



Road Traffic Act 1972

1972 CHAPTER 20

PART III

LICENSING OF DRIVERS OF VEHICLES

Driving licences

84 Drivers of motor vehicles to have driving licences

- (1) It shall be an offence for a person to drive on a road a motor vehicle of any class if he is not the holder of a licence authorising him to drive a motor vehicle of that class.
- (2) It shall be an offence for a person to employ a person to drive on a road a motor vehicle of any class if the person employed is not the holder of a licence authorising him to drive a motor vehicle of that class.
- (3) Notwithstanding the foregoing provisions of this section, a person may, without holding a licence, act as steersman of a motor vehicle, being a vehicle on which a speed limit of five miles per hour or less is imposed by or under section 78 of the Road Traffic Regulation Act 1967, under the orders of another person engaged in the driving of the vehicle who is licensed in that behalf in accordance with the requirements of this Part of this Act and Part IV of this Act, and a person may employ another person who is not the holder of a licence so to act.
- (4) Notwithstanding the foregoing provisions of this section, a person may at any time drive or employ another person to drive a vehicle of any class if—
 - (a) the driver has held and is entitled to obtain a licence to drive vehicles of that class; and
 - (b) an application by the driver for the grant of such a licence for a period which includes that time has been received by the Secretary of State or such a licence granted to him has been revoked or surrendered in pursuance of section 89 of this Act; and

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (c) any conditions which by virtue of section 88(2) or (4) of this Act apply to the driving under the authority of the licence of vehicles of that class are complied with;

but the benefit of the foregoing provisions of this subsection shall not extend beyond the date when a licence is granted in pursuance of the application mentioned in paragraph (b) above or, as the case may be, in pursuance of subsection (4) of the said section 89 in consequence of the revocation or surrender so mentioned nor (in a case where a licence is not in fact so granted) beyond the expiration of the period for which it fell to be granted.

- (5) Regulations may provide that a person who becomes resident in Great Britain shall, during the prescribed period after he becomes so resident, be treated for the purposes of subsections (1) and (2) above as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if he satisfies the prescribed conditions and is the holder of a permit of the prescribed description authorising him to drive vehicles under the law of a country outside the United Kingdom; and the regulations may provide for the application of any enactment relating to licences or licence holders, with or without modifications, in relation to any such permit and its holder respectively.

85 Tests of competence to drive

- (1) Subject to the provisions of this Part of this Act as to provisional licences, a licence authorising the driving of motor vehicles of any class shall not be granted to a person unless he satisfies the Secretary of State—
- (a) that at some time during the period of ten years ending on the date of coming into force of the licence applied for he has passed the test of competence to drive prescribed by virtue of subsection (2) below or a test of competence which under subsection (4) below is a sufficient test, or
 - (b) that within the said period of ten years he has held a licence authorising the driving of vehicles of that class, not being a provisional licence or a licence granted by virtue of section 99(4) of the Road Traffic Act 1960, or
 - (c) that within the said period of ten years he has held a licence granted under a relevant external law to drive vehicles of that class, not being a licence corresponding to a provisional licence or a licence granted under any provision of that law corresponding to the said section 99(4), and is not, at the time of application for the licence, disqualified under that law for holding or obtaining a licence thereunder to drive vehicles of any class.

For the purposes of paragraph (c) above "relevant external law" means the law for the time being in force in Northern Ireland, that for the time being in force in the Isle of Man or that for the time being in force in any of the Channel Islands that corresponds to this Part of this Act.

- (2) Regulations may make provision with respect to the nature of tests of competence to drive for the purposes of this section, to the qualifications, selection and appointment of persons by whom they may be conducted and to the revocation of any appointment, to evidence of the results thereof and generally with respect thereto, and in particular, but without prejudice to the generality of the foregoing provisions, regulations having effect by virtue of this subsection may provide—
- (a) for requiring a person submitting himself for a test to provide a vehicle for the purposes thereof;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) for requiring a fee of such amount as may be specified in the regulations to be paid by a person who submits himself for a test or applies for an appointment for a test;
- (c) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself to another test by the same or any other person before the expiration of a period specified in the regulations except under an order made by a court or sheriff under the power conferred by subsection (3) below;

and different regulations may be made with respect to tests of competence to drive different classes of vehicles.

