Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

Physical fitness

92 Requirements as to physical fitness of drivers.

(1) An application for the grant of a licence must 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 relevant disability or any prospective disability.

(2) In this Part of this Act—

"disability" includes disease,

"relevant disability" in relation to any person means—

(a) any prescribed disability, and

(b) any other disability likely to cause the driving of a vehicle by him in pursuance of a licence to be a source of danger to the public, and

"prospective disability" in relation to any person means any other disability which—

(a) at the time of the application for the grant of a licence or, as the case may be, the material time for the purposes of the provision in which the expression is used, is not of such a kind that it is a relevant disability, but

(b) by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in course of time.

(3) If it appears from the applicant's declaration, or if on inquiry the Secretary of State is satisfied from other information, that the applicant is suffering from a relevant disability, the Secretary of State must, subject to the following provisions of this section, refuse to grant the licence.

Status: *Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988, Cross Heading: Physical fitness is up to date with all changes known to be in force on or before 04 June 2024. 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)*

(4) The Secretary of State must not by virtue of subsection (3) above refuse to grant a licence—

(a) on account of any relevant disability which is prescribed for the purposes of this paragraph, 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 which is prescribed for the purposes of this paragraph, if the application is for a provisional licence.

(5) Where as a result of a test of competence to drive **[**[F1]or of information obtained under the relevant powers**]**the Secretary of State is satisfied that the person who took the test **[**[F1]or in relation to whom the information was obtained**]**is suffering from a disability such that there is likely to be a danger to the public—

(a) if he drives any vehicle, or

(b) if he drives a vehicle other than a vehicle of a particular **[**[F2]class**]**,

the Secretary of State must serve notice in writing to that effect on that person and must include in the notice a description of the disability.

(6) Where a notice is served in pursuance of subsection (5)(a) above, then—

(a) if the disability is not prescribed under subsection (2) above, it shall be deemed to be so prescribed in relation to the person who took the test, and

(b) if the disability is prescribed for the purposes of subsection (4)(c) above it shall be deemed not to be so prescribed in relation to him.

(7) Where a notice is served in pursuance of subsection (5)(b) above, any licence granted to the person who took the test shall be limited to vehicles of the particular **[**[F3]class**]**specified in the notice **[**[F4]and, if the Secretary of State so directs in the notice, his entitlement to drive other classes of vehicles by virtue of section 98(2) of this Act shall be limited as specified in the notice**]**.

[[F5](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.

(7B) In subsection (5) above the references to a test of competence to drive and to information obtained under the relevant power 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 is revoked by virtue of subsection (7A) above must deliver the licence **[**[F6]and its counterpart**]**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.**]**

Status: *Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988, Cross Heading: Physical fitness is up to date with all changes known to be in force on or before 04 June 2024. 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)*

(8) In this section "relevant test", in relation to an application for a licence, means any such test of competence as is mentioned in section 89 of this Act or a test as to fitness or ability in pursuance of section 100 of the [M1]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.

(9) Without prejudice to subsection (8) above, for the purposes of subsection (4)(a) above—

(a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he has passed a test of competence to drive which, under a provision of a relevant external law corresponding to subsections (3) and (4) or (6) and (7) of section 89 of this Act, either is prescribed in relation to vehicles of 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, and

[[F7](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**]**

(b) in the case of an applicant who is treated as having passed a relevant test by virtue of paragraph (a) above, disclosure of a disability to **[**[F8]the authority having power under the relevant external law to grant a licence to drive a motor vehicle**][**[F8]his licensing authority**]**shall be treated as disclosure to the Secretary of State.

