



Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

Granting of licences, their form and duration

97 Grant of licences

- (1) Subject to subsection (2) below and section 92 of this Act, the Secretary of State must, on payment of such fee (if any) as may be prescribed, grant a licence to a person who—
 - (a) makes an application for it in such manner and containing such particulars as the Secretary of State may specify,
 - (b) provides the Secretary of State with such evidence or further evidence in support of the application as the Secretary of State may require,
 - (c) surrenders to the Secretary of State any previous licence granted to him after 1st June 1970 or provides the Secretary of State with an explanation for not surrendering it which the Secretary of State considers adequate and, where the application is made by virtue of section 89(1)(c) of this Act, surrenders to the Secretary of State his exchangeable licence, and
 - (d) is not disqualified by reason of age or otherwise from obtaining the licence for which he makes the application and is not prevented from obtaining it by the provisions of section 89 of this Act.
- (2) If the application for the licence states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in section 89 of this Act shall apply to such a licence.
- (3) A provisional licence—
 - (a) shall be granted subject to prescribed conditions,
 - (b) shall, in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed,

Status: This is the original version (as it was originally enacted).

- (c) may, in the case of a person appearing to the Secretary of State to be suffering from a relevant disability or a prospective disability, be restricted so as to authorise only the driving of vehicles of a particular construction or design specified in the licence, and
 - (d) shall not authorise a person, before he has passed a test of competence to drive, to drive a motor cycle having two wheels only, unless it is a learner motor cycle (as defined in subsection (5) below) or its first use (as defined in regulations) occurred before 1st January 1982 and the cylinder capacity of its engine does not exceed 125 cubic centimetres.
- (4) Regulations may authorise or require the Secretary of State to refuse a provisional licence authorising the driving of a motor cycle of a prescribed class if the applicant has held such a provisional licence and the licence applied for would come into force within the prescribed period—
- (a) beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor cycle, or
 - (b) beginning at such other time as may be prescribed.
- (5) A learner motor cycle is a motor cycle which either is propelled by electric power or has the following characteristics—
- (a) the cylinder capacity of its engine does not exceed 125 cubic centimetres,
 - (b) the maximum power output of its engine does not exceed nine kilowatts (as measured in accordance with International Standards Organisation standard 4106-1978.09.01), and
 - (c) its power to weight ratio does not exceed 100 kilowatts per metric tonne, the power being the maximum power output mentioned in paragraph (b) above and the weight that mentioned in subsection (6) below.
- (6) The weight referred to in subsection (5) above is the weight of the motor cycle with a full supply of fuel in its tank, an adequate supply of other liquids needed for its propulsion and no load other than its normal equipment, including loose tools.
- (7) A person who fails to comply with any condition applicable to him by virtue of subsection (3) above is guilty of an offence.