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# Road Traffic Act 1988

## 1988 CHAPTER 52

### [<sup>F1</sup>PART IV

LICENSING OF DRIVERS OF LARGE GOODS VEHICLES AND PASSENGER-CARRYING VEHICLES.]

*Licensing of drivers of large goods vehicles and passenger-carrying vehicles.*

[<sup>F1</sup>110 (1) Licences under Part III of this Act to drive motor vehicles of classes which include large goods vehicles or passenger-carrying vehicles or large goods vehicles or passenger-carrying vehicles of any class shall be granted by the Secretary of State in accordance with this Part of this Act and shall, in so far as they authorise the driving of large goods vehicles or passenger-carrying vehicles, be otherwise subject to this Part of this Act in addition to Part III of this Act.

(2) In this Part of this Act—

“large goods vehicle driver’s licence” means a licence under Part III of this Act in so far as it authorises a person to drive large goods vehicles of any class; and

“passenger-carrying vehicle driver’s licence” means a licence under Part III of this Act in so far as it authorises a person to drive passenger-carrying vehicles of any class.]

#### Textual Amendments

**F1** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, [Sch. 6](#) it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and

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of section 22 of the [Public Passenger Vehicles Act 1981 \(c. 14\)](#) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

## [<sup>F2</sup>111] **Functions of traffic commissioners.**

- (1) The traffic commissioner for any area constituted for the purposes of the Public Passenger Vehicles Act <sup>M1</sup>1981 shall exercise the functions conferred by the following provisions of this Part of this Act relating to the conduct of applicants for and holders of large goods vehicle and passenger-carrying vehicle drivers' licences.
- (2) Traffic commissioners shall, in the exercise of those functions, act in accordance with directions given by the Secretary of State; but such directions shall be general directions not relating to the exercise of functions in a particular case.]

### Textual Amendments

**F2** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the [Public Passenger Vehicles Act 1981 \(c. 14\)](#) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

### Marginal Citations

**M1** [1981 c.14 \(107:1\)](#)

## [<sup>F3</sup>112] **Grants of licences: fitness as regards conduct.**

The Secretary of State shall not grant to an applicant a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence unless he is satisfied, having regard to his conduct, that he is a fit person to hold the licence applied for.]

### Textual Amendments

**F3** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the [Public Passenger Vehicles Act 1981 \(c. 14\)](#) to take account of the abolition by

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section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

#### [<sup>F4</sup>113 **Grant of licences: referral of matters of conduct to traffic commissioners.**

- (1) Any question arising under section 112 of this Act relating to the conduct of an applicant for a licence may be referred by the Secretary of State to the traffic commissioner for the area in which the applicant resides.
- (2) On any reference under subsection (1) above, the traffic commissioner shall determine whether the applicant for the licence is or is not, having regard to his conduct, a fit person to hold a licence to drive large goods vehicles or passenger-carrying vehicles, as the case may be.
- (3) A traffic commissioner to whom a reference has been made under this section may require the applicant for the licence to furnish the commissioner with such information as he may require and may, by notice to the applicant, require him to attend before the commissioner at the time and place specified by the commissioner to furnish the information and to answer such questions (if any) relating to his application as the commissioner may put to him.
- (4) If the applicant fails without reasonable excuse to furnish information to or attend before or answer questions properly put by a commissioner when required to do so under subsection (3) above, the commissioner may decline to proceed further with the application and, if he does so, the commissioner shall notify the Secretary of State of that fact and the Secretary of State shall refuse to grant the licence.
- (5) The traffic commissioner to whom a reference has been made under this section shall, unless he has declined to proceed further with the application, notify the Secretary of State and the applicant of his determination in the matter and the decision of the commissioner shall be binding on the Secretary of State.]

#### **Textual Amendments**

**F4** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, [Sch. 6](#) it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the [Public Passenger Vehicles Act 1981 \(c. 14\)](#) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

#### [<sup>F5</sup>114 **Conditions of certain licences.**

- (1) A large goods vehicle or passenger-carrying vehicle driver's licence issued as a provisional licence, or a full large goods vehicle or passenger-carrying vehicle driver's licence issued to a person under the age of 21, shall be subject to the prescribed

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conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions he is guilty of an offence.

