driver information system ”.
- (12) In section 256 (power of highway authority to exchange land to adjust boundaries of highways subject to arrangements for apparatus of statutory undertakers), after subsection (6) there shall be inserted the following subsection—
 - “(6A) In this section “statutory undertakers” includes operators of driver information systems.”
- (13) In subsection (1) of section 329 (definitions), after the definition of “drainage authority” there shall be inserted the following definition—
 - ““driver information system” has the same meaning as in Part II of the Road Traffic (Driver Licensing and Information Systems) Act 1989, and

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references to an “operator” of a driver information system are references to an operator licensed under that Part of that Act;”.

- (14) In Schedule 12 (provisions as to orders under s.116 and conveyances under s.256), at the end there shall be inserted the following—

“PART III

INTERPRETATION

11 In this Schedule, “statutory undertakers” includes operators of driver information systems.”

- 4 Paragraph 23 of Schedule 2 to the ^{M4}Telecommunications Act 1984 (application of telecommunications code) shall apply to the holders of operators’ licences under Part II of this Act for the purposes of the operations authorised by their licences.

Marginal Citations

M4 1984 c. 61.

- 5 (1) The ^{M5}Roads (Scotland) Act 1984 shall be amended as provided in this paragraph.
- (2) In subsection (4) of section 78 (power to divert waters when constructing or improving public road), at the end there shall be inserted “ and a reference to the operator of a driver information system (whether or not a body) acting in pursuance of a right conferred by or in accordance with section 12 of the Road Traffic (Driver Licensing and Information Systems) Act 1989 ”.
- (3) In subsection (1) of section 151 (definitions)—
- (a) after the definition of “days” there shall be inserted the following definition—
- ““driver information system” has the same meaning as in Part II of the Road Traffic (Driver Licensing and Information Systems) Act 1989, and references to an “operator” of a driver information system are references to an operator licensed under that Part of that Act;”;
- and
- (b) in the definition of “statutory undertakers”—
- (i) after the word “includes” there shall be inserted “ (a) ”,
- (ii) for the word “and,” in the second place where it occurs there shall be substituted “ (b) ”, and
- (iii) at the end there shall be added—
- “and
- (c) except in section 140(4) of this Act, the operator of any driver information system;”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Road Traffic (Driver Licensing and Information Systems) Act 1989 is up to date with all changes known to be in force on or before 04 January 2024. 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)

Marginal Citations

M5 1984 c. 54.

SCHEDULE 5

Section 13(2).

DRIVER INFORMATION SYSTEMS: UNDERTAKERS' WORKS

Preliminary

- 1 The following provisions of this Schedule apply where a relevant undertaker is proposing to execute any undertaker's works which involve or are likely to involve a temporary or permanent alteration of any system apparatus of a licensed operator of a driver information system kept installed in, upon, under, over, along or across any land.

Notice of proposed works

- 2 (1) The relevant undertaker shall, not less than 10 days before the works are commenced, give the operator a notice specifying the nature of the undertaker's works, the alteration or likely alteration involved and the time and place at which the works will be commenced.
- (2) This paragraph shall not apply in relation to any emergency works of which the relevant undertaker gives the operator notice as soon as practicable after commencing the works.

Counter-notices

- 3 Where a notice has been given under paragraph 2 above by a relevant undertaker to the operator, the operator may within the period of 10 days beginning with the giving of the notice give the relevant undertaker a counter-notice which may state either—
- (a) that the operator intends himself to make any alterations made necessary or expedient by the proposed undertaker's works; or
 - (b) that he requires the undertaker in making any such alteration to do so under the supervision and to the satisfaction of the operator.
- 4 Where a counter-notice given under paragraph 3 above states that the operator intends himself to make any alteration—
- (a) the operator shall (subject to paragraph 6 below) have the right, instead of the relevant undertaker, to execute any works for the purpose of making that alteration; and
 - (b) any expenses incurred by the operator in or in connection with the execution of those works and the amount of any loss or damage sustained by the operator in consequence of the alteration shall be recoverable by the operator from the undertaker in any court of competent jurisdiction.
- 5 Where a counter-notice given under paragraph 3 above states that any alteration is to be made under the supervision and to the satisfaction of the operator—

Status: Point in time view as at 01/02/1991.

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- (a) the relevant undertaker shall not make the alteration except as required by the notice or under paragraph 6 below; and
- (b) any expenses incurred by the operator in or in connection with the provision of that supervision and the amount of any loss or damage sustained by the operator in consequence of the alteration shall be recoverable by the operator from the undertaker in any court of competent jurisdiction.

Execution of works

- 6 Where—
- (a) no counter-notice is given under paragraph 3 above, or
 - (b) the operator, having given a counter-notice falling within that paragraph, fails within a reasonable time to make any alteration made necessary or expedient by the proposed undertaker's works or, as the case may be, unreasonably fails to provide the required supervision,
- the relevant undertaker may himself execute works for the purpose of making the alteration or, as the case may be, may execute such works without the supervision of the operator; but in either case the undertaker shall execute the works to the satisfaction of the operator.

