



# Road Traffic Act 1960

## 1960 CHAPTER 16

### PART II

#### MINIMUM AGE FOR DRIVING MOTOR VEHICLES AND LICENSING OF DRIVERS THEREOF

##### *Driving Licences*

#### **98 Drivers of motor vehicles to have driving licences**

- (1) A person shall not drive on a road a motor vehicle of any class or description unless he is the holder of a licence authorising him to drive a motor vehicle of that class or description.
- (2) A person shall not employ a person to drive on a road a motor vehicle of any class or description unless the person employed is the holder of a licence authorising him to drive a motor vehicle of that class or description.
- (3) A person who acts in contravention of subsection (1) or (2) of this section shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (4) Notwithstanding the foregoing provisions of this section, a person may, without holding a licence, 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 twenty-four of this Act, under the orders of another person engaged in the driving of the vehicle who is licensed in that behalf in accordance with the requirements of this Part of this Act and Part V thereof, and a person may employ another person who is not the holder of a licence so to act.

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## 99 Tests of competence to drive

- (1) Subject to the provisions of this Part of this Act as to provisional licences, a licence authorising the driving of motor vehicles of any class or description shall not be granted to a person unless he satisfies the licensing authority either—
  - (a) that at some time during the period of ten years ending on the date of coming into force of the licence applied for he has passed the test of competence to drive prescribed by virtue of the next following subsection or a test of competence which under subsection (5) of this section is a sufficient test, or
  - (b) that within the said period of ten years he has held a licence authorising the driving of vehicles of that class or description, not being a provisional licence or a licence granted by virtue of subsection (4) of this section.
  
- (2) Regulations may make provision with respect to the nature of tests of competence to drive for the purposes of this section, to the qualifications, selection and appointment of persons by whom they may be conducted and to the revocation of any appointment, to evidence of the results thereof and generally with respect thereto, and in particular, but without prejudice to the generality of the foregoing provisions, regulations having effect by virtue of this subsection may provide—
  - (a) for requiring a person submitting himself for a test to provide a vehicle for the purposes thereof;
  - (b) for requiring a person submitting himself for a test to pay such fee, not exceeding one pound, as may be specified in the regulations;
  - (c) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself to another test by the same or any other person before the expiration of a period specified in the regulations except under an order made by a court or sheriff under the power conferred by the next following subsection;

and different regulations may be made with respect to tests of competence to drive different classes or descriptions of vehicles.
  
- (3) A magistrates' court acting for the petty sessions area in which a person who has submitted himself for a test of competence to drive resides, or if he resides in Scotland, the sheriff within whose jurisdiction he resides, shall have power on the application of that person to determine whether the test was properly conducted in accordance with the regulations and, if it appears to the court or sheriff that the test was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another test before the expiration of the period specified for the purposes of paragraph (c) of the last foregoing subsection, and may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.
  
- (4) Regulations may provide for dispensing, in the case of any person not resident in Great Britain, with the requirements of subsection (1) of this section.
  
- (5) For the purposes of paragraph (a) of subsection (1) of this section a test of competence to drive is to be taken to be sufficient for the granting of a licence authorising the driving of vehicles of any class or description, if—
  - (a) in the case of a test passed before the first day of March, nineteen hundred and fifty-seven, it was on that day the prescribed test under section six of the Road Traffic Act, 1934, for that class or description, or the passing of the test would have authorised the granting on that day of a licence under Part I of the Road Traffic Act, 1930, comprising that class or description, or

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- (b) whenever the test was passed, the class or description is one to which at the time of the application for the licence this paragraph applied by virtue of regulations having effect by virtue of this section, or the corresponding provision of the enactments repealed by this Act applied by virtue of regulations under subsection (5) of the said section six, and the test, or any other test declared by such regulations to be equivalent thereto, was at that time the prescribed test under this section or the said section six for that class or description, or the passing of the test authorised the granting at that time of a licence under this Part of this Act or the said Part I comprising that class or description, or
- (c) whenever the test was passed, the class or description is one which by virtue of this subsection has been comprised in a licence under this Part of this Act or the said Part I previously granted to the applicant.