- (3) A magistrates' court acting for the petty sessions area in which a person who has submitted himself for a test of competence to drive resides, or if he resides in Scotland, the sheriff within whose jurisdiction he resides, shall have power on the application" of that person to determine whether the test was properly conducted in accordance with the regulations and, if it appears to the court or sheriff that the test was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another test before the expiration of the period specified for the purposes of subsection (2)(c) above and may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.
- (4) For the purposes of paragraph (a) of subsection (1) above a test of competence shall be sufficient for the granting of a licence authorising the driving of—
 - (a) vehicles of any class, if at the time the test was passed it authorised the granting of a licence to drive vehicles of that class;
 - (b) vehicles of any classes which are designated by regulations as a group for the purposes of the said paragraph (a), if at the said time the test authorised the granting of a licence to drive vehicles of any class included in the group;and if vehicles of any classes are designated by regulations as a group for the purposes of paragraph (b) of subsection (1) above, a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of the said paragraph (b) to authorise the driving of vehicles of all classes included in the group.
- (5) The last reference in subsection (4) above and the first reference in paragraph (b) of subsection (1) above to a licence do not include a licence which has been revoked in pursuance of section 89(2) of this Act.

86 Repayment of test fees

A fee paid in pursuance of regulations made under section 85(2) of this Act on application for an appointment for a test may be repaid in the following cases and not otherwise, that is to say:—

- (a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Secretary of State;
- (b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed for the purposes of this paragraph by regulations made as aforesaid;
- (c) if the person for whom the appointment is made keeps the appointment, but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test; or

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (d) if an order for the repayment of the fee is made by the court under section 85(3) of this Act pursuant to a finding that the test was not properly conducted in accordance with the regulations.

87 Requirements as to physical fitness of drivers

- (1) An application for the grant of a licence shall include a declaration by the applicant, in such form as the Secretary of State may require, stating whether he is suffering or has at any time (or, if a period is prescribed for the purposes of this subsection, has during that period) suffered from any prescribed disability or from any other disability likely to cause the driving of a vehicle by him in pursuance of the licence to be a source of danger to the public (such prescribed or other disability being hereafter in this section referred to as a "relevant disability").
- (2) If it appears from the declaration aforesaid, or if on inquiry the Secretary of State is satisfied from other information, that the applicant is suffering from a relevant disability, then, subject to the following provisions of this section, the Secretary of State shall refuse to grant the licence.
- (3) The Secretary of State shall not by virtue of subsection (2) above refuse to grant a licence—
 - (a) on account of any relevant disability, if the applicant has at any time passed a relevant test and it does not appear to the Secretary of State that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the Secretary of State at that time ;
 - (b) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person in whose case the disability is appropriately controlled ;
 - (c) on account of any relevant disability other than a disability prescribed for the purposes of this paragraph, if the application is for a provisional licence.
- (4) If as the result of a test of competence to drive the Secretary of State is satisfied that the person who took the test is suffering from a disability such that there is likely to be danger to the public—
 - (a) if he drives any vehicle, or
 - (b) if he drives a vehicle other than a vehicle of a particular construction or design, the Secretary of State shall serve notice in writing to that effect on that person and shall include in the notice a description of the disability; and where a notice is served in pursuance of this subsection, then—
 - (i) if the notice is in pursuance of paragraph (a) of this subsection and the disability is not prescribed for the purposes of subsection (3)(c) above, it shall be deemed to be so prescribed in relation to the person aforesaid; and
 - (ii) if the notice is in pursuance of paragraph (b) of this subsection, any licence granted to that person shall be limited to vehicles of the particular construction or design specified in the notice.
- (5) If the Secretary of State is at any time satisfied on inquiry—
 - (a) that the licence holder is suffering from a relevant disability, and
 - (b) that the Secretary of State would be required by virtue of subsection (2) or (4) (ii) above to refuse an application for the licence made by him at that time,

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

the Secretary of State may serve notice in writing on the licence holder revoking the licence at the expiration of a period specified in the notice which shall not be less than seven nor more than thirty days and shall begin with the date of service of the notice ; and it shall be the duty of a person whose licence is revoked under this subsection to deliver up the licence to the Secretary of State forthwith after the revocation.

