

**1982 No. 1555****ROAD TRAFFIC****The Driving Licences (Community Driving Licence)  
Regulations 1982***Laid before Parliament in Draft**Made - - - - - 29th October 1982**Coming into Operation 1st January 1983*

The Secretary of State for Transport, being a Minister designated **(a)** for the purposes of section 2(2) of the European Communities Act 1972 **(b)** in relation to the licensing of drivers of motor vehicles, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

*Citation, commencement and interpretation*

**1.**—(1) These Regulations shall come into operation on 1st January 1983 and may be cited as the Driving Licences (Community Driving Licence) Regulations 1982.

(2) In these Regulations “the 1972 Act” means the Road Traffic Act 1972 **(c)** and “the 1981 Act” means the Public Passenger Vehicles Act 1981 **(d)**.

*Grant of driving licences to holders of Community licences*

**2.**—(1) In subsection (1) of section 85 of the 1972 Act (driving licences not to be granted unless certain requirements satisfied), after paragraph *(b)* there shall be inserted—

“(bb) that, at the time of application for the licence—

- (i) he holds a Community licence authorising the driving of vehicles of a category corresponding to that class, and
- (ii) he is normally resident in the United Kingdom but has not been so resident for more than one year, or”.

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**(a)** S.I. 1981/1536.

**(b)** 1972 c. 68.

**(c)** 1972 c. 20.

**(d)** 1981 c. 14.

(2) At the end of that section there shall be inserted—

“(6) For the purposes of this section and section 84(4) of this Act, a Community licence issued in respect of a member State shall not be treated as authorising a person to drive a vehicle of any category if—

- (a) the licence is not for the time being valid for that purpose, or
- (b) it was issued in respect of that category for a purpose corresponding to that mentioned in section 88(2) of this Act.

(7) Where a Community licence authorises the driving of vehicles of any category and any vehicle falling within that category falls also within any of the classes designated as a group for the purposes of subsection (1)(a) above—

- (a) that category shall be treated for the purposes of subsection (1)(bb) above as corresponding to all classes included in the group; and
- (b) where, by virtue of regulations under subsection (2) above, a person who passes a test of competence authorising the granting of a licence to drive vehicles of any class included in the group is treated as competent also to drive vehicles of a class included in another group, that category shall be treated for the purposes of subsection (1)(bb) above as corresponding to all categories included in that other group.”.

*Provisions supplementary to Regulation 2*

**3.—**(1) In section 84(4) of the 1972 Act (lawful to drive etc. a motor vehicle after licence applied for in certain cases), in paragraph (a), for the word “and” (where it first appears) there shall be substituted “a licence to drive vehicles of that class or a Community licence to drive vehicles of a category corresponding to that class and (in either case)”.

(2) In section 88(1) of the 1972 Act (grant of licences), in paragraph (c), after the word “adequate” there shall be inserted “and, where the application is made by virtue of section 85(1)(bb) of this Act, surrenders to the Secretary of State his Community licence”.

(3) In section 110 of the 1972 Act (interpretation), after the definition of “articulated goods vehicle” there shall be inserted—

“ ‘Community licence’ means a document issued in respect of a member State other than the United Kingdom by an authority of that or another member State (including the United Kingdom) authorising the holder to drive a motor vehicle, not being—

- (a) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than a member State, or
- (b) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926(a), the Geneva Convention on Road Traffic of 1949(b) or the Vienna Convention on Road Traffic of 1968(c).”.

(a) Cmnd. 3510.

(b) Cmnd. 7997.

(c) Cmnd. 4032.

*Temporary validity for Community licences*

4.—(1) In relation to a person who becomes normally resident in the United Kingdom and who holds a Community licence—

- (a) section 84(5) of the 1972 Act (regulations may provide that holders of foreign permits who become resident in Great Britain may be treated temporarily as holding Part III licences); and
- (b) Regulation 23(1) of the Motor Vehicles (Driving Licences) Regulations 1981(a) (which makes such provision);

shall have effect as if the references to Great Britain were references to Great Britain, Northern Ireland or Gibraltar.

