



Road Traffic (Driver Licensing and Information Systems) Act 1989

1989 CHAPTER 22

PART I

DRIVING LICENCES

5 Refusal or revocation of licences on grounds of physical unfitness.

- (1) Section 92 of the 1988 Act (requirements as to physical fitness of drivers) shall be amended as provided in subsections (2) to (5) below.
- (2) In subsection (5) (notice to a person of dangerous disability following a test of competence)—
 - (a) after the words “a test of competence to drive” there shall be inserted the words “or of information obtained under the relevant powers”;
 - (b) after the words “who took the test” there shall be inserted the words “or in relation to whom the information was obtained”; and
 - (c) for the words “construction or design” there shall be substituted the word “class”.

^{F1}(3)

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

“(7A) If he considers it appropriate to do so the Secretary of State may, after serving a notice in pursuance of subsection (5)(a) above, serve a notice in pursuance of subsection (5)(b) above or, after serving a notice in pursuance of subsection (5)(b) above, serve a notice in pursuance of subsection (5)(a) above or a further notice in pursuance of subsection (5)(b) above; and on his serving a further notice under any of those provisions the notice previously served shall cease to have effect and any limited licence previously granted shall be revoked by the subsequent notice.

Changes to legislation: Road Traffic (Driver Licensing and Information Systems) Act 1989, Section 5 is up to date with all changes known to be in force on or before 08 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (7B) In subsection (5) above the references to a test of competence to drive and to information obtained under the relevant powers are references respectively to a test of competence prescribed for the purposes of section 89 or so much of such a test as is required to be taken in pursuance of section 94(5)(c) of this Act and to information obtained in pursuance of section 94(5)(a) or (b) of this Act.
- (7C) A person whose licence [^{F2}and its counterpart]is revoked by virtue of subsection (7A) above must deliver the licence to the Secretary of State forthwith after the revocation and a person who, without reasonable excuse, fails to do so is guilty of an offence.”
- (5) In subsection (9) (relevant driving tests under external laws which entitle persons with prescribed disabilities to have licences)—
- (a) for paragraph (a) there shall be substituted the following paragraph—
- “^(a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he passed a test of competence to drive which—
- (i) under a provision of the law of Northern Ireland or a relevant external law corresponding to subsections (3) and (4) or (6) of section 89 of this Act, either is prescribed in relation to vehicles of classes corresponding to the classes to which the application relates or is sufficient under that law for the granting of a licence authorising the driving of vehicles of those classes, or
- (ii) is sufficient for the granting of a British Forces licence authorising the driving of vehicles of those classes, and”; and
- (b) in paragraph (b), for the words from “the authority” to “vehicle” there shall be substituted the words “his licensing authority”.
- (6) In section 93(3) of the 1988 Act (duty to surrender licence revoked on account of disability), at the end, there shall be inserted the words “and a person who, without reasonable excuse, fails to do so is guilty of an offence.”
- (7) In section 94(4) of the 1988 Act (powers of Secretary of State to satisfy himself whether or not a person is suffering from a disability)—
- (a) after the word “If” there shall be inserted the words “the prescribed circumstances obtain in relation to a person who is an applicant for, or the holder of, a licence or if”; and
- (b) for the words “that is the case” there shall be substituted the words “that person may be suffering from that or any other relevant or prospective disability”.
- (8) In section 94(5)(c) of the 1988 Act (requirement on applicant for, or holder of, licence believed to be suffering from disability to take driving test), for the words from “a test of competence to drive” to the end there shall be substituted the words “such a test of competence to drive as the Secretary of State directs in the notice.”
- (9) In section 94(9) of the 1988 Act (payment of doctors’ fees), for the words “The Secretary of State must” there shall be substituted the words “Except where the requirement is made in the circumstances prescribed for the purposes of subsection (5) above, it shall be for the Secretary of State (and not for any other person) to”.

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- (10) In section 98 of the 1988 Act (form of licence and provisional entitlement)—
- (a) in subsection (2), for the words “and (4)” there shall be substituted the words “, (4) and (4A)”;
 - (b) after subsection (4) there shall be inserted the following subsection—

“(4A) [^{F3}Subsection (2) above does not]authorise a person on whom a notice under section 92(5)(b) of this Act has been served to drive motor vehicles otherwise than in accordance with the limits specified in the notice.”

Textual Amendments

- F1** S. 5 (3) repealed (1.7.1998) by S.I. 1998/1420, regs. 17, **Sch.**
- F2** Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 1(a)**
- F3** Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 1(b)**

Commencement Information

- I1** S.5 wholly in force at 1.4.1991; s. 5 not in force at Royal Assent see s. 17(2); s. 5 partly in force at 1.6.1990 by S.I. 1990/802; s. 5 in force at 1.4.1991 so far as not already in force by S.I. 1990/2610, art. 2, **Sch.**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

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