[[F9]In this subsection "relevant external law" has the meaning given by section 89(2) of this Act.**]**

Textual Amendments

F1 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(2)**

F2 Word substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(2)**

F3 Word substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(3)**

F4 Words added by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(3)**

F5 S. 92(7A)–(7C) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(4)**

F6 Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 1(a)**

F7 S. 92(9)(a) with subparagraphs (i) and (ii) substituted (1.4.1991) for para. (a) without subparagraphs by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(5)(a)**

F8 Words "his licensing authority" substituted (1.4.1991) for words commencing "the authority" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(5)(b)**

F9 Words repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

Status: *Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988, Cross Heading: Physical fitness is up to date with all changes known to be in force on or before 04 June 2024. 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)*

Modifications etc. (not altering text)

C1 S. 92(4)(a) modified by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(1)**

Marginal Citations

M1 1960 c. 16.

93 Revocation of licence because of disability or prospective disability.

(1) If the Secretary of State is at any time satisfied on inquiry—

(a) that a licence holder is suffering from a relevant disability, and

(b) that the Secretary of State would be required by virtue of section 92(3) or (7) of this Act to refuse an application for the licence made by him at that time,

the Secretary of State may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(2) If the Secretary of State is at any time satisfied on inquiry that a licence holder is suffering from a prospective disability, the Secretary of State may—

(a) serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice, and

(b) on receipt of the licence so revoked **[**[F10]and its counterpart**]**and of an application made for the purposes of this subsection, grant to the licence holder, free of charge, a new licence for a period determined by the Secretary of State under section 99(1)(b) of this Act.

(3) A person whose licence is revoked under subsection (1) or (2) above must deliver up the licence **[**[F11]and its counterpart**]**to the Secretary of State forthwith after the revocation **[**[F12]and a person who, without reasonable excuse, fails to do so is guilty of an offence.**]**

(4) Where a person whose licence is revoked under subsection (1) or (2) above—

(a) is not in possession of his licence **[**[F13]or its counterpart**]**in consequence of the fact that he has surrendered **[**[F14]them**]**to a constable or authorised person (within the meaning of Part III of the [M2]Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act but

(b) delivers **[**[F14]them**]**to the Secretary of State immediately on **[**[F14]their**]**return,

he is not in breach of the duty under subsection (3) above.

Textual Amendments

F10 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(a)**

F11 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(b)**

F12 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(6)**

F13 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(c)(i)(ii)(iii)**

F14 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(c)(i)(ii)(iii)**

Status: *Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988, Cross Heading: Physical fitness is up to date with all changes known to be in force on or before 04 June 2024. 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)*

Marginal Citations
M2 1988 c. 53.

94 Provision of information, etc. relating to disabilities.

(1) If at any time during the period for which his licence remains in force, a licence holder becomes aware—
  (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Secretary of State, or
  (b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the licence was granted,

the licence holder must forthwith notify the Secretary of State in writing of the nature and extent of his disability.

(2) The licence holder is not required to notify the Secretary of State under subsection (1) above if—
  (a) the disability is one from which he has not previously suffered, and
  (b) he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of three months beginning with the date on which he first becomes aware that he suffers from it.

(3) A person who fails without reasonable excuse to notify the Secretary of State as required by subsection (1) above is guilty of an offence.

(4) If **[**[F15]the prescribed circumstances obtain in relation to a person who is an applicant for, or the holder of, a licence of if**]**the Secretary of State has reasonable grounds for believing that a person who is an applicant for, or the holder of, a licence may be suffering from a relevant or prospective disability, subsection (5) below applies for the purpose of enabling the Secretary of State to satisfy himself whether or not **[**[F16]that person may be suffering from that or any other relevant or prospective disability**]**.

(5) The Secretary of State may by notice in writing served on the applicant or holder—
  (a) require him to provide the Secretary of State, within such reasonable time as may be specified in the notice, with such an authorisation as is mentioned in subsection (6) below, or
  (b) require him, as soon as practicable, to arrange to submit himself for examination—
    (i) by such registered medical practitioner or practitioners as may be nominated by the Secretary of State, or
    (ii) with respect to a disability of a prescribed description, by such officer of the Secretary of State as may be so nominated,

  for the purpose of determining whether or not he suffers or has at any time suffered from a relevant or prospective disability, or
  (c) except where the application is for, or the licence held is, a provisional licence, require him to submit himself for **[**[F17]such a test of competence to drive as the Secretary of State directs in the notice.**]**

(6) The authorisation referred to in subsection (5)(a) above—
  (a) shall be in such form and contain such particulars as may be specified in the notice by which it is required to be provided, and

Status: *Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988, Cross Heading: Physical fitness is up to date with all changes known to be in force on or before 04 June 2024. 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)*

(b) shall authorise any registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned to release to the Secretary of State any information which he may have, or which may be available to him, with respect to the question whether, and if so to what extent, the applicant or licence holder concerned may be suffering, or may at any time have suffered, from a relevant or prospective disability.