- (2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a large goods vehicle of any class or a passenger-carrying vehicle of any class in contravention of the prescribed conditions to which that other person's licence is subject.]

#### Textual Amendments

- F5** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, [Sch. 6](#) it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the [Public Passenger Vehicles Act 1981 \(c. 14\)](#) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

#### [<sup>F6</sup>115 Revocation or suspension of licences.

- (1) A large goods vehicle or passenger-carrying vehicle driver's licence—
- (a) must be revoked if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;
  - (b) must be revoked or suspended if his conduct is such as to make him unfit to hold such a licence;
- and where the licence is suspended under paragraph (b) above it shall during the time of suspension be of no effect.
- (2) Where it appears that the conduct of the holder of a licence falls within both paragraph (a) and paragraph (b) of subsection (1) above, proceedings shall be taken or continued under paragraph (a) and not under paragraph (b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.
- (3) Regulations made for the purposes of subsection (1)(a) above—
- (a) may make different provision for large goods vehicles and for passenger-carrying vehicles and for different descriptions of persons; and
  - (b) shall provide for the determination of the cases in which, under section 117 of this Act, a person whose licence has been revoked is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.]

#### Textual Amendments

- F6** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, [Sch. 6](#) it is provided that Pt. IV (first appearing in text) shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (appearing second in text) of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which— (a) apply both to the licensing of the drivers

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of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

### **115A Community licence holders: cessation of authorisation, etc.**

- (1) Where, in relation to a holder of a LGV Community licence or PCV Community licence who is normally resident in Great Britain—
  - (a) there exist immediately before the relevant date, or there come into existence on or after that date, such circumstances relating to his conduct as may be prescribed; or
  - (b) his conduct is such as to make him unfit to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods vehicle or passenger-carrying vehicle (as the case may be),

the Secretary of State must serve notice on the holder requiring him to deliver the Community licence and its counterpart (if any) immediately to the Secretary of State and it shall be the duty of the holder to comply with that requirement.
- (2) Where a notice is served in pursuance of subsection (1)(a) or (b) above on the holder of a LGV Community licence or a PCV Community licence, he shall cease to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods vehicle or passenger-carrying vehicle (as the case may be) from such date as is specified in the notice, not being earlier than the date of service of the notice.
- (3) Where it appears to the Secretary of State that the conduct of a Community licence holder falls within both paragraph (a) and paragraph (b) of subsection (1) above, the Secretary of State must serve notice on the holder in pursuance of the former paragraph only.
- (4) Any Community licence holder who fails without reasonable excuse to comply with his duty under subsection (1) above is guilty of an offence.
- (5) In this section “relevant date”, in relation to a Community licence holder who is normally resident in Great Britain, has the same meaning as in section 99A(8) of this Act.

### **[<sup>F8</sup>116 Revocation or suspension of licences: referral of matters of conduct to traffic commissioners.**

- (1) Any question arising under section 115(1)(b) of this Act as to whether a person is or is not, by reason of his conduct, fit to hold a large goods vehicle or passenger-carrying vehicle driver’s licence, as the case may be, may be referred by the Secretary of State to the traffic commissioner for the area in which the holder of the licence resides.
- (2) Where, on any reference under subsection (1) above, the traffic commissioner determines that the holder of the licence is not fit to hold a large goods vehicle or passenger-carrying vehicle driver’s licence, as the case may be, he shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence

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should be disqualified under section 117(2)(a) of this Act (and, if so, for what period) or under section 117(2)(b) of this Act.

