



Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

Tests

89 Tests of competence to drive.

- (1) A licence authorising the driving of motor vehicles of any class shall not be granted to any person unless he [^{F1}meets the relevant residence requirement and satisfies the Secretary of State]—
- [^{F2}(a) that at some time during the period of two years ending with the date the application is made but not earlier than the appointed day he has passed—
- (i) the test of competence to drive prescribed by virtue of subsection (3) below, or
 - (ii) a Northern Ireland test of competence to drive which corresponds to such a test, or
 - (iii) a test of competence which under subsection (6) below is a sufficient test;
- or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or
- (b) that at some time not earlier than the appointed day he has held—
- (i) a full licence authorising the driving of vehicles of that class, or
 - (ii) a full Northern Ireland licence authorising the driving of vehicles of that or a corresponding class;
- or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or
- (c) that at some time during the period of two years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class [^{F3} . . . for the purpose of obtaining a British Forces licence; or

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- (d) that at some time not earlier than the appointed day he has held a full British external licence or a full British Forces licence to drive vehicles of that or a corresponding class or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or
- (e) that at some time during the period of two years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class conducted under the law ^{F4} . . . of Gibraltar ^{F5} . . . ; or
- [^{F6}(ea) that either at the time of the application for the licence he holds a Community licence authorising the driving of vehicles of that or a corresponding class or at some time he has held such a Community licence; or]]
- [^{F7}(f) that, at the time of the application for the licence, he holds an exchangeable licence authorising the driving of vehicles of that or a corresponding class.]

This subsection is subject to the provisions of this Part of this Act as to provisional licences and to the provisions of any regulations made by virtue of section 105(2)(f) of this Act.

[^{F8}(1A) An applicant meets the relevant residence requirement referred to in subsection (1) above if on the date the application for the licence is made—

- (a) in a case where he satisfies the Secretary of State in respect of paragraph (ea) of that subsection, he is normally resident in the United Kingdom or has been attending a course of study in the United Kingdom during the period of six months ending on that date;
- (b) in a case where he satisfies the Secretary of State in respect of paragraph (f) of that subsection, he is normally resident in Great Britain but has not been so resident for more than the prescribed period; and
- (c) in any other case, he is normally resident in Great Britain.]

[^{F9}(2) For the purposes of subsection (1) above—

- [^{F10}(a) a licence which has been revoked under section 99(3) of this Act or under any corresponding provision of—
 - (i) the law of Northern Ireland,
 - (ii) the relevant external law, or
 - (iii) the law of an EEA State other than the United Kingdom,
 as a licence granted in error shall be disregarded for the purposes of paragraph (b), (d) or (ea) (as the case may be) of that subsection;]
- (b)
- (c) a British external licence to drive any class of goods vehicle or any class of passenger-carrying vehicle is to be disregarded for the purposes of paragraph (d) of that subsection unless the Secretary of State, by order made by statutory instrument, designates the relevant external law under which it is granted as one which makes satisfactory provision for the granting of such licences.]

[^{F11}(2A) Except as provided under subsection (5A) below, no person submitting himself for a test of competence to drive a motor bicycle shall be permitted to take the test unless he furnishes the prescribed certificate of completion by him of an approved training course for motor cyclists either with his application for an appointment for a test or to the person who is to conduct the test.]

(3) Regulations may make provision with respect to—

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- (a) the nature of tests of competence to drive for the purposes of this section, [F12 and section 36 of the Road Traffic Offenders Act 1988 (disqualification),]
 - (b) the qualifications, selection and appointment of persons by whom they may be conducted and the revocation of any appointment,
 - (c) evidence of the results of such tests,
- and generally with respect to such tests.
- (4) In particular, regulations may, without prejudice to the generality of subsection (3) above, provide—
- (a) for requiring a person submitting himself for a test to provide a vehicle for the purposes of the test [F13, in the case of prescribed classes of goods vehicle, loaded or unloaded as may be prescribed and, if requirements as respects loading are prescribed, loaded in accordance with the requirements],
 - [F14(aa) for requiring a person submitting himself for a test to have been normally resident in Great Britain or the United Kingdom for such period ending on the date of his appointment for the test as may be prescribed,]
 - (b) for requiring a fee, of such amount as may be specified in the regulations or, in such cases as may be prescribed, specified by such person as may be prescribed, 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 for 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 section 90 of this Act,
- and different regulations may be made with respect to tests of competence to drive different classes of vehicles.
- (5) If regulations make provision for a test of competence to drive to consist of separate parts, they may make for each part—
- (a) any provision that could be made for a test not consisting of separate parts, and
 - (b) provision for the supply by the Secretary of State of forms for certificates evidencing the results and for charges to be made for the supply.
- [F15(5A) Regulations may prescribe cases in which persons are exempt from the requirement imposed by subsection (2A) above; and the regulations may—
- (a) limit the exemption to persons in prescribed circumstances;
 - (b) limit the exemption to a prescribed period;
 - (c) attach conditions to the exemption; and
 - (d) regulate applications for, and the issue and form of, certificates evidencing a person's exemption from that requirement.]
- (6) For the purposes of subsection [F16(1)(a)(iii) above or section 89A(2)(b)(iii) below], 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 [F17 all] classes which are designated by regulations as a group for the purposes of subsection (1)(a) above, if at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group [F18, and]