Penalty

- 7 (1) If the relevant undertaker or any of his agents—
- (a) executes any works without the notice required by paragraph 2 above having been given, or
 - (b) fails without reasonable excuse to comply with any reasonable requirement of the operator under this Schedule,
- he shall be guilty of an offence.
- (2) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine which—
- (a) if the service provided by the operator's system is interrupted by the works or failure, shall not exceed level 4 on the standard scale; and
 - (b) if that service is not so interrupted, shall not exceed level 3 on the standard scale.

Definitions

- 8 In this Schedule—
- “relevant undertaker” means—
- (a) any person or authority authorised by or under any Act (whether public general or local) to carry on any railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking;
 - (b) any person to whom the telecommunications code is applied by a licence under section 7 of the ^{M6}Telecommunications Act 1984 authorising him to run a telecommunication system;
 - (c) any public gas supplier (within the meaning of Part I of the ^{M7}Gas Act 1986);

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- (d) any holder of a licence under Part I of the ^{M8}Electricity Act 1989 who is entitled to exercise any power conferred by paragraph 1 or 2 of Schedule 4 to that Act;
 - (e) The National Rivers Authority or any water undertaker or sewerage undertaker;
 - (f) any other licensed operator of a driver information system; or
 - (g) any person to whom this Schedule is applied by any Act passed after this Act;
- “undertaker’s works” means—
- (a) in relation to a relevant undertaker falling within paragraph (a) above, any works which he is authorised to execute for the purpose of, or in connection with, the carrying on by him of the undertaking mentioned in that paragraph;
 - (b) in relation to a relevant undertaker falling within paragraph (b) above, any works which he is authorised to execute for the purposes of, or in connection with, a telecommunication system run by him;
 - (c) in relation to a relevant undertaker falling within paragraph (c) above, any works which he is authorised to execute for the purposes of, or in connection with, his supplying gas as a public gas supplier;
 - (d) in relation to a relevant undertaker falling within paragraph (d) above, any works which he is authorised to execute for any purpose connected with the carrying on of the activities which he is authorised by his licence to carry on;
 - (e) in relation to a relevant undertaker falling within paragraph (e) above, any works which that Authority or undertaker has power to execute for purposes connected with the carrying on of its functions;
 - (f) in relation to a relevant undertaker falling within paragraph (f) above, any works which he is authorised to execute for the purposes of, or in connection with, a driver information system operated by him; and
 - (g) in relation to a relevant undertaker falling within paragraph (g) above, the works for the purposes of which this Schedule is applied to him.

Marginal Citations

M6 1984 c. 12.

M7 1986 c. 44.

M8 1989 c. 29.

SCHEDULE 6

Section 16.

REPEALS

Commencement Information

I31 Sch. 6 partly in force at 1.4.1991; Sch. 6 not in force at Royal Assent see s. 17(2); Sch. 6 in force in relation to specified repeals: at 1.6.1990 by S.I. 1990/802; at 1.12.1990 by S.I. 1990/2228; at 1.4.1991 by S.I. 1990/2610, art. 2, Sch.

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1981 c. 14.	Public Passenger Vehicles Act 1981.	Sections 22 to 23A. In section 24(1), the words “persons licensed to act as”. In section 52, subsection (1) (b), and subsection (2)(c) and the word “or” preceding it. In section 59(a), the words “or licences to drive public service vehicles”. In section 68, subsection (2) (b) and the word “and” preceding it, and subsection (4)(b) and the word “and” preceding it.
1983 c. 43.	Road Traffic (Driving Licences) Act 1983.	Section 3.
1985 c. 67.	Transport Act 1985.	In section 12(13)(a), the word “, 22”. In section 18, the words “and drivers”. In section 23(2)(b), the words “or a public service vehicle driver’s licence”. In Schedule 1, paragraph 5. In Schedule 2, in Part II, paragraph 4(13). In Schedule 7, paragraph 21(7).
1988 c. 52.	Road Traffic Act 1988.	Section 87(3). In section 92(9), the words from “In this subsection” to the end. In section 97(1), the words “, on payment of such fee (if any) as may be prescribed.”. In section 97(3), the word “and” at the end of paragraph (c). In section 103(1)(b), the words from “or, if” to the end of the paragraph. Sections 110 to 122.

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1988 c. 53.	Road Traffic Offenders Act 1988.	<p>In section 173(2)(f), the words “or 117(2)”.</p> <p>Section 3(1).</p> <p>Section 45(3).</p> <p>In Schedule 1—</p> <p>(a) in paragraph 2, the word “and” at the end of subparagraph (a),</p> <p>(b) in paragraph 3, the word “and” at the end of subparagraph (b),</p> <p>(c) in paragraph 4, the word “and” at the end of subparagraph (a), and</p> <p>(d) in the table, the entries relating to sections 110(1), 110(2), 112(6) and 112(7) of the Road Traffic Act 1988.</p> <p>In Schedule 2, in Part I, the entries relating to sections 110 and 112 of the Road Traffic Act 1988 and the entry relating to section 45 of the Road Traffic Offenders Act 1988.</p> <p>In Schedule 5, the entry relating to section 110 of the Road Traffic Act 1988.</p>
1989 c. 22.	Road Traffic (Driver Licensing and Information Systems) Act 1989.	<p>In Schedule 1—</p> <p>(a) paragraph 10,</p> <p>(b) paragraph 11.</p>

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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