
STATUTORY INSTRUMENTS

1996 No. 2824

The Motor Vehicles (Driving Licences) Regulations 1996

PART IV

GOODS AND PASSENGER-CARRYING VEHICLES

Drivers' conduct

Obligatory revocation of large goods vehicle drivers' licences and disqualification on revocation

52.—(1) The prescribed circumstances for the purposes of section 115(1)(a) of the Traffic Act are that, in the case of the holder of a large goods vehicle driver's licence who is under the age of 21, he has been convicted (or is to be treated as if he had been convicted) of an offence as a result of which—

- (a) the number of penalty points to be taken into account under section 29 of the Offenders Act exceeds three, or
- (b) his licence is treated as revoked under section 37(1) of that Act.

(2) Where a large goods vehicle driver's licence is revoked under section 115(1)(a) the cases in which the person whose licence has been revoked must be disqualified indefinitely or for a period, shall be determined by the licensing authority.

(3) Where the licensing authority determines that a person whose licence has been revoked under section 115(1)(a) is to be disqualified for a period he shall be disqualified until he reaches 21 years of age or for such longer period as the licensing authority may determine.

Applicants for and holders of a licence who are disqualified by order of a court

53.—(1) Subject to paragraphs (2) to (4), where a person's licence is treated as revoked by virtue of section 37(1) of the Offenders Act the licensing authority may—

- (a) order that person to be disqualified indefinitely or for such period as the licensing authority thinks fit under section 117(2)(a) of the Traffic Act; or
- (b) (except where the licence treated as revoked by virtue of section 37(1) is a provisional licence) if it appears to the licensing authority that, owing to the conduct of the person, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences until he passes a test—
 - (i) prescribed in respect of any category of motor vehicle which he was authorised to drive by that licence, and
 - (ii) which, by virtue of these Regulations, he is at that time eligible to take,order him to be disqualified for holding or obtaining a full licence until he passes such a test under section 117(2)(b) of the Act.

(2) Where a person's licence is treated as revoked by virtue of section 37(1) of the Offenders Act and the licensing authority would have been required to revoke that person's large goods or passenger-carrying vehicle driver's licence by virtue of section 115(1)(a) of the Traffic Act and regulation 52 had he not been disqualified by order of a court, the licensing authority must order that person to be disqualified indefinitely or for a period under section 117(1) of the Traffic Act.

(3) The cases in which a person to whom paragraph (2) applies must be disqualified either indefinitely or for a period shall be determined by the licensing authority.

(4) Where the licensing authority determines that a person to whom paragraph (2) applies is to be disqualified for a period that person shall be disqualified until he reaches 21 years of age or for such longer period as the licensing authority may determine.

Removal of disqualification

54.—(1) Subject to paragraph (2) and (3), the licensing authority may remove a disqualification for a period of more than two years under section 117(4) of the Traffic Act, after consultation with the traffic commissioner in a case which was referred to him, if an application for the removal of the disqualification is made after the expiration of whichever is relevant of the following periods commencing on the date of the disqualification—

- (a) two years, if the disqualification is for less than four years;
- (b) one half of the period of the disqualification, if it is for less than ten years, but not less than four years;
- (c) five years in any other case.

(2) An application may not be made if the applicant has during the relevant period been convicted (or treated as convicted) of an offence by virtue of which he has incurred—

- (a) penalty points, or
- (b) an endorsement of a Northern Ireland driving licence held by him, or of its counterpart, with particulars of a conviction pursuant to provisions for the time being in force in Northern Ireland that correspond to sections 44 and 45 of the Offenders Act.

(3) Where an application under paragraph (1) for the removal of a disqualification is refused, a further such application shall not be entertained if made within three months after the date of refusal.