- (3) A traffic commissioner to whom a reference has been made under subsection (1) above may require the holder of the licence to furnish the commissioner with such information as he may require and may, by notice to the holder, require him to attend before the commissioner at the time and place specified by the commissioner to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as the commissioner may put to him.
- (4) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put by a commissioner when required to do so under subsection (3) above, the commissioner may notify the failure to the Secretary of State and, if the commissioner does so, the Secretary of State may, as he thinks fit, revoke the licence or suspend it for such period as he thinks fit.
- (5) Except where he has given such a notification as is mentioned in subsection (4) above, the traffic commissioner to whom a reference has been made under subsection (1) above shall notify his determination in the matter to the Secretary of State and the holder of the licence and the decision of the commissioner shall be binding on the Secretary of State.
- (6) Where the Secretary of State, without making such a reference, determines to revoke or suspend a person's licence under section 115(1) of this Act he shall notify his determination in the matter to the holder of the licence and, where he suspends it, to the traffic commissioner for the area in which the holder of the licence resides.]

#### Textual Amendments

- F8** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, [Sch. 6](#) it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the [Public Passenger Vehicles Act 1981 \(c. 14\)](#) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

#### [<sup>F9</sup>117 Disqualification on revocation of licence.

- (1) Where in pursuance of section 115(1)(a) of this Act the Secretary of State revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, the Secretary of State must, in accordance with the regulations made for the purposes of that paragraph, order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.
- (2) Where in pursuance of section 115(1)(b) of this Act the Secretary of State revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, the Secretary of State may—

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- (a) order the holder to be disqualified indefinitely or for such period as the Secretary of State thinks fit, or
  - (b) except where the licence is a provisional licence, if it appears to the Secretary of State that, owing to the conduct of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part III of this Act until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test.
- (3) If, while the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under subsection (1) above, the circumstances prescribed for the purposes of section 115(1)(a) of this Act cease to exist in his case, the Secretary of State must, on an application made to him for the purpose, remove the disqualification.
- (4) Where the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under subsection (2)(a) above, the Secretary of State may, in such circumstances as may be prescribed, remove the disqualification.
- (5) Where the holder of a full licence is disqualified under subsection (2)(b) above, the Secretary of State must not afterwards grant him a full licence to drive a large goods vehicle or passenger-carrying vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.
- (6) So long as the disqualification under subsection (1) or (2)(a) above of the holder of a large goods vehicle or passenger-carrying vehicle driver's licence continues in force, a large goods vehicle or passenger-carrying vehicle driver's licence must not be granted to him and any such licence obtained by him shall be of no effect.
- (7) In this section "disqualified"—
- (a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and
  - (b) in a case of revocation of a passenger-carrying vehicle driver's licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive passenger-carrying vehicles of the prescribed classes.]

### Textual Amendments

- F9** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, [Sch. 6](#) it is provided that Pt. IV (first appearing in text) shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (appearing second in text) of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which— (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

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### **117A Community licences: disqualification etc.**

- (1) Where a notice is served on a Community licence holder in pursuance of section 115A(1)(a) of this Act, the Secretary of State must, in accordance with the regulations made in pursuance of section 115(3), order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.
- (2) Where a notice is served on a Community licence holder in pursuance of section 115A(1)(b) of this Act, the Secretary of State may—
  - (a) order that person to be disqualified indefinitely or for such period as the Secretary of State thinks fit,
  - (b) if it appears to the Secretary of State that, owing to the conduct of the Community licence holder, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part III of this Act until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test, or
  - (c) on receipt of the Community licence and its counterpart (if any), grant to the Community licence holder, free of charge, a large goods vehicle or passenger-carrying vehicle driver's licence which shall take effect from such date as the Secretary of State may determine.
- (3) Where a Community licence holder is disqualified in pursuance of subsection (1) or (2) above, the Secretary of State must, on receipt of the Community licence and its counterpart (if any), issue to the Community licence holder, free of charge, a licence authorising the driving of the classes of vehicle which are unaffected by the disqualification.
- (4) If, while the holder of a LGV Community licence or a PCV Community licence is disqualified under subsection (1) above, the circumstances prescribed for the purposes of section 115A(1)(a) of this Act cease to exist in his case, the Secretary of State must, on an application made to him for the purpose, remove the disqualification.
- (5) Where the holder of a LGV Community licence or a PCV Community licence is disqualified under subsection (2)(a) above, the Secretary of State may, in such circumstances as may be prescribed, remove the disqualification.
- (6) In this section “disqualified”—
  - (a) in a case where notice is served in pursuance of section 115A(1) of this Act on a Community licence holder on the ground of his conduct as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and
  - (b) in a case where notice is served in pursuance of section 115A(1) of this Act on a holder of a PCV Community licence on the ground of his conduct otherwise than as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive passenger-carrying vehicles of the prescribed classes.