## **100 Requirements as to physical fitness of drivers**

- (1) On an application for the grant of a licence the applicant shall make a declaration in the prescribed form as to whether or not he is suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such a class or description as he would be authorised by the licence to drive, to be a source of danger to the public.
- (2) If from the declaration it appears that the applicant is suffering from any such disease or disability as aforesaid, or if on inquiry into other information the licensing authority are satisfied that the applicant is suffering from any such disease or disability, then subject to the following provisions of this section the licensing authority shall refuse to grant the licence.
- (3) The last foregoing subsection shall not prevent the grant of a licence limited to driving an invalid carriage in a case in which the licensing authority are satisfied of the applicant's fitness or ability to drive such a carriage.
- (4) Except in the case of such diseases and disabilities as may be prescribed, the applicant may, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorised by the licence to drive, and if he passes the prescribed test the licence shall not be refused by reason only of the provisions of subsection (2) of this section; but if the test proves his fitness or ability to drive vehicles of a particular construction or design only, the licence shall be limited to the driving of such vehicles.
- (5) If, on the application for the grant of a licence, the applicant makes a declaration that on the occasion of a previous application by him a licence was granted to him after passing such a test as aforesaid or making a declaration under proviso (c) to subsection (2) of section five of the Road Traffic Act, 1930 (which precluded the refusal, on grounds of disease or disability of a kind falling within that paragraph, of a licence under Part I of that Act in the case of a person who, on his first application for it, declared that during the six months preceding the application he had been in the habit of driving a motor vehicle of any such class or description as he would be authorised by the licence to drive and that the disease or disability from which he suffered did not cause the driving of such a motor vehicle by him to be a source of danger to the public), a further test shall not be required unless from the declaration as to physical fitness made by him for the purposes of his application, or from information received by the licensing authority, it appears that the disease or physical disability from which the applicant is

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suffering has become more acute, or that the applicant is suffering from some disease or disability not disclosed on the previous occasion or contracted since that occasion.

- (6) If it appears to a licensing authority that there is reason to believe that a person who holds a licence granted by them is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorised by the licence to drive, to be a source of danger to the public, and on inquiry into the matter the authority are satisfied that he is suffering from such a disease or disability as aforesaid, then, whether or not he has previously passed a test under this section, the licensing authority may, after giving him notice of their intention so to do, revoke the licence, and he shall, on receipt of the notice, deliver the licence to the licensing authority for cancellation:

Provided that the licence holder may, except in the case of any such disease or disability as may be prescribed, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle, and if he passes the prescribed test the licence shall not be revoked.

## **101 Grant of driving licences, fees therefor, and duration thereof**

- (1) For the purposes of this Part of this Act the licensing authority is the council of the county or county borough in which the applicant for a licence resides, or if he resides in Scotland—
- (a) the council of the county in which he resides unless he resides in such a burgh as is mentioned in the following paragraph;
  - (b) if he resides in a burgh containing within its boundary, as ascertained, fixed or determined for police purposes, a population, according to the census for the time being last taken, of or exceeding fifty thousand, the council of that burgh.
- (2) Subject to the provisions of the two last foregoing sections, the licensing authority shall on payment of the appropriate fee grant a licence to a person who applies for it in the prescribed manner and who is not, and makes a declaration in the prescribed form that he is not, disqualified by reason of age or otherwise for obtaining the licence for which he is applying.
- (3) Licences shall be in the prescribed form, and—
- (a) where under the provisions of this Part of this Act the applicant is subject to a restriction with respect to the driving of a class or description of motor vehicle, the extent of the restriction shall be specified in the prescribed manner on the licence;
  - (b) except in the case of a provisional licence, shall specify whether the licence authorises the holder to drive motor vehicles of all classes or descriptions or of certain classes or descriptions only, and in the latter case shall specify the classes or descriptions of vehicles which it authorises the holder to drive.
- (4) A licence shall, unless previously revoked or surrendered, remain in force for a period of three years from the date on which it is granted:

Provided that where the holder of a licence capable of remaining in force for three years surrenders it and applies under this section for a new licence he shall, if he so requires, be granted a licence at a reduced fee to continue in force only for the period for which the surrendered licence would have continued if not surrendered.