(7) If he considers it appropriate to do so in the case of any applicant or licence holder, the Secretary of State—

(a) may include in a single notice under subsection (5) above requirements under more than one paragraph of that subsection, and

(b) may at any time after the service of a notice under that subsection serve a further notice or notices under that subsection.

(8) If any person on whom a notice is served under subsection (5) above—

(a) fails without reasonable excuse to comply with a requirement contained in the notice, or

(b) fails any test of competence which he is required to take as mentioned in paragraph (c) of that subsection,

the Secretary of State may exercise his powers under sections 92 and 93 of this Act as if he were satisfied that the applicant or licence holder concerned is suffering from a relevant disability which is not prescribed for the purposes of any paragraph of section 92(4) of this Act or, if the Secretary of State so determines, as if he were satisfied that the applicant or licence holder concerned is suffering from a prospective disability.

(9) **[**[F18]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**]**defray any fees or other reasonable expenses of a registered medical practitioner in connection with—

(a) the provision of information in pursuance of an authorisation required to be provided under subsection (5)(a) above, or

(b) any examination which a person is required to undergo as mentioned in subsection (5)(b) above.

Textual Amendments

F15 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(7)(a)**

F16 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(7)(b)**

F17 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(8)**

F18 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(9)**

Status: *Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988, Cross Heading: Physical fitness is up to date with all changes known to be in force on or before 04 June 2024. 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)*

VALID FROM 01/07/1992

[F19 94A Driving after refusal or revocation of licence.

(1) A person who drives a motor vehicle of any class on a road otherwise than in accordance with a licence authorising him to drive a motor vehicle of that class is guilty of an offence if—

(a) at any earlier time the Secretary of State has in accordance with section 92(3) of this Act refused to grant such a licence, or has under section 93(1) or (2) revoked such a licence, and

(b) he has not since that earlier time held such a licence.

(2) Section 88 of this Act shall apply in relation to subsection (1) above as it applies in relation to section 87.**]**

Textual Amendments

F19 S. 94A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 18(3)**; S.I. 1992/1286, **art. 2**,Sch.

95 Notification of refusal of insurance on grounds of health.

(1) If an authorised insurer refuses to issue to any person such a policy of insurance as complies with the requirements of Part VI of this Act on the ground that the state of health of that person is not satisfactory, or on grounds which include that ground, the insurer shall as soon as practicable notify the Secretary of State of that refusal and of the full name, address, sex and date of birth of that person as disclosed by him to the insurer.

(2) In subsection (1) above "authorised insurer" means a person or body of persons carrying on insurance business within Group 2 in Part II of Schedule 2 to the [M3]Insurance Companies Act 1982 and being a member of the Motor Insurers' Bureau (a company limited by guarantee and incorporated under the [M4]Companies Act 1929 on 14th June 1946).

Marginal Citations

M3 1982 c. 50.

M4 1929 c. 23.

96 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 is 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

Status: *Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988, Cross Heading: Physical fitness is up to date with all changes known to be in force on or before 04 June 2024. 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)*

the purpose of ascertaining whether, using no other means of correction than he used at the time of driving, he can comply with the requirement concerned.

(3) If that person refuses to submit to the test he is guilty of an offence.

Modifications etc. (not altering text)

C2 S. 96 modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

Status:
Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:
Road Traffic Act 1988, Cross Heading: Physical fitness is up to date with all changes known to be in force on or before 04 June 2024. 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.