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- [^{F18}(c) vehicles of all classes included in another such group, if a person passing the test is treated by virtue of regulations made for the purposes of this paragraph as competent also to drive vehicles of a class included in that other group.]
- (7) If vehicles of any classes are designated by regulations as a group for the purposes of subsection (1)(b) above, a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of subsection [^{F19}(1)(b)(i) above or section 89A(4)(a) below to authorise the driving of—
- (a) vehicles of all classes included in the group [^{F20}(except where regulations otherwise provide)], and
 - (b) vehicles of all classes included in another such group, if a person holding the licence is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group].
- The reference in this subsection to a licence does not include a licence which has been revoked in pursuance of section 99(3) of this Act.
- (8) For the purposes of this section and section 88(1) of this Act, an exchangeable licence issued in respect of a [^{F21} . . . , country or territory shall not be treated as authorising a person to drive a vehicle of any [^{F22}class] if—
- (a) the licence is not for the time being valid for that purpose, or
 - (b) it was issued in respect of that [^{F22}class] for a purpose corresponding to that mentioned in section 97(2) of this Act.
- [^{F23}(9) A test of competence falling within paragraphs (a)(ii), (c) or (e) of subsection (1) above shall be sufficient for the granting of a licence authorising the driving of—
- (a) vehicles of all classes designated by regulations as a group for the purposes of subsection (1)(a) above, if [^{F24}(except where regulations otherwise provide)] at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group, or of any class corresponding to a class included in the group, and
 - (b) vehicles of all classes included in another such group, if a person passing a test of competence authorising the granting of a licence to drive vehicles of a class included in the group mentioned in paragraph (a) above is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group.
- (10) A full Northern Ireland licence, a full British external licence, a full British Forces licence [^{F25}, a Community licence] or an exchangeable licence shall be treated for the purposes of paragraphs (b)(ii), (d) [^{F26}, (ea)] or (f) (as the case may be) of subsection (1) above as authorising the driving of—
- (a) [^{F27}(except where regulations otherwise provide)] vehicles of all classes designated by regulations as a group for the purposes of subsection (1)(b) above, if the licence authorises the driving of vehicles of any class included in the group, or any class corresponding to a class included in the group, and
 - (b) vehicles of all classes included in another such group, if by virtue of regulations a person holding a licence authorising him to drive vehicles of any class included in the group mentioned in paragraph (a) above is treated as competent also to drive vehicles of a class included in that other group.
- (11) [^{F28} . . . In this section and section 89A “the appointed day” means the day appointed for the coming into force of section 1 of the Road Traffic (Driver Licensing and Information Systems) Act 1989.]

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Textual Amendments

- F1** Words in s. 89(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(a)**
- F2** S. 89(a)–(f) substituted (1.4.1991) for paras. (a)–(d) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 4(1)(2)
- F3** Words in s. 89(1)(c) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(b)**
- F4** Words in s. 89(1)(e) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(c)(i)**
- F5** Words in s. 89(1)(e) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(c)(ii)**
- F6** S. 89(1)(ea) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(d)**
- F7** S. 89(1)(f) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(e)**
- F8** S. 89(1A) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(3)**
- F9** S. 89(2) substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 4(1)(3)
- F10** S. 89(2)(a) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(4)(a)**
- F11** S. 89(2A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(1)(a)
- F12** Words in s. 89(3)(a) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 63**; S.I. 1992/1286, art. 2, **Sch.**
- F13** Words in s. 89(4)(a) inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(a)**
- F14** S. 89(4)(aa) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(5)**
- F15** S. 89(5A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 6(1)(b)
- F16** Words in s. 89(6) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(b)(i)**
- F17** Word in s. 89(6)(b) substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(b)(ii)**
- F18** S. 89(6)(c) and word immediately preceding it inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(b)(iii)**
- F19** Words in s. 89(7)(including paras. (a) and (b)) substituted (1.4.1991) for words by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(c)**
- F20** Words in s. 89(7)(a) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(6)**
- F21** Words in s. 89(8) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(7)**
- F22** Word in s. 89(8) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(d)**
- F23** S. 89(9)–(11) substituted (1.4.1991) for s. 89(9) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(e)**
- F24** Words in s. 89(9)(a) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(8)**
- F25** Words in s. 89(10) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(9)(a)**
- F26** Words in s. 89(10) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(9)(b)**

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- F27** Words in s. 89(10)(a) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(9)(c)**
- F28** Words in s. 89(11) omitted (23.7.1996 for specified purposes otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(10)**

Modifications etc. (not altering text)

- C1** S. 89(2A) excluded by S.I. 1987/1378, **regs. 23E(2)(4), 23F, 23G(1)** (as inserted by S.I. 1990/2334, **reg. 4**)

[^{F29}89A The alternative requirements to those in section 89.