(6) In this section—

" disability " includes disease ; and

" relevant test ", in relation to an application for a licence, means any such test of competence as is mentioned in section 85 of this Act or a test as to fitness or ability in pursuance of section 100 of the Road Traffic Act 1960 as originally enacted, being a test authorising the grant of a licence in respect of vehicles of the classes to which the application relates ;

and for the purposes of subsection (3)(a) above a person to whom a licence was granted after the making of a declaration under paragraph (c) of the proviso to section 5(2) of the Road Traffic Act 1930 (which contained transitional provisions with respect to certain disabilities) shall be treated as having passed, at the time of the declaration, a relevant test in respect of vehicles of the classes to which the licence related.

88 Grant of licences

(1) Subject to section 87 of this Act, the Secretary of State shall, on payment of the prescribed fee, grant a licence to a person who—

- (a) makes an application for it in such manner and containing such particulars as the Secretary of State may specify; and
- (b) furnishes the Secretary of State with such evidence or further evidence in support of the application as the Secretary of State may require ; and
- (c) surrenders to the Secretary of State any previous licence granted to him after 1st June 1970 or furnishes the Secretary of State with an explanation for not surrendering it which the Secretary of State considers adequate ; and
- (d) is not disqualified by reason of age or otherwise from obtaining the licence for which he makes the application and is not prevented from obtaining it by the provisions of section 85 of this Act.

(2) If the application aforesaid states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in section 85 of this Act shall apply to such a licence; but a provisional licence—

- (a) shall be granted subject to prescribed conditions;
- (b) shall, in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed; and
- (c) shall not authorise a person to drive a motor cycle whereof the cylinder capacity of the engine exceeds 250 cubic centimetres, not being a vehicle having three wheels, unless he has passed the test of competence to drive prescribed under section 85 of this Act.

(3) A licence shall be in such form as the Secretary of State may determine and shall—

- (a) state whether, apart from subsection (4) below, it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) specify any restrictions to which, under the provisions of section 4 or this Part of this Act, its holder is subject as respects the driving of vehicles of any class in pursuance of the licence ;
 - (c) in the case of a provisional licence, specify the conditions subject to which it is granted ; and
 - (d) where by virtue of subsection (4) below the licence authorises its holder to drive vehicles of classes other than those specified in the licence in pursuance of paragraph (a) above, contain such statements as the Secretary of State considers appropriate for indicating the effect of that subsection.
- (4) A licence which, apart from this subsection, authorises its holder to drive motor vehicles of certain classes only shall also authorise him to drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive the last-mentioned vehicles; but a licence shall not by virtue of this subsection authorise a person to drive—
- (a) a vehicle which he is prohibited from driving by section 4 of this Act, or
 - (b) such a motor cycle as is mentioned in paragraph (c) of subsection (2) above, unless he has passed the test of competence to drive prescribed under section 85 of this Act.
- (5) In subsection (4) above the first reference to a licence does not include a reference to a licence granted before 1st June 1970 or a provisional licence granted thereafter or any other licence of a description prescribed for the purposes of this subsection.
- (6) A person who fails to comply with any condition applicable to him by virtue of subsection (2) or (4) above shall be guilty of an offence.

89 Duration of licences

- (1) A licence shall, unless previously revoked or surrendered, remain in force—
- (a) except in a case falling within paragraph (b) or (c) of this subsection, for a period of three years or, if the Secretary of State so determines in the case of a licence to be granted to a person appearing to him to be suffering from a relevant disability within the meaning of section 87 of this Act, for such shorter period, not less than one year, as the Secretary of State may determine ;
 - (b) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equal to the remainder of that for which the subsisting licence was granted; and
 - (c) in the case of a provisional licence, for a period of one year;
- and any such period shall begin with the date on which the licence in question is expressed to come into force.
- (2) Where it appears to the Secretary of State that a licence granted by him to any person is required to be endorsed in pursuance of any enactment or was granted in error or with an error or omission in the particulars specified in the licence or required to be so endorsed on it, the Secretary of State may serve notice in writing on that person revoking the licence and requiring him to deliver up the licence forthwith to the Secretary of State.
- (3) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder shall forthwith surrender the licence to the Secretary of State and furnish to him particulars of the alterations falling to be made in the name or address

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

and, in the case of a provisional licence as respects which the prescribed conditions are satisfied, with a statement of his sex and date of birth; and a person who fails to comply with the provisions of this subsection shall be guilty of an offence.