(2) In this Regulation “Community licence” has the same meaning as in Part III of the 1972 Act.

*Heavy goods vehicle drivers’ licences*

5.—(1) At the end of section 114(1) of the 1972 Act (grounds for granting heavy goods vehicle drivers’ licences) there shall be added:—

“or

- (c) holds a licence to drive a motor vehicle granted under Part III of this Act and that—
  - (i) either he holds a Community licence authorising the driving of vehicles of a category corresponding to that class or, at the time of the application for the licence granted under Part III of this Act which he holds or of an application for a previous such licence, he surrendered such a Community licence, and
  - (ii) he fulfils the requirements of subsection (1A) below.

(1A) Those requirements are that at the time of his application for the heavy goods vehicle driver’s licence he has not been normally resident in the United Kingdom for more than 18 months, that he surrenders to the licensing authority any Community licence which he holds, and that either—

- (a) he has passed in the member State in respect of which his Community licence was issued a test in respect of vehicles of a category corresponding to the class in question, being a test which, in the opinion of the Secretary of State, is equivalent to the prescribed test of competence to drive vehicles of that class, or
- (b) at the time at which he became normally resident in the United Kingdom, he had been in the habit of driving vehicles of a category corresponding to the class in question—
  - (i) for a period of six months falling within the period of 18 months ending at that time, or
  - (ii) for a period of one year falling within the period of three years ending at that time,or for periods which, taken together, satisfy sub-paragraphs (i) or (ii) above.

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(a) S.I. 1981/952.

(1B) Subsection (6) of section 85 of this Act shall apply for the purposes of this section as it applies for the purposes of that.

(1C) For the purposes of this section, where a Community licence authorises the driving of vehicles of any category and any vehicle falling within that category falls also within any class of vehicles specified by regulations under section 119 of this Act as a class in respect of which a heavy goods vehicle driver's licence may be issued

- (a) that category shall be treated as corresponding to that class, and
- (b) where, by virtue of those regulations, a person who passes a test of competence to drive vehicles of that class is treated as having also passed a test of competence to drive vehicles of another class, that category shall be treated as corresponding to that other class.”.

(2) In section 124 of the 1972 Act (interpretation) after the definition of “approved training scheme for drivers” there shall be inserted—

“ ‘Community licence’ has the same meaning as it has for the purposes of Part III of this Act;”.

*Public service vehicle drivers’ licences*

**6.—**(1) In any case where a person applies for a licence to drive a public service vehicle of any type and—

- (a) he holds a licence to drive a motor vehicle under Part III of the 1972 Act;
- (b) either he holds a Community licence authorising the driving of vehicles of a category corresponding to that type of public service vehicles or, at the time of the application for the licence granted under Part III of that Act which he holds or of an application for a previous such licence, he surrendered such a Community licence; and
- (c) he fulfils the requirements of paragraph (2) below,

the applicant may not be required under Regulation 5 of the Public Service Vehicles (Drivers’ and Conductors’ Licences) Regulations 1934<sup>(a)</sup> to provide facilities for a practical test of his ability to drive public service vehicles of the type in question and his application may not be refused on the ground that he has not passed such a test.

(2) The requirements mentioned in paragraph (1)(c) above are that at the time of the application for the licence to drive public service vehicles the applicant has not been normally resident in the United Kingdom for more than 18 months, that he surrenders to the authority having power to grant the licence any Community licence which he holds and that either—

- (a) he has passed in the member State in respect of which his Community licence was issued a test in respect of public service vehicles of the type in question, being a test which, in the opinion of the Secretary of State, is equivalent to the test referred to in paragraph (1) above; or

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<sup>(a)</sup> S. R & O. 1934/1321.