- (1) The alternative requirements referred to in section 89(1) of this Act are the following.
- (2) The requirement which is alternative to that specified in section 89(1)(a) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (3) below—
 - (a) is available to that person if the application is made within the period of ten years beginning with the appointed day, and
 - (b) is that at some time before the appointed day and during the period of ten years ending with the date the application is made he has passed—
 - (i) the test of competence to drive prescribed by virtue of section 89(3) of this Act or a test of competence to drive which corresponds to such a test, or
 - (ii) a Northern Ireland test of competence to drive which corresponds to any test falling within (i) above, or
 - (iii) a test of competence which under section 89(6) of this Act is a sufficient test or a test of competence to drive which corresponds to such a test.
- (3) The requirement which is alternative to that specified in section 89(1)(a) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this subsection—
 - (a) is available to that person if the application is made within the period of five years beginning with the appointed day, and
 - (b) is that at some time before the appointed day and during the period of five years ending with the date the application is made he has passed—
 - (i) a test of competence to drive a heavy goods vehicle or public service vehicle of a class corresponding to the class of vehicle to which his application relates, or
 - (ii) a corresponding Northern Ireland test of competence to drive a heavy goods vehicle or public service vehicle of a class which corresponds to the class of goods vehicle or passenger-carrying vehicle to which his application relates.
- (4) The requirement which is alternative to that specified in section 89(1)(b) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (5) below is that at some time before the appointed day but not earlier than 1st January 1976 he has held—

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- (a) a full licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates, or
 - (b) a full Northern Ireland licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates.
- (5) The requirement which is alternative to that specified in section 89(1)(b) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this subsection is that at some time before the appointed day but not earlier than the beginning of the period of five years ending with the appointed day he has held—
- (a) a full heavy goods vehicle or a public service vehicle driver’s licence authorising the driving of vehicles of a class corresponding to the class of vehicle to which his application relates, or
 - (b) a full Northern Ireland licence to drive heavy goods vehicles of a class corresponding to the class of vehicle to which his application relates or a Northern Ireland licence to drive public service vehicles of a class corresponding to the class of vehicle to which his application relates.
- (6) The requirement which is alternative to that specified in section 89(1)(d) on an application by a person for a licence authorising the driving of motor vehicles of any class—
- (a) is available to that person if the application is made within the period of ten years beginning with the appointed day, and
 - (b) is that at some time before the appointed day and during the period of ten years ending with the date the application is made he has held a full British external licence or a full British Forces licence to drive vehicles of that or a corresponding class.
- (7) In this section “heavy goods vehicle” and “public service vehicle” have the same meaning as they had for the purposes of Part IV of this Act or section 22 of the Public Passenger Vehicles Act ^{M1}1981 before their repeal by section 1 of the Road Traffic (Driver Licensing and Information Systems) Act 1989.]

Textual Amendments

F29 S. 89A inserted (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989](#) (c. 22, SIF 107:1), s. 4(1)(4)

Marginal Citations

M1 1981 c.14 (107:1).

90 Review of conduct of test.

- (1) On the application of a person who has submitted himself for a test of competence to drive—
- (a) a magistrates’ court acting for the petty sessions area in which he resides, or
 - (b) in Scotland, the sheriff within whose jurisdiction he resides,
- may determine whether the test was properly conducted in accordance with regulations.

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- (2) The court or, as the case may be, sheriff may, if it appears that the test was not so conducted—
 - (a) order that the applicant shall be eligible to submit himself for another test before the expiration of the period specified for the purposes of section 89(4)(c) of this Act, and
 - (b) 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.
- (3) If regulations make provision for a test of competence to drive to consist of separate parts, this section applies in relation to each part as well as in relation to the whole of the test.

91 Repayment of test fees.

A fee paid in pursuance of regulations made by virtue of section 89(4) of this Act on application for an appointment for a test may be repaid in the following cases and not otherwise—

- (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,
- (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
- (d) if an order for the repayment of the fee is made by the court or, as the case may be, sheriff under section 90 of this Act pursuant to a finding that the test was not properly conducted in accordance with the regulations.

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