- (4) On the surrender of a licence by any person in pursuance of subsection (2) or (3) above, the Secretary of States—
- (a) shall, except where the licence was granted in error or is surrendered in pursuance of the said subsection (2) in consequence of an error or omission appearing to the Secretary of State to be attributable to that person's fault or in consequence of a current disqualification, and
 - (b) may in such an excepted case which does not involve a current disqualification,
- grant to that person free of charge a new licence for the period for which the surrendered licence was granted.

90 Appeals relating to licences

- (1) A person who is aggrieved by the Secretary of State's—
- (a) refusal to grant or revocation of a licence in pursuance of section 87 of this Act, or
 - (b) grant of a licence for less than three years in pursuance of section 89(1)(a) of this Act, or
 - (c) revocation of a licence in pursuance of section 89(2) of this Act,
- or by a notice served on him in pursuance of section 87(4) of this Act may, after giving to the Secretary of State notice of his intention to do so appeal to a magistrates' court acting for the petty sessions area in which he resides or, if he resides in Scotland, to the sheriff within whose jurisdiction he resides ; and on any such appeal the court or sheriff may make such order as it or he thinks fit and the order shall be binding on the Secretary of State.
- (2) It is hereby declared that, without prejudice to section 85(3) of this Act, in any proceedings under this section the court or sheriff is not entitled to entertain any question as to whether the appellant passed a test of competence to drive if he was declared by the person who conducted it to have failed it.

91 Driving with uncorrected defective eyesight

- (1) If a person drives a motor vehicle on a road while his eyesight is such (whether through a defect which cannot be or one which is not for the time being sufficiently corrected) that he cannot comply with any requirement as to eyesight prescribed under this Part of this Act for the purposes of tests of competence to drive, he shall be guilty of an offence.
- (2) A constable having reason to suspect that a person driving a motor vehicle may be guilty of an offence under subsection (1) above may require him to submit to a test for the purpose of ascertaining whether, using no other means of correction than he used at the time of driving, he can comply with the said requirement as to eyesight; and if that person refuses to submit to the test he shall be guilty of an offence.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

92 Notification of disease or disability

If, in any proceedings for an offence committed in respect of a motor vehicle, it appears to the court that the accused may be suffering from any disease or physical disability which would be likely to cause the driving by him of a motor vehicle to be a source of danger to the public, the court shall notify the Secretary of State.

A notice sent by a court to the Secretary of State in pursuance of this section shall be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.

Disqualification and endorsement of licences

93 Disqualification on conviction of certain offences

- (1) Where a person is convicted of an offence—
- (a) under a provision of this Act specified in column 1 of Part I of Schedule 4 to this Act in relation to which there appears in column 5 of that Part the word " obligatory " or the word " obligatory " qualified by conditions or circumstances relating to the offence ; and
 - (b) where the said word " obligatory" is so qualified, the conditions or circumstances are satisfied or obtain in the case of the offence of which he is convicted;

or where a person is convicted of the offence specified in Part II of that Schedule (any such offence being in this Part of this Act referred to as an " offence involving obligatory disqualification ") the court shall order him to be disqualified for such period not less than twelve months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

- (2) Where a person is convicted of an offence—
- (a) under a provision of this Act specified in column 1 of Part I of Schedule 4 to this Act in relation to which there appears in column 5 of that Part the word " discretionary " or the word " discretionary " qualified by conditions or circumstances relating to the offence ; and
 - (b) where the said word " discretionary " is so qualified, the conditions or circumstances are satisfied or obtain in the case of the offence of which he is convicted;

or where a person is convicted of an offence specified in Part III of that Schedule (any such offence being in this Part of this Act referred to as an " offence involving discretionary disqualification "), the court may order him to be disqualified for such period as the court thinks fit.

- (3) Where a person convicted of an offence involving obligatory or discretionary disqualification has within the three years immediately preceding the commission of the offence been convicted on not less than two occasions of any such offence and particulars of the convictions have been ordered to be endorsed in accordance with section 101 of this Act, the court shall order him to be disqualified for such period not less than six months as the court thinks fit, unless the court is satisfied, having regard to all the circumstances, that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) Where a person convicted of an offence under any of the following provisions of this Act, namely section 5(1), 6(1) or 9(3) (where the latter is an offence involving obligatory disqualification), has within the ten years immediately preceding the commission of the offence been convicted of any such offence, subsection (1) above shall apply in relation to him with the substitution of three years for twelve months.
- (5) The period of any disqualification imposed under subsection (3) above shall be in addition to any other period of disqualification imposed (whether previously or on the same occasion) under this section or section 5 of the Road Traffic Act 1962 or under the Road Traffic Act 1960 or an enactment repealed by that Act or under the Motor Car Act 1903.
- (6) The foregoing provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.
- (7) Where a person is convicted of an offence involving obligatory or discretionary disqualification the court may, whether or not he has previously passed the test of competence to drive prescribed under this Act, and whether or not the court makes an order under the foregoing provisions of this section, order him to be disqualified until he has, since the date of the order, passed that test; and a disqualification by virtue of an order under this subsection shall be deemed to have expired on production to the Secretary of State of evidence, in such form as may be prescribed by regulations under section 107 of this Act, that the person disqualified has, since the order was made, passed that test.