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- (5) The fee payable under subsection (2) of this section on the grant of a licence shall be fifteen shillings, and the reduced fee payable under the proviso to the last foregoing subsection shall be—
- (a) two shillings and sixpence, if by virtue of subsection (5) of section ninety-nine of this Act the licence granted comprises a class or description of vehicles not comprised in the surrendered licence,
  - (b) five shillings in any other case.
- (6) Subsections (4) and (5) of this section shall not apply to a provisional licence or to a licence granted to a person as resident outside the United Kingdom; but a licence granted as aforesaid shall, unless previously revoked or surrendered, remain in force for a period of twelve months from the date on which it is granted and the fee payable under subsection (2) of this section on the grant thereof shall be five shillings.
- (7) In any proceedings the fact that a licence has been granted to a person shall be evidence that for the purpose of obtaining the licence he made a declaration that he was not disqualified for holding or obtaining the licence.

## **102 Provisional licences**

- (1) For the purpose of enabling an applicant for the grant of a licence to learn to drive a motor vehicle with a view to passing a test of competence to drive or a test of fitness to drive, the licensing authority may, if so requested by him and on payment of such fee not exceeding ten shillings as may be prescribed, grant him a provisional licence to be in force for a period of six months.
- (2) A provisional licence shall be in the prescribed form and granted subject to the prescribed conditions.
- (3) If a person to whom a provisional licence is granted fails to comply with any of the conditions subject to which it is granted, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or on a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (4) Where an applicant for a provisional licence holds such a licence or has held one during the period of twelve months ending on the date of coming into force of the licence applied for, and has held a previous provisional licence within the period of twelve months ending on the date of coming into force of the last provisional licence held by him, the licensing authority may refuse to grant the licence applied for unless either—
- (a) the applicant has submitted himself to a test of competence to drive or test of fitness to drive during the currency of the last provisional licence held by him, or
  - (b) he satisfies the licensing authority that he has reasonable cause for not having done so,
- and (in either case) before the date of the application for the licence he has applied to submit himself to such a test to be taken within six months after the date of the application for the licence.

## **103 Appeal against refusal or revocation of licence**

A person who is aggrieved by the refusal under section one hundred of this Act of a licensing authority to grant a licence or by the revocation thereunder of a licence, or by

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the refusal under the last foregoing section of a licensing authority to grant a licence, may, after giving to the licensing authority notice of his intention so to do, appeal—

- (a) if he resides in England or Wales, to a magistrates' court acting for the petty sessions area in which he resides,
  - (b) if he resides in Scotland, to the sheriff within whose jurisdiction he resides,
- and on any such appeal the court or sheriff may make such order as it or he thinks fit and an order so made shall be binding on the licensing authority.

#### **104 Disqualification on conviction of certain offences**

- (1) The court before which a person is convicted of an offence specified in the first column of the Eleventh Schedule to this Act—
  - (a) may, subject to any limitation specified in relation to that offence in the second column of that Schedule, order him to be disqualified for holding or obtaining a licence for such period as the court thinks fit;
  - (b) if the conviction is one specified in the third column of the said Eleventh Schedule as involving obligatory disqualification, shall (without prejudice to the power to order a longer period of disqualification) order him to be disqualified as aforesaid in accordance with any provisions of the said third column as to the period of disqualification, unless under those provisions it is permissible for the court to order otherwise and it so orders in accordance with those provisions.
- (2) The obligation imposed by paragraph (b) of the foregoing subsection to order a person to be disqualified if convicted of an offence shall not apply to a conviction of aiding, abetting, counselling or procuring, or inciting to, the commission of the offence; and in the case of an offence under section two of this Act the power conferred by paragraph (a) of that subsection to order a person to be disqualified shall not be exercisable as respects such a conviction as aforesaid unless it is proved that he was present in the vehicle at the time of the commission of the offence.
- (3) The court before which a person is convicted of an offence under section two or three of this Act or under subsection (1) of section six thereof may, whether he has previously passed the prescribed test of competence to drive or not and whether or not the court makes an order under subsection (1) of this section, order him to be disqualified for holding or obtaining a licence to drive a motor vehicle until he has, since the date of the order, passed that test; and a disqualification by virtue of an order under this subsection shall be deemed to have expired on production to the licensing authority of evidence in the prescribed form that the person disqualified has, since the order was made, passed that test.

