



Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

Requirement to hold licence

88 Exceptions.

- (1) Notwithstanding section 87 of this Act, a person may drive or cause or permit another person to drive a vehicle of any class [^{F1}at any time] if—
- [^{F2}(a) the driver has held—
- (i) a licence under this Part of this Act to drive vehicles of that or a corresponding class, or
 - [a Community licence to drive vehicles of that or a corresponding
 - ^{F3}(ia) class, or]
 - (ii) a Northern Ireland licence to drive vehicles of that or a corresponding class, or
 - (iii) a British external licence or British Forces licence to drive vehicles of that or a corresponding class, or
 - (iv) an exchangeable licence to drive vehicles of that or a corresponding class, and
- (b) either—
- (i) a qualifying application by the driver for the grant of a licence to drive vehicles of that class for a period which includes that time has been received by the Secretary of State, or
 - [a licence to drive vehicles of that class granted to him has been
 - ^{F4}(ii) revoked or surrendered in pursuance of section 99(2A), (3) or (4) of this Act otherwise than by reason of a current disqualification or of its having been granted in error and he has complied with any requirements imposed on him under section 99(7B) of this Act, and]]

Status: Point in time view as at 14/07/2014. This version of this provision has been superseded.

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- (c) any conditions which by virtue of section 97(3) or 98(2) of this Act apply to the driving under the authority of the licence of vehicles of that class are complied with.

[^{F5}(1A) An application for the grant of a licence to drive vehicles of any class is a qualifying application for the purposes of subsection (1)(b)(i) above if—

- (a) the requirements of paragraphs (a), (b) so far as it relates to initial evidence and (c) of section 97(1) of this Act have been satisfied;
- (b) the applicant—
 - (i) is not subject to a current disqualification which is relevant to the licence he applies for, and
 - (ii) is not prevented from obtaining it by section 89 of this Act [^{F6}or [^{F7}section 4 of or paragraph 6 or 9] of Schedule 1 to the Road Traffic (New Drivers) Act 1995]; and
- (c) the declaration made in pursuance of section 92(1) of this Act indicates that he is not suffering from a relevant disability.]

[^{F5}(1B) A disqualification is relevant to a licence for which a person makes an application if—

- (a) in the case of an application made by virtue of any provision of subsection (1) (a) above, the disqualification subsists under or by virtue of any provision of the Road Traffic Acts [^{F8}or Chapter 1 of Part 3 of the Crime (International Co-operation) Act 2003] and relates to vehicles of the class to which his application relates;
- [^{F9}(aa) in the case of an application made by virtue of subsection (1)(a)(ia) above, the disqualification subsists under or by virtue of any provision of the law of an EEA State (other than the United Kingdom) and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;]
- (b) in the case of an application made by virtue of subsection (1)(a)(ii) above, the disqualification subsists under or by virtue of any provision of the law of Northern Ireland and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;
- (c) in the case of an application made by virtue of subsection (1)(a)(iii) above, the disqualification subsists under or by virtue of any provision of the relevant external law or, as the case may be, is a disqualification for holding or obtaining a British Forces licence and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates; and
- (d) in the case of an application made by virtue of subsection (1)(a)(iv) above, the disqualification subsists under or by virtue of any provision of the law of the ^{F10} . . . country or territory under which the licence which he held was granted and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;

but a disqualification which does not prevent the person disqualified from obtaining a provisional licence or, as the case may be, a licence corresponding to a provisional licence is relevant to a full licence but not to a provisional licence.]

(2) The benefit of subsection (1) above does not extend—

- (a) beyond the date when a licence is granted in pursuance of the application mentioned in subsection (1)(b) above or (as the case may be) in pursuance of section 99(7) [^{F11}or (7A)] of this Act in consequence of the revocation or surrender so mentioned, or