94 Appeal against disqualification, and rule for determining end of period thereof

- (1) A person disqualified by an order of a magistrates' court under section 93(1) or (3) of this Act may appeal against the order in the same manner as against a conviction.
- (2) Any court in England or Wales (whether a magistrates' court or another) which makes an order disqualifying a person may, if it thinks fit, suspend the disqualification pending an appeal against the order.
- (3) A person disqualified by an order of a court in Scotland may appeal against the order in the same manner as against a conviction, and the court by or before which he was convicted may, if it thinks fit, pending the appeal suspend the disqualification.
- (4) In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

95 Removal of disqualification

- (1) Subject to the provisions of this section, a person who by an order of a court is disqualified may apply to the court by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) No application shall be made under subsection (1) above for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is to say—
- (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;
- and in determining the expiration of the period after which under this subsection a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.
- (3) Where an application under subsection (1) above is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.
- (4) If under this section a court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.
- (5) The foregoing provisions of this section shall not apply where the disqualification was imposed by order under section 93(7) of this Act, section 5(7) of the Road Traffic Act 1962 or section 104(3) of the Road Traffic Act 1960.

96 Disqualification of persons under age

A person who under section 4 of this Act is prohibited by reason of his age from driving a motor vehicle or a motor vehicle of any class is disqualified for holding or obtaining a licence other than a licence authorising him to drive such motor vehicles, if any, as he is not by the said section 4 forbidden to drive.

97 Disqualification to prevent duplication of licences

A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class so long as he is the holder of another licence authorising him to drive a motor vehicle of that class, whether the licence is suspended or not.

98 Effect of disqualification

- (1) Where the holder of a licence is disqualified by an order of a court, the licence shall be suspended so long as the disqualification continues in force, and during the time of suspension shall be of no effect.
- (2) A licence obtained by any person who is disqualified shall be of no effect.
- (3) Notwithstanding anything in this Part of this Act, a person disqualified by order of a court under section 93(7) of this Act, section 5(7) of the Road Traffic Act 1962 or section 104(3) of the Road Traffic Act 1960 shall (unless he is disqualified otherwise than by virtue of such an order) be entitled to obtain and to hold a provisional licence and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

99 Offence of obtaining licence, or driving, while disqualified

If a person disqualified for holding or obtaining a licence—

- (a) obtains a licence while he is so disqualified, or
- (b) while he is so disqualified drives on a road a motor vehicle, or if the disqualification is limited to the driving of a motor vehicle of a particular class, a motor vehicle of that class,

he shall be guilty of an offence.

100 Arrest without warrant of persons driving while disqualified

A constable in uniform may arrest without warrant any person driving or attempting to drive a motor vehicle on a road whom he has reasonable cause to suspect of being disqualified.

101 Endorsement of licences

- (1) Subject to subsection (2) below, where a person is convicted of an offence—
 - (a) under a provision of this Act specified in column 1 of Part I of Schedule 4 to this Act in relation to which there appears in column 6 of that Part the word " obligatory " or the word " obligatory " qualified by conditions relating to the offence; and
 - (b) where the said word " obligatory " is so qualified, the conditions are satisfied in the case of the offence of which he is convicted ;or where a person is convicted of an offence specified in Part II or Part III of that Schedule (any such offence being in this section referred to as an " offence involving obligatory endorsement "), the court shall order that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, shall be endorsed on any licence held by him; and particulars of any conviction or disqualification so endorsed may be produced as prima facie evidence of the conviction or disqualification.
- (2) If the court does not order the said person to be disqualified, the court need not order particulars of the conviction to be endorsed as aforesaid if for special reasons it thinks fit not to do so.
- (3) An order that the particulars of a conviction or of a disqualification to which the convicted person has become subject are to be endorsed on any licence held by him shall, whether he is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain shall be so endorsed until he becomes entitled under subsection (7) below to have a licence issued to him free from the particulars.
- (4) A person who is prosecuted for an offence involving obligatory endorsement and who is the holder of a licence, shall either—
 - (a) cause it to be delivered to the clerk of the court not later than the day before the date appointed for the hearing, or
 - (b) post it, at such a time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the clerk and either registered or sent by the recorded delivery service, or
 - (c) have it with him at the hearing;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