#### **105 Appeal against disqualification, and rule for determining end of period thereof**

- (1) A person disqualified by an order of a court for holding or obtaining a licence may appeal against the order in the same manner as against a conviction, and the court by or before which he was convicted may, if it thinks fit, pending the appeal suspend the disqualification.
- (2) In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction for holding or obtaining a licence, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

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## **106 Removal of disqualification**

- (1) Subject to the provisions of this section, a person who by an order of a court is disqualified for holding or obtaining a licence may apply to the court by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.
- (2) No application shall be made under the foregoing subsection for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is to say—
  - (a) six months, if the disqualification is for less than a year,
  - (b) one half of the period of the disqualification, if it is for less than six years but not less than a year,
  - (c) three years in any other case;and in determining the expiration of the period after which under this subsection a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.
- (3) Where an application under subsection (1) of this section is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.
- (4) If under this section a court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.
- (5) The foregoing provisions of this section shall not apply where the disqualification was imposed by order under subsection (3) of section one hundred and four of this Act.

## **107 Disqualification of persons under age**

A person who under section ninety-seven of this Act is prohibited by reason of his age from driving a motor vehicle or a motor vehicle of any class or description is disqualified for holding or obtaining a licence other than a licence authorising him to drive such motor vehicles, if any, as he is not by the said section ninety-seven forbidden to drive.

## **108 Disqualification to prevent duplication of licences**

A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class or description so long as he is the holder of another licence authorising him to drive a motor vehicle of that class or description, whether the licence is suspended or not.

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### **109 Effect of disqualification**

- (1) Where the holder of a licence is disqualified by an order of a court for holding or obtaining a licence, the licence shall be suspended so long as the disqualification continues in force, and during the time of suspension shall be of no effect.
- (2) A licence obtained by any person disqualified for holding or obtaining a licence shall be of no effect.
- (3) Notwithstanding anything in this Part of this Act, a person disqualified by order of a court under subsection (3) of section one hundred and four of this Act shall (unless he is disqualified for holding or obtaining a licence otherwise than by virtue of such an order) be entitled to obtain and to hold a provisional licence to be granted (where the person disqualified is the holder of a licence, by the licensing authority by which that licence was granted) under section one hundred and two of this Act, and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted.

### **110 Offence of applying for or obtaining licence, or driving, while disqualified**

If a person disqualified for holding or obtaining a licence—

- (a) applies for or obtains a licence while he is so disqualified, or
- (b) while he is so disqualified drives on a road a motor vehicle, or if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description,

he shall be liable on summary conviction to imprisonment for a term not exceeding six months, or, if the court thinks that having regard to the special circumstances of the case a fine would be an adequate punishment for the offence, to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

### **111 Endorsement of licences**

- (1) The court before which a person is convicted of an offence specified in the first column of the Eleventh Schedule to this Act may order that particulars of the conviction shall be endorsed on any licence held by him; and particulars of a conviction so endorsed may be produced as prima facie evidence of the conviction.
- (2) Where the court orders a person to be disqualified for holding or obtaining a licence, the court shall exercise the power conferred by the foregoing subsection, and the particulars to be endorsed on the licence shall include particulars of the disqualification.
- (3) Where the conviction is one specified in the fourth column of the Eleventh Schedule to this Act as involving obligatory endorsement, then without prejudice to the last foregoing subsection the court shall exercise the power conferred by subsection (1) of this section unless under the provisions of that column it is permissible for the court to order otherwise and it so orders in accordance with those provisions.
- (4) An order that the particulars of a conviction or of a disqualification to which the convicted person has become subject are to be endorsed on any licence held by him shall, whether he is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain shall be so endorsed until he becomes entitled under the following provisions of this section to have a licence issued to him free from endorsement.