### **[<sup>F11</sup>118 Revoked or suspended licences: surrender, return and endorsement.**

- (1) Where, in pursuance of section 115 of this Act, the Secretary of State revokes a licence, he must serve notice on the holder of the licence requiring him to deliver the licence



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and its counterpart forthwith to the Secretary of State, and it shall be the duty of the holder of the licence to comply with the requirement.

(2) Where, in pursuance of section 115 of this Act, the Secretary of State suspends a licence, then—

- (a) where he does so without making any reference under section 116 of this Act to a traffic commissioner, the Secretary of State must serve notice on the holder of the licence requiring him to deliver the licence and its counterpart forthwith to the traffic commissioner for the area in which the holder of the licence resides;
- (b) where he does so in pursuance of a determination of a traffic commissioner on such a reference, the traffic commissioner must, if the licence and its counterpart have not previously been delivered to him, serve notice on the holder of the licence requiring him to deliver them forthwith to the commissioner;

and it shall be the duty of the holder of the licence to comply with the requirement.

(3) Any holder of a licence who fails without reasonable excuse to comply with his duty under subsection (1) or (2) above is guilty of an offence.

(4) On the delivery of a licence and its counterpart by a person to the Secretary of State in pursuance of subsection (1) above, the Secretary of State must issue to him, on payment of such fee (if any) as may be prescribed, a licence authorising the driving of the classes of vehicles which are unaffected by the revocation.

(5) On the delivery of a suspended licence and its counterpart to a traffic commissioner, the traffic commissioner must endorse the counterpart of the licence with particulars of the suspension and return the licence and its counterpart to the holder.]

### Textual Amendments

**F11** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, [Sch. 6](#) it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the [Public Passenger Vehicles Act 1981 \(c. 14\)](#) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

### [<sup>F12</sup>119 Appeals to magistrates' court or sheriff

- (1) A person who, being the holder of, or an applicant for, a large goods vehicle or passenger-carrying vehicle driver's licence, is aggrieved by the Secretary of State's—
  - (a) refusal or failure to grant such a licence in pursuance of section 112 or 113(4) of this Act,
  - (b) suspension or revocation of such a licence in pursuance of section 115 or 116(4) of this Act, or
  - (c) ordering of disqualification under section 117(2) of this Act,

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may, after giving to the Secretary of State and any traffic commissioner to whom the matter was referred notice of his intention to do so, appeal to a magistrates' court acting for the petty sessions area in which the holder of or applicant for the licence resides or, in Scotland, to the sheriff within whose jurisdiction he resides.

- (2) On any appeal under subsection (1)(a) or (b) above the Secretary of State and, if the matter was referred to a traffic commissioner, the commissioner shall be respondent.
- (3) On any appeal under subsection (1) above 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.]

#### Textual Amendments

**F12** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, [Sch. 6](#) it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the [Public Passenger Vehicles Act 1981 \(c. 14\)](#) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

#### [<sup>F13</sup>120 Regulations.

- (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 generally for the purpose of carrying the provisions of this Part of this Act into effect.
- (2) Regulations under this section may in particular require applicants for tests of competence under Part III of this Act to drive large goods vehicles or passenger-carrying vehicles or for large goods vehicle or passenger-carrying vehicle driver's licences (whether full or provisional) to have such qualifications, experience and knowledge as may be prescribed and, in particular, where they are to be authorised to drive large goods vehicles or passenger-carrying vehicles of any class at an age below the normal minimum age for driving vehicles of that class, to fulfil such requirements with respect to participation in an approved training scheme for drivers as may be prescribed.
- (3) In subsection (2) above—
 

“approved training scheme for drivers” means a training scheme for drivers (as defined in section 101(5) of this Act) approved for the time being by the Secretary of State for the purposes of regulations under that section; and

“normal minimum age for driving”, in relation to the driving of vehicles of any class, means the age which is in force under section 101 of this Act (but apart from any approved training scheme for drivers) in relation to that class of vehicle.
- (4) Regulations under this section may make different provision as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.