and if he is convicted of the offence and the court makes an order under subsection (1) above the court shall require the licence to be produced to it for endorsement; and if the offender has not posted the licence or caused it to be delivered as aforesaid and does not produce it as required then, unless he satisfies the court that he has applied for a new licence and has not received it, he shall be guilty of an offence and the licence shall be suspended from the time when its production was required until it is produced to the court and shall, while suspended, be of no effect.

- (5) On the issue of a new licence to a person any particulars ordered to be endorsed on any licence held by him shall be entered on the licence unless he has become entitled under subsection (7) below to have a licence issued to him free from those particulars.
- (6) If a person whose licence has been ordered to be endorsed with any particulars and who has not previously become entitled under subsection (7) below to have a licence issued to him free from those particulars applies for or obtains a licence without giving particulars of the order, he shall be guilty of an offence and any licence so obtained shall be of no effect.
- (7) Where an order has been made in respect of a person under this section or any previous enactment requiring any licence held by him to be endorsed with any particulars, he shall be entitled, on applying for the grant of a licence in pursuance of section 88(1) (a) of this Act and satisfying the other requirements of that subsection, to have issued to him a new licence free from the particulars, if the application is made not less than three years after the date of the conviction in consequence of which the order was made or, if it was a conviction of an offence under any of the following provisions of this Act, namely section 5(1), 6(1) or 9(3) (where the latter was an offence involving obligatory disqualification), not less than ten years after that conviction.

102 Combination of disqualification and endorsement with probation orders and orders for discharge in England or Wales

- (1) Notwithstanding anything in section 12(2) of the Criminal Justice Act 1948 (conviction of an offender placed on probation or discharged to be disregarded for the purposes of enactments relating to disqualification), a court in England or Wales which on convicting a person of an offence involving obligatory or discretionary disqualification makes a probation order or an order discharging him absolutely or conditionally may on that occasion also exercise any power conferred, and shall also discharge any duty imposed, on the court by section 93 or 101 of this Act.
- (2) A conviction in respect of which a court in England or Wales has ordered a person to be disqualified or of which particulars have been endorsed on any licence held by him shall, notwithstanding anything in section 12(1) of the said Act of 1948 (conviction of offender placed on probation or discharged to be disregarded for the purpose of subsequent proceedings), be taken into account in determining his liability to punishment or disqualification for any offence involving obligatory or discretionary disqualification committed subsequently.

103 Interim disqualification on committal in England or Wales under s.56 of Criminal Justice Act 1967, etc.

- (1) Where under section 56(1) of the Criminal Justice Act 1967 or any enactment to which that section applies a magistrates' court commits an offender to the Crown Court and by reason of the provisions of the said section 56 the magistrates' court does not exercise its power or discharge its duty under section 93 of this Act of ordering the offender

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

to be disqualified, it may nevertheless order him to be disqualified until the court to which he is committed has dealt with him in respect of the offence.

- (2) Where a court in England or Wales makes an order under subsection (1) above in respect of any person, it shall require him to produce to the court any licence, and any Northern Ireland licence, held by him and shall cause such licence to be sent to the clerk of the court to which he is committed ; and if he does not produce any such licence as required he shall be guilty of an offence.
- (3) Where a court in England or Wales makes any such order in respect of any person, sections 101(1), 105(2) to (4) and 111(2) of this Act shall not apply in relation to the order, but the court shall send notice of the order to the Secretary of State ; and the court to which he is committed shall, if it determines not to order him to be disqualified under section 93 of this Act, send notice of the determination to the Secretary of State.
- (4) Where a person is committed to the Crown Court under the said section 56 or any enactment to which that section applies to be dealt with in respect of an offence involving obligatory or discretionary disqualification and no order is made in his case under subsection (1) above, section 101(4) of this Act shall apply to him as it applies to a person who is prosecuted for such an offence and convicted before that court.
- (5) A period of disqualification imposed on any person by virtue of section 56(5) of the said Act of 1967 (exercise by the court to which a person is committed for sentence, etc., of certain powers of magistrates' courts) shall be treated as reduced by any period during which he was disqualified by reason only of an order made under subsection (1) above; but a period during which he was so disqualified shall not be taken into account under this subsection for the purpose of reducing more than one other period of disqualification.
- (6) A notice sent by a court to the Secretary of State in pursuance of subsection (3) above shall be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.
- (7) In this section " Northern Ireland licence " means a licence under any such provision as is mentioned in section 111(1) of this Act.

