

IMMIGRATION ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Access to Services etc

Chapter 2: Other Services etc

National Health Service

Driving licences

Section 46: Grant of driving licences: residence requirement

211. Section 97 of the Road Traffic Act 1988 (“the 1988 Act”) and Article 13 of the Road Traffic (Northern Ireland) Order 1981¹ (“the 1981 Order”) set out the circumstances in which the Secretary of State and Department of the Environment must grant Great Britain and Northern Ireland driving licences respectively.
212. *Subsection (1)* amends section 97(1) of the 1988 Act to provide that one of the conditions for the grant of a driving licence is that the person must meet the relevant residence requirement.
213. *Subsection (2)* inserts new section 97A after section 97 of the 1988 Act to define the residence requirement and provides, in particular, that a person will not meet this requirement where they require leave to enter or remain in the UK but do not have it.
214. *Subsections (3) and (4)* make corresponding provision to the 1981 Order in respect of the grant of driving licences in Northern Ireland.

Section 47: Revocation of driving licences on grounds of immigration status

215. *Subsection (1)* inserts into section 99 of the 1988 Act a power to revoke a driving licence where it appears to the Secretary of State that a licence holder is not lawfully resident in the UK (defined as where a person requires leave to enter or remain in the UK but does not have it). Provision is also made for persons who fail to surrender a driving licence that has been revoked on grounds of immigration status, without reasonable excuse, to be guilty of a criminal offence.
216. *Subsection (2)* makes provision for a person who is aggrieved by the Secretary of State’s decision to revoke their driving licence on the grounds that they were not lawfully resident in the UK to appeal to a magistrates’ court or, in Scotland, to the sheriff within whose jurisdiction he resides. In any appeal against the revocation of a driving licence, the court or sheriff is not entitled to entertain any questions as to whether the appellant should be, or should have been, granted leave to enter or remain in the UK or whether the appellant has been granted leave to enter or remain after the date that the Secretary of State served a revocation notice.

1 S.I. 1981/154 (N.I. 1)

*These notes refer to the Immigration Act 2014 (c.22)
which received Royal Assent on 14 May 2014*

217. *Subsections (3) and (4)* make corresponding provision to the 1981 Order in relation to the revocation of driving licences in Northern Ireland.