



Immigration Act 2014

2014 CHAPTER 22

PART 3

ACCESS TO SERVICES ETC

CHAPTER 2

OTHER SERVICES ETC

Driving licences

46 Grant of driving licences: residence requirement

- (1) In section 97 of the Road Traffic Act 1988 (grant of licences), in the opening words of subsection (1), after “who” insert “meets the relevant residence requirement (see section 97A) and”.
- (2) After that section insert—

“97A Residence requirement

- (1) For the purposes of an application under section 97, a person meets the relevant residence requirement if, on the date the application is made—
 - (a) in the case of an application that is made by virtue of section 89(1) (ea) (application by holder of Community licence), the applicant is lawfully resident in the United Kingdom and—
 - (i) is also normally resident in the United Kingdom, or
 - (ii) has been attending a course of study in the United Kingdom during the period of six months ending on that date;
 - (b) in the case of an application that is made by virtue of section 89(1) (f) (application by holder of exchangeable licence), the applicant is

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- normally and lawfully resident in Great Britain but has not been so resident for more than the prescribed period;
- (c) in the case of an application that is made by virtue of section 97(2) (application for provisional licence), the applicant is lawfully resident in Great Britain and the Secretary of State is satisfied that the applicant will remain so for not less than 185 days; and
 - (d) in any other case, the applicant is normally and lawfully resident in Great Britain.
- (2) For the purposes of subsection (1) a person is not lawfully resident in Great Britain or the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.”
- (3) In Article 13 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) (grant of licences), in the opening words of paragraph (1), after “who” insert “meets the relevant residence requirement (see Article 13A) and”.
- (4) After that Article insert—

“13A Residence requirement

- (1) For the purposes of an application under Article 13, a person meets the relevant residence requirement if, on the date the application is made—
- (a) in the case of an application that is made by virtue of Article 5(1) (ea) (application by holder of Community licence), the applicant is lawfully resident in the United Kingdom and—
 - (i) is also normally resident in the United Kingdom, or
 - (ii) has been attending a course of study in the United Kingdom during the period of six months ending on that date;
 - (b) in the case of an application that is made by virtue of Article 5(1) (f) (application by holder of exchangeable licence), the applicant is normally and lawfully resident in Northern Ireland but has not been so resident for more than the prescribed period;
 - (c) in the case of an application that is made by virtue of Article 13(2) (application for provisional licence), the applicant is lawfully resident in Northern Ireland and the Department is satisfied that the applicant will remain so for not less than 185 days; and
 - (d) in any other case, the applicant is normally and lawfully resident in Northern Ireland.
- (2) For the purposes of paragraph (1) a person is not lawfully resident in Northern Ireland or the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.”

47 Revocation of driving licences on grounds of immigration status

- (1) In section 99 of the Road Traffic Act 1988 (duration of licences)—
- (a) after subsection (3) insert—

“(3ZA) Where it appears to the Secretary of State that a licence holder is not lawfully resident in the United Kingdom, the Secretary of State may serve notice in writing on that person revoking the licence and requiring the person to surrender the licence and its counterpart

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forthwith to the Secretary of State, and it is the duty of that person to comply with the requirement.

(3ZB) For the purposes of subsection (3ZA) a person is not lawfully resident in the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.”;

- (b) in subsection (5), after “(3)” insert “, (3ZA)”;
- (c) in subsection (7ZZA)—
 - (i) after “(3)” insert “, (3ZA)”;
 - (ii) after “subsections and” insert “, except in the case of a licence and counterpart surrendered in pursuance of subsection (3ZA),”.

(2) In section 100 of that Act (appeals)—

- (a) in subsection (1)(c), after “99(3)” insert “, (3ZA)”;
- (b) at the end insert—

“(4) In any proceedings under this section about the revocation of a licence in pursuance of section 99(3ZA) (revocation on grounds of immigration status), the court or sheriff is not entitled to entertain any question as to whether—

- (a) the appellant should be, or should have been, granted leave to enter or remain in the United Kingdom, or
- (b) the appellant has, after the date that the Secretary of State served notice under section 99(3ZA), been granted leave to enter or remain in the United Kingdom.”

(3) In Article 15 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) (duration of licences)—

- (a) after paragraph (5) insert—

“(5ZA) Where it appears to the Department that a licence holder is not lawfully resident in the United Kingdom, the Department may serve notice in writing on that person revoking the licence and requiring the person to surrender the licence and its counterpart forthwith to the Department, and it is the duty of that person to comply with the requirement.

(5ZB) For the purposes of paragraph (5ZA) a person is not lawfully resident in the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.”;

- (b) in paragraph (7), after “(5)” insert “, (5ZA)”.

(4) In Article 16 of that Order (appeals)—

- (a) in paragraph (1)(c), after “15(5)” insert “, (5ZA)”;
- (b) at the end insert—

“(4) In any proceedings under this Article about the revocation of a licence in pursuance of Article 15(5ZA) (revocation on grounds of immigration status), the court is not entitled to entertain any question as to whether—

- (a) the appellant should be, or should have been, granted leave to enter or remain in the United Kingdom, or

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- (b) the appellant has, after the date that the Department served notice under Article 15(5ZA), been granted leave to enter or remain in the United Kingdom.”