104 Information as to date of birth and sex

- (1) If on convicting a person of an offence involving obligatory or discretionary disqualification or of such other offence as may be prescribed, the court orders his driving licence to be endorsed or orders him to be disqualified under section 103(1) of this Act and does not know his date of birth, the court shall order him to state that date in writing.
- (2) It shall be the duty of a person giving a notification to the clerk of a court in pursuance of section 1(2) of the Magistrates' Courts Act 1957 (which relates to pleas of guilty in the absence of the accused) in respect of an offence mentioned in subsection (1) above to include in the notification a statement of the date of birth and the sex of the accused; and in a case where the foregoing provisions of this subsection are not complied with the court shall, if on convicting the accused it orders his driving licence to be endorsed or orders him to be disqualified under the said section 103(1) and does not know his date of birth or sex, order him to furnish that information in writing to the court.
- (3) Nothing in section 56(5) of the Criminal Justice Act 1967 (which provides that where a magistrates' court commits a person to another court under subsection (1) of that

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

section, certain of its powers and duties are transferred to that other court) shall apply to any duty imposed upon a magistrates' court by the foregoing provisions of this section in consequence of an order for disqualification made under the said section 103(1).

- (4) A person who knowingly fails to comply with an order under subsection (1) or (2) above shall be guilty of an offence.
- (5) Where in accordance with this section a person has stated his date of birth to a court or in such a notification as aforesaid, the Secretary of State may serve on that person a notice in writing requiring him to furnish the Secretary of State—
- (a) with such evidence in that person's possession or obtainable by him as the Secretary of State may specify for the purpose of verifying that date ; and
 - (b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time;

and a person who knowingly fails to comply with a notice under this subsection shall be guilty of an offence.

- (6) In the application of this section to Scotland—
- (a) for subsection (2) there shall be substituted the following subsection:

“(2) Where, in pursuance of section 26(3) of the Summary Jurisdiction (Scotland) Act 1954 (pleas in absence of accused), a person gives written intimation of a plea of guilty in respect of an offence mentioned in subsection (1) above, he shall include in that written intimation a statement of the accused's date of birth and sex, and in a case where the foregoing provisions of this subsection are not complied with the court, if on convicting the accused it orders his licence to be endorsed and does not know his date of birth or sex, shall order him to furnish that information in writing to the court.”
 - (b) subsection (3) does not apply ;
 - (c) in subsection (5) for the word " notification " there shall be substituted the words " written intimation ".

105 Supplementary provisions as to disqualifications and endorsements

- (1) In any case where a court exercises its power under section 93 or 101 of this Act not to order any disqualification or endorsement or to order disqualification for a shorter period than would otherwise be required, it shall state the grounds for doing so in open court and, if it is a magistrates' court or, in Scotland, a court of summary jurisdiction, shall cause them to be entered in the register (or, in Scotland, record) of its proceedings.
- (2) Where a court orders particulars to be endorsed on a licence held by a person, or where by an order of a court a person is disqualified, the court shall send notice of the order to the Secretary of State and, in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to the Secretary of State, who may dispose of it as he thinks fit; but where the disqualification expires or is removed before the expiration of the period for which the licence was granted and the person to whom it was granted makes to the Secretary of State during that period, in such form and containing such particulars supported by such evidence or further evidence as the Secretary of State may specify, a demand for the grant of a new licence for the period for which the licence aforesaid was granted, the Secretary of State shall comply with the demand.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) Where on an appeal against any such order the appeal is allowed, the court by which the appeal is allowed shall send notice thereof to the Secretary of State.
- (4) Where a person is disqualified by order of a court under section 93(7) of this Act, section 5(7) of the Road Traffic Act 1962 or section 104(3) of the Road Traffic Act 1960, then on the issue to him of a licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, since the order was made, passed the prescribed test.
- (5) A notice sent by a court to the Secretary of State in pursuance of this section shall be sent in such manner and to such address and contain such particulars as the Secretary of State may determine, and a licence so sent in pursuance of this section shall be sent to such address as the Secretary of State may determine.

