



Road Traffic Act 1960

1960 CHAPTER 16

PART V

LICENSING OF DRIVERS OF HEAVY GOODS VEHICLES

192 Drivers of heavy goods vehicles to be licensed

- (1) On and after the appointed day a person shall neither drive a heavy goods vehicle on a road unless he is licensed for the purpose under this Part of this Act or is licensed under Part III of this Act to drive all types of single-deck public service vehicles, nor employ a person who is not so licensed to drive a heavy goods vehicle on a road.
- (2) If a person acts in contravention of the foregoing subsection he 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.
- (3) Subsection (1) of this section shall not prevent a person who is not licensed as therein mentioned from acting, or being employed to act, as steersman of a heavy goods 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 Part II of this Act and this section.
- (4) Subsection (1) of this section shall not apply to the driving of, or the employment of a person to drive, a vehicle in any case where the excise duty in respect of the vehicle under the Vehicles (Excise) Act, 1949, is chargeable at the rate applicable to vehicles specified in paragraph (a) of subsection (2) of section four of that Act and the vehicle is being driven for one of the purposes for which it must be solely used if the duty is to remain chargeable at that rate.

193 Applications for, and grant of, heavy goods vehicles drivers' licences

- (1) The person who is the chairman of the traffic commissioners for any traffic area constituted for the purposes of Part III of this Act or is the traffic commissioner for

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the Metropolitan Traffic Area so constituted, including any person for the time being appointed by the Minister to act as deputy to the chairman or commissioner, shall have the power and be charged with the duty of granting licences (in this Part of this Act referred to as " heavy goods vehicle drivers' licences ") under this Part of this Act and is in this Part of this Act referred to as " the licensing authority", and an application for such a licence shall be made to the licensing authority of the traffic area in which the applicant for the licence resides.

- (2) The licensing authority may require an applicant for a heavy goods vehicle driver's licence to satisfy him as to the applicant's competence to drive by subsection to a test, and to provide a vehicle for the purposes of the test.
- (3) A heavy goods vehicle driver's licence may be limited to such class or classes of vehicles as may be specified in the licence; and for the purpose of enabling the licensing authority, where an applicant for such a licence is subjected to a test, to limit the licence to a class or classes of vehicles to which that test is appropriate, regulations may specify the class or classes of vehicles to which heavy goods vehicle drivers' licences may be limited under this subsection.
- (4) A heavy goods vehicle driver's licence shall, unless previously revoked, continue in force for three years from the date on which it is expressed to take effect, but may at any time be suspended or revoked by the licensing authority of the area in which it was granted on the ground that, by reason of his conduct as a driver of a motor vehicle or of physical disability, the holder is not a fit person to hold such a licence ; and during any time of suspension such a licence shall be of no effect.

194 Power to issue heavy goods vehicle drivers' licences as provisional licences

- (1) For the purpose of enabling an applicant to learn to drive a heavy goods vehicle with a view to passing a test under subsection (2) of the last foregoing section, the licensing authority may issue to him a heavy goods vehicle driver's licence as a provisional licence.
- (2) A licence issued by virtue of this section shall be subject to the prescribed conditions, and if the person to whom it is issued fails to comply with any of the conditions he 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.
- (3) Notwithstanding anything in subsection (4) of the last foregoing section, a licence issued by virtue of this section shall continue in force, unless previously revoked, for three months from the date on which it is expressed to take effect.

195 Appeal against refusal, suspension or revocation of heavy goods vehicle driver's licence

- (1) A person who, being the holder of, or an applicant for, a heavy goods vehicle driver's licence, feels aggrieved by the refusal or failure of the licensing authority to grant, or by the suspension or revocation of, such a licence, or by any limitation imposed thereon, may by notice in writing to the licensing authority require him to reconsider the matter, and shall on a reconsideration be entitled to be heard either personally or by his representative.

- (2) A person who is so aggrieved as aforesaid, or who is dissatisfied with the decision of the licensing authority on reconsideration of the matter, may 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.
- (3) Where the applicant for a heavy goods vehicle driver's licence, who is at the date of his application the holder of such a licence (other than one issued as a provisional licence), appeals under this section on the ground of refusal or failure to grant the licence, the existing licence shall continue in force until the appeal has been disposed of notwithstanding that it would otherwise have expired.

196 Fees for heavy goods vehicle drivers' licences

- (1) There shall be charged by licensing authorities in respect of the grant of heavy goods vehicle drivers' licences such fees as may be prescribed.
- (2) All fees received by licensing authorities in respect of the grant of such licences shall be paid into the Exchequer in such manner as the Treasury may direct.

197 Regulations for purposes of Part V

Section one hundred and sixty of this Act shall apply in relation to this Part of this Act as it applies in relation to Part III thereof, as if references therein to the said Part III included references to this Part of this Act and as if references therein to drivers, and to classes, of public service vehicles included references to drivers, and to classes, of heavy goods vehicles.

198 Transitional provisions as to certain heavy goods vehicle drivers' licences

The provisions of the Fifteenth Schedule to this Act shall have effect in connection with the coming into operation of section one hundred and ninety-two of this Act, and shall have effect notwithstanding anything in that section or in section one hundred and ninety-three of this Act.

199 Interpretation of Part V

- (1) In this Part of this Act and the Fifteenth Schedule thereto, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—
 - " the appointed day " means such day as the Minister may by order appoint;
 - " heavy goods vehicle " means a vehicle of any of the following classes which is constructed or adapted for hauling or carrying goods or burden of any description, that is to say, a heavy locomotive, a light locomotive, a motor tractor, a heavy motor car and a motor car so constructed that a trailer may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne thereby;
 - " prescribed " means prescribed by regulations;

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" regulations " means regulations made under section one hundred and sixty of this Act by virtue of section one hundred and ninety-seven thereof.

- (2) The power to make an order conferred by the foregoing subsection shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and shall include power exercisable in the like manner to vary or revoke the order by a subsequent order.

200 Restriction on institution in England and Wales of proceedings under Part V

Proceedings for an offence under this Part of this Act shall not, in England or Wales, be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by the traffic commissioners, a chief officer of police or the council of a county, county borough or county district.