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- (b) in a case where a licence is not in fact so granted, beyond the expiration of the period of one year or such shorter period as may be prescribed, beginning on the date of the application or (as the case may be) the revocation or surrender mentioned in subsection (1)(b) above [^{F12}, or]
- [^{F12}(c) in a case where a licence is refused under section 92(3) of this Act, beyond the day on which the applicant receives notice of the refusal.]
- [^{F13}(2A) Subsection (1) above does not apply by virtue of an application mentioned in paragraph (b) of that subsection having been received by the Secretary of State if—
 - (a) the application was made as a result of, or in anticipation of, the expiry of a disqualification relevant to the licence applied for,
 - (b) either the nature of the disqualification or its imposition within a particular period after an earlier disqualification amounted to circumstances prescribed under subsection (4) of section 94 of this Act (disqualification: high risk offenders), and
 - (c) the Secretary of State has notified the applicant that, because of that, he will be subject to a requirement under paragraph (a) or (b) of subsection (5) of that section.]
- (3) The Secretary of State may by regulations provide that subsection (1) above shall also apply (where the requirements of that subsection are otherwise met) in the case of a person who has not previously held a licence to drive vehicles of the relevant class.
- (4) Regulations made by virtue of subsection (3) above shall, if not previously revoked, expire at the end of the period of one year beginning with the day on which they came into operation.
- (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 section 87 of this Act as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if—
 - (a) he satisfies the prescribed conditions, and
 - (b) he 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.
- (6) Regulations made by virtue of subsection (5) above may provide for the application of any enactment relating to licences [^{F14}, counterparts of licences] or licence holders, with or without modifications, in relation to any such permit and its holder respectively.
- (7) Notwithstanding section 87 of this Act—
 - (a) a person who is not the holder of a licence may 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 86 of the ^{M1}Road Traffic Regulation Act 1984, under the orders of another person engaged in the driving of the vehicle who [^{F15}(i) is licensed in that behalf in accordance with the requirements of this Part and Part IV of this Act, or
 - (ii) is authorised by virtue of section 99A(1) of this Act to drive in Great Britain such a motor vehicle, and]
 - (b) a person may cause or permit another person who is not the holder of a licence so to act.
- [^{F16}(8) In this Part of this Act—

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“British external licence” means a licence granted in the Isle of Man or any of the Channel Islands under the relevant external law;

“British Forces licence” means a licence granted in the Federal Republic of Germany by the British authorities to members of the British Forces or of the civilian components of those Forces of their dependants; and

“relevant external law” means the law for the time being in force in the Isle of Man or any of the Channel Islands which corresponds to this Part of this Act.]

Textual Amendments

- F1** Words in s. 88(1) inserted (8.11.2006) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 58(1)**, 61(9)
- F2** S. 88(1)(a)(b) substituted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), **s. 3(2)**
- F3** S. 88(1)(a)(ia) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974](#), **reg. 2, Sch. 1 para. 1(2)**
- F4** S. 88(1)(b)(ii) substituted (1.7.1998) by [S.I. 1998/1420](#), **reg. 3(2)**
- F5** S. 88(1A)(1B) inserted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), **s. 3(3)**
- F6** Words in s. 88(1A)(b)(ii) inserted (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 2(2)(a)** (with ss. 8, 10(3)); [S.I. 1997/267](#), **art. 2(2)**
- F7** Words in s. 88(1A)(b)(ii) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), ss. 91(1), 94, **Sch. 5 para. 18(a)**; [S.I. 2004/2624](#), **art. 2(2)(b)**
- F8** Words in s. 88(1B)(a) inserted (28.1.2010) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), ss. 91(1), 94, **Sch. 5 para. 18(b)**; [S.I. 2008/3009](#), **art. 2**; London Gazette issue no. 59317 dated 26.1.2010, p. 1229; Edinburgh Gazette issue no. 26739 dated 26.1.2010, p. 244; Belfast Gazette issue no. 7156 dated 22.1.2010, p. 33
- F9** S. 88(1B)(aa) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974](#), **reg. 2, Sch. 1 para. 1(3)(a)**
- F10** Words in s. 88(1B)(d) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of [S.I. 1996/1974](#), **reg. 2, Sch. 1 para. 1(3)(b)**
- F11** Words in s. 88(2)(a) inserted (1.7.1998) by [S.I. 1998/1420](#), **reg. 3(3)**
- F12** S. 88(2)(c) and word immediately preceding it inserted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), **s. 3(4)**
- F13** S. 88(2A) inserted (1.6.2013) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 13(1)**, 61(1)(10) (with s. 13(2)); [S.I. 2013/1012](#), **art. 2**
- F14** Words inserted by [S.I. 1990/144](#), **regs. 2(1), 3, Sch. 1 para. 1**
- F15** S. 88(7)(a)(i)(ii) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) for words in s. 88(7)(a) by [S.I. 1996/1974](#), **reg. 2, Sch. 1 para. 1(4)**
- F16** S. 88(8) inserted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), **s. 3(5)**

Modifications etc. (not altering text)

- C1** S. 88 modified (16.8.2006) by [The Dover Harbour Revision Order 2006 \(S.I. 2006/2167\)](#), **art. 27**

Marginal Citations

- M1** 1984 c. 27.

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