Supplementary

106 Conduct of proceedings in certain courts by or against the Secretary of State

- (1) Any proceedings by or against the Secretary of State in a magistrates' court or before the registrar of a county court under this Part of this Act may be conducted on behalf of the Secretary of State by a person authorised by him for the purposes of this subsection.
- (2) Any proceedings in any court in Scotland, other than the High Court of Justiciary or the Court of Session, against the Secretary of State under this Part of this Act may be conducted on behalf of the Secretary of State by any person authorised by him for the purposes of this subsection.

107 Regulations for purposes of Part III

- (1) The Secretary of State may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act, and otherwise for the purpose of carrying section 4 or this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to—
 - (a) licences,
 - (b) the making of any particulars with respect to any persons who are disqualified or whose licences are suspended or endorsed available for use by the police,
 - (c) the preventing of a person holding more than one licence,
 - (d) the facilitating of identification of holders of licences, and
 - (e) the providing for the issue of a new licence in the place of a licence lost or defaced on payment of such fee as may be prescribed;and different regulations may be made as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.
- (2) Regulations made by the Secretary of State under this Part of this Act may—
 - (a) make different provision for different circumstances ;
 - (b) provide for exemptions from any provisions of the regulations; and
 - (c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations;and nothing in any other provision of section 4 or this Part of this Act shall be construed as prejudicing the generality of the foregoing provisions of this subsection.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) Any fee prescribed under this Part of this Act shall be of an amount approved by the Treasury, and different fees may be prescribed for different circumstances.

108 Destination of fees for licences, etc., under Part III

- (1) All fees received by the Secretary of State for licences under this Part of this Act shall be paid into the Consolidated Fund.
- (2) Fees in respect of tests of competence to drive payable by virtue of regulations having effect by virtue of section 85(2) of this Act shall be paid to such person as may be prescribed by the regulations, and any such fees received by a person so prescribed (other than any as to which the regulations provide that they are to be paid to the person conducting the test and retained by him as remuneration) shall be paid into the Consolidated Fund.

109 Service of notices

A notice authorised to be served on any person by section 87, 89(2) or 104(5) of this Act may be served on him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this section and section 26 of the Interpretation Act 1889 in its application to this section the proper address of any person shall be his latest address as known to the person serving the notice.

110 Interpretation of Part III

In this Part of this Act and section 4 thereof, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

" disqualified " means disqualified for holding or obtaining a licence, and " disqualification " shall be construed accordingly;

" licence " means a licence to drive a motor vehicle granted under this Part of this Act;

" offence involving obligatory disqualification " has the meaning given to it by section 93(1) of this Act;

" offence involving discretionary disqualification " has the meaning given to it by section 93(2) of this Act; " prescribed " means prescribed by regulations ;

" provisional licence " means a licence granted by virtue of section 88(2) of this Act;

" regulations " means regulations made under section 107 of this Act;

" test of competence to drive " means such a test conducted under section 85 of this Act;

111 Provisions as to Northern Ireland drivers' licences

- (1) If the Secretary of State certifies that satisfactory provision is made by the law of Northern Ireland for the granting of licences to drive motor vehicles, it shall be lawful for the holder of such a licence to drive and be employed in driving in Great Britain a motor vehicle of any class which he is authorised by that licence to drive, and which he is not disqualified from driving under this Part of this Act, notwithstanding that he is not the holder of a licence under this Part of this Act:

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Provided that any such driver shall be under the like obligation to produce such a licence as if it had been a licence granted under this Part of this Act, and the provisions of this Act as to the production of licences granted thereunder shall apply accordingly.

- (2) The holder of any such licence who by an order of the court is disqualified for holding or obtaining a licence under this Part of this Act shall produce the licence so held by him to the court within such time as the court may determine, and the court shall, on production of the licence, forward it to the Secretary of State; and if the holder fails to produce the licence within such time as aforesaid, he shall be guilty of an offence.
- (3) If the holder of any such licence is convicted of an offence and the court orders particulars of the conviction to be endorsed in accordance with section 101 of this Act, the court shall send those particulars to the Secretary of State.