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- (5) Regulations under this section may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence.
- (6) The Secretary of State may by regulations provide that this Part of this Act shall not apply to large goods vehicles or passenger-carrying vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.]

### Textual Amendments

**F13** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, [Sch. 6](#) it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the [Public Passenger Vehicles Act 1981 \(c. 14\)](#) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

### [<sup>F14</sup>121 Interpretation.

- (1) In this Part of this Act—

“conduct” means—

- (a) in relation to an applicant for or the holder of a large goods vehicle driver’s licence, his conduct as a driver of a motor vehicle, and
- (b) in relation to an applicant for or the holder of a passenger-carrying vehicle driver’s licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a passenger-carrying vehicle driver’s licence,

including, in either case, such conduct in Northern Ireland;

“counterpart”, in relation to a licence to drive under Part III of this Act, has the same meaning as in that Part;

“full licence” means a large goods vehicle or passenger-carrying vehicle driver’s licence other than a provisional licence;

“large goods vehicle” means—

- (a) an articulated goods vehicle, or
- (b) a motor vehicle (not being an articulated goods vehicle) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes;

“passenger-carrying vehicle” means—

- (a) a large passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers which is constructed or adapted to carry more than 16 passengers, or
- (b) a small passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers for hire or reward which is constructed or adapted to carry more than 8 but not more than 16 passengers;

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“notice” means notice in writing and “notify” shall be construed accordingly;

“prescribed” means, unless the context requires otherwise, prescribed by regulations under section 120 of this Act;

“provisional licence” means a licence granted by virtue of section 97(2) of this Act;

and “articulated goods vehicle” and “permissible maximum weight” have the same meanings as in Part III of this Act.]

#### Textual Amendments

**F14** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, [Sch. 6](#) it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the [Public Passenger Vehicles Act 1981 \(c. 14\)](#) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

#### [<sup>F15</sup>122 Provisions as to Northern Ireland licences.

- (1) In this section “Northern Ireland driving licence” has the same meaning as in Part III of this Act.
- (2) The Secretary of State may exercise as respects Great Britain the like power of revoking or suspending any Northern Ireland driving licence and of making an order under section 117(2) of this Act as is conferred on him in relation to a large goods vehicle or passenger-carrying vehicle driver’s licence by sections 115(1)(b) and 117(2) of this Act, and the provisions of sections 115(1), 116, 117 and (with the exception of subsection (3)) 118 shall have effect accordingly subject to the modification that references to the traffic commissioner for the area in which the holder of the licence resides shall be construed as references to the prescribed traffic commissioner.
- (3) Where a revoked Northern Ireland driving licence and its counterpart are surrendered to the Secretary of State in pursuance of section 118 of this Act, the Secretary of State shall send them to the licensing authority in Northern Ireland together with particulars of the revocation.
- (4) A holder of a Northern Ireland driving licence who is aggrieved by the revocation or suspension of the licence or the ordering of disqualification by virtue of subsection (2) above shall have the like right of appeal as is conferred by section 119 of this Act except that an appeal brought by virtue of this subsection shall, if the appellant is not resident in Great Britain, lie to a prescribed magistrates’ court or a prescribed sheriff.]

#### Textual Amendments

**F15** Pt. IV (ss. 110–122): by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 1(1)(2)(7), 16, [Sch. 6](#) it is provided that Pt. IV (entitled "Licensing of drivers of heavy

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goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the [Public Passenger Vehicles Act 1981 \(c. 14\)](#) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

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