- (b) at the time at which he became normally resident in the United Kingdom he had been in the habit of driving public service vehicles of the type in question—
- (i) for a period of six months falling within the period of 18 months ending at that time, or
  - (ii) for a period of one year falling within the period of three years ending at that time,
- or for periods which, taken together, satisfy sub-paragraph (i) or (ii) above.
- (3) For the purposes of this Regulation, a Community licence issued in respect of a member State shall not be treated as authorising a person to drive a public service vehicle of any type if—
- (a) the licence is not for the time being valid for that purpose, or
  - (b) it was issued for the purpose of enabling him to drive vehicles of that type with a view to passing a test of his ability to do so.
- (4) In this Regulation—
- “Community licence” has the same meaning as in Part III of the 1972 Act; and
- “public service vehicle” has the same meaning as in Section 22 of the 1981 Act.

29th October 1982.

*David Howell,*  
Secretary of State for Transport.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations give effect for Great Britain to Article 8 of Council Directive (EEC) 80/1263 of 4 December 1980 on the introduction of a Community driving licence (O.J.No.L. 375, 31.12.80, page 1).

#### *Driving Licences under Part III of the Road Traffic Act 1972*

Subject to satisfying the other requirements of Part III of the Road Traffic Act 1972 (“Part III”) in particular the requirements of sections 87 and 87A as to physical fitness and not being disqualified by a Court (section 93) or by age (section 96), these Regulations provide (in Regulation 2) for the grant of a driving licence under Part III in exchange for a licence issued in respect of a member State other than the United Kingdom in the case of a person who has become normally resident in the United Kingdom and who has not been so resident for more than one year. A person who satisfies these requirements is not required to have passed a test or held a licence under Part III within ten years. The licence issued in respect of the other member State must be valid at the time of surrender and must not be a licence issued for the purpose

of enabling the holder to drive the vehicles to which it relates with a view to passing a test of competence to drive. The licence granted under Part III will be for the classes corresponding to the categories to which the surrendered licence relates and any classes designated as a group with those classes by regulations under section 85(1)(a) of the 1972 Act or falling within any group additional to that group designated by regulations under section 85(2) of the 1972 Act.

By virtue of the definition of "Community licence" inserted in section 110 of the 1972 Act by Regulation 3(3) the obligation to exchange the licence will not apply if the licence issued in respect of the other member State contains a statement to the effect that the licence or a previous such licence was issued in exchange for a licence issued in respect of a State other than a member State.

Regulation 4 provides for the recognition of the validity of a Community licence in the case of a person who becomes normally resident in Great Britain, Northern Ireland or Gibraltar for up to one year after he becomes resident in any of those territories and Regulation 3(1) extends to a person whose Community licence has expired, section 84(4) of the 1972 Act which enables a person who has applied for a licence under Part III and is entitled to obtain it but whose previous licence has expired to continue to drive pending the grant of the licence.

An amendment to section 88(1) of the 1972 Act would require the holder of a Community licence who applied for a licence under Part III to surrender it to the Secretary of State (Regulation 3(2)).

#### *Heavy Goods Vehicle Drivers' Licences*

Regulation 5 modifies section 114 of the 1972 Act to enable a person who holds a licence under Part III and who either surrendered a Community licence when he applied for the licence under Part III or a previous such licence or holds a Community licence, on satisfying the other requirements of Part IV of that Act, to be granted a heavy goods vehicle driver's licence without being required to have held such a licence or to have passed a test under that part of that Act within five years.

The licence will be granted for heavy goods vehicles of a class which includes any vehicle falling within that category and for any other class of heavy goods vehicles for which a person who has passed a test of competence under Part IV of the Act of 1972 is treated as having passed such a test.

The applicant must not have been normally resident in the United Kingdom for more than eighteen months and he must either—

- (i) have passed a test of competence in another member State which, in the opinion of the Secretary of State, is equivalent to the test prescribed under Part IV of the Act of 1972 for the class of heavy goods vehicles in question, or
- (ii) satisfy the Secretary of State as to his experience of driving the vehicles of the class of heavy goods vehicles to be included in the licence for which he applies.

*Public Service Vehicle Drivers' Licences*

The same provision is made for the grant of public service vehicles licences to the holders of Community licences who become normally resident in the United Kingdom without their being required to undergo a test of ability to drive public service vehicles of the type in question (Regulation 6).

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