



Road Traffic (Driver Licensing and Information Systems) Act 1989

1989 CHAPTER 22

PART I

DRIVING LICENCES

3 Exceptions to prohibition on driving without a licence

- (1) Section 88 of the 1988 Act (exceptions to prohibition on driving without a licence) shall be amended as follows.
- (2) In subsection (1) (conditions of the exception), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
 - “(a) the driver has held—
 - (i) a licence under this Part of this Act to drive vehicles of that or a corresponding class, or
 - (ii) a Northern Ireland licence to drive vehicles of that or a corresponding class, or
 - (iii) a British external licence or British Forces licence to drive vehicles of that or a corresponding class, or
 - (iv) an exchangeable licence to drive vehicles of that or a corresponding class, and
 - (b) either—
 - (i) a qualifying application by the driver for the grant of a licence to drive vehicles of that class for a period which includes that time has been received by the Secretary of State, or
 - (ii) a licence to drive vehicles of that class granted to him has been revoked or surrendered in pursuance of section 99(3) or (4) of this Act otherwise than by reason of a current disqualification or of its having been granted in error, and”.
- (3) After subsection (1) there shall be inserted the following subsections—

- “(1A) An application for the grant of a licence to drive vehicles of any class is a qualifying application for the purposes of subsection (1)(b)(i) above if—
- (a) the requirements of paragraphs (a), (b) so far as it relates to initial evidence and (c) of section 97(1) of this Act have been satisfied;
 - (b) the applicant—
 - (i) is not subject to a current disqualification which is relevant to the licence he applies for, and
 - (ii) is not prevented from obtaining it by section 89 of this Act; and
 - (c) the declaration made in pursuance of section 92(1) of this Act indicates that he is not suffering from a relevant disability.

- (1B) A disqualification is relevant to a licence for which a person makes an application if—
- (a) in the case of an application made by virtue of any provision of subsection (1)(a) above, the disqualification subsists under or by virtue of any provision of the Road Traffic Acts and relates to vehicles of the class to which his application relates;
 - (b) in the case of an application made by virtue of subsection (1)(a)(ii) above, the disqualification subsists under or by virtue of any provision of the law of Northern Ireland and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;
 - (c) in the case of an application made by virtue of subsection (1)(a)(iii) above, the disqualification subsists under or by virtue of any provision of the relevant external law or, as the case may be, is a disqualification for holding or obtaining a British Forces licence and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates; and
 - (d) in the case of an application made by virtue of subsection (1)(a)(iv) above, the disqualification subsists under or by virtue of any provision of the law of the member State or country or territory under which the licence which he held was granted and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;

but a disqualification which does not prevent the person disqualified from obtaining a provisional licence or, as the case may be, a licence corresponding to a provisional licence is relevant to a full licence but not to a provisional licence.”

- (4) In subsection (2) (period of benefit of exception), at the end, there shall be inserted
“, or

- (c) in a case where a licence is refused under section 92(3) of this Act, beyond the day on which the applicant receives notice of the refusal.”

- (5) After subsection (7) there shall be inserted the following subsection—

“(8) In this Part of this Act—

“British external licence” means a licence granted in the Isle of Man or any of the Channel Islands under the relevant external law;

“British Forces licence” means a licence granted in the Federal Republic of Germany by the British authorities to members of the

British Forces or of the civilian components of those Forces or their dependants; and

“relevant external law” means the law for the time being in force in the Isle of Man or any of the Channel Islands which corresponds to this Part of this Act.”