

Status: Point in time view as at 01/04/1991.

Changes to legislation: Road Traffic (Driver Licensing and Information Systems) Act 1989, Cross Heading: Revocation or suspension of existing licences is up to date with all changes known to be in force on or before 07 July 2023. 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)

SCHEDULES

SCHEDULE 1

EXISTING HGV AND PSV DRIVERS' LICENCES

PART I

EXISTING HGV AND PSV DRIVERS' LICENCES

Revocation or suspension of existing licences

- 5 (1) An existing heavy goods vehicle licence or public service vehicle licence—
- (a) must be revoked—
 - (i) if its holder develops such physical disability as may be prescribed, or
 - (ii) 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 or physical disability 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 or physical disability of the holder of an existing licence falls within both sub-paragraph (1)(a) above and sub-paragraph (1)(b) above, proceedings shall be taken or continued under sub-paragraph (1)(a) and not sub-paragraph (1)(b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.
- (3) Regulations made for the purposes of sub-paragraph (1)(a) above—
- (a) may make different provision for heavy goods vehicles and for public service vehicles and for different descriptions of persons; and
 - (b) shall provide for the determination of the cases in which, under paragraph 6 below, a person whose licence has been revoked is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.
- (4) Any question arising under sub-paragraph (1)(b) above as to whether a person is or is not, by reason of his conduct, fit to hold a heavy goods vehicle licence or a public service vehicle 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.
- (5) Where, on any reference under sub-paragraph (4) above, the traffic commissioner determines that the holder of the licence is not fit to hold a heavy goods vehicle licence or a public service vehicle 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

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licence should be disqualified under paragraph 6(2)(a) below (and, if so, for what period) or under paragraph 6(2)(b) below.

- (6) A traffic commissioner to whom a reference has been made under sub-paragraph (4) 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.
- (7) 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 sub-paragraph (6) 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.
- (8) Except where he has given such a notification as is mentioned in sub-paragraph (7) above, the traffic commissioner to whom a reference has been made under sub-paragraph (4) above shall notify the Secretary of State and the holder of the licence of his determination in the matter and the decision of the commissioner shall be binding on the Secretary of State.
- (9) Where the Secretary of State, without making such a reference, determines to revoke or suspend a person's licence under sub-paragraph (1) above 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.

Commencement Information

II Sch. 1 para. 5 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

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