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(5) Subject to the next following subsection, where an order is made requiring any licence held by an offender to be endorsed, then—

- (a) if he is at the time the holder of a licence he shall, if so required by the court, produce the licence within five days or such longer time as the court may determine for the purpose of endorsement; and
- (b) if he is not then the holder of a licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the court for the purpose of endorsement,

and a person who fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months; and a licence required to be produced by or under this subsection which is not produced within the time specified in that behalf shall be suspended from the expiration of that time until it is produced for the purpose of endorsement and during the time of suspension shall be of no effect

(6) Paragraph (a) of the last foregoing subsection shall not apply where the offender is prosecuted for an offence specified in paragraph 4, 5, 6 or 22 of the Eleventh Schedule to this Act, but if in any such case, at the time of the alleged offence, he is the holder of a licence, he shall either—

- (a) cause it to be delivered to the clerk of the court not later than the day before the date appointed for the hearing, or
- (b) send it by registered letter duly addressed to the clerk and posted at such a time that in the ordinary course of post it would be delivered not later than that day, or
- (c) have it with him at the hearing,

and, if he is convicted of the offence, the court may require the licence to be produced to it ; and if default is made in the production of a licence pursuant to a requirement under the foregoing provisions of this subsection, the holder shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, and the licence shall be suspended from the time of the requirement until it is produced to the court and during the time of suspension shall be of no effect

(7) On the issue of a new licence to a person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under the following provisions of this section to have a licence issued to him free from endorsement

(8) If a person whose licence has been ordered to be endorsed and who has not previously become entitled under the following provisions of this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be liable—

- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding six months;
- (b) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months;

and any licence so obtained shall be of no effect.

(9) Where an order has been made in respect of a person under this Part of this Act requiring the endorsement of any licence held by him he shall be entitled, either on

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applying for the grant of a licence or, subject to a payment of a fee of five shillings and subject to surrender of any subsisting licence, on application at any time, to have issued to him a new licence free from endorsements—

- (a) if he has, during a continuous period of three years or upwards since the order was made, had no such order made against him, or no such order other than an order made more than one year before the date of his application and by reason only of a conviction for the offence of driving a motor vehicle at a speed exceeding a speed limit; or
- (b) where the order was made by reason only of such a conviction as aforesaid and immediately before the order was made he was the holder of, or was entitled to have issued to him, a licence free from any endorsement or free from any endorsement except of particulars in relation to such a conviction as aforesaid, if he has during a continuous period of one year or upwards since the order was made had no order requiring endorsement made against him:

Provided that in reckoning the said continuous periods of three years and one year respectively, any period during which the applicant was by virtue of the order disqualified for holding or obtaining a licence shall be excluded.

## **112 Supplementary provisions as to disqualifications and endorsements**

- (1) Where a court orders particulars to be endorsed on a licence held by a person, or where by an order of a court a person is disqualified for holding or obtaining a licence, the court shall send notice of the order to the licensing authority by which the licence was granted and to the licensing authority in whose area that person resides, and, in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to the authority by which it was granted, and that authority shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.
- (2) Where on an appeal against any such order the appeal is allowed, the court by which the appeal is allowed shall send notice thereof to the licensing authority in whose area the person affected by the order resides and to the authority who issued the licence.
- (3) Where a person is disqualified by order of a court under subsection (3) of section one hundred and four of this Act, then on the return to him of any licence held by him, or on the issue to him of a licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, since the order was made, passed the prescribed test.