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STATUTORY INSTRUMENTS

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**1990 No. 2612**

**The Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations 1990**

**PART II**

**LICENCES**

**Applications for the grant of licences**

4. A person who desires to obtain the grant of a licence shall—
- (a) submit his application not more than three months before the date on which the licence is to take effect; and
  - (b) send with his application—
    - (i) if required by the Secretary of State, a certificate, in such form as the Secretary of State may require, that has been signed by a registered medical practitioner not more than four months prior to the date on which the licence is to take effect,
    - (ii) if required by the Secretary of State, any ordinary driving licence, Northern Ireland driving licence or existing licence held by him,
    - (iii) a pass certificate showing that he has passed the test within the relevant period for the category of vehicles which the licence applied for will authorise him to drive, except in the case of an application for a provisional licence or where he is entitled to the grant of a licence by having held a previous licence as set out in sections 89 and 89A of the 1988 Act, and
    - (iv) in the case of an application for a licence to drive the vehicles in category D specified in regulation 28(1) by an applicant who relies upon that regulation, a certificate, in such form as the Secretary of State may require to the effect that he has been regularly driving vehicles in category D with more than 16 seats in addition to the driver's seat during the period of three years immediately preceding his application for such a licence.

**Qualifications of applicants**

5.—(1) An applicant for a licence shall when the licence is granted have the following qualifications—

- (a) he must not be a person who—
  - (i) subject to paragraph (3), holds a licence which has been suspended or a Northern Ireland large goods or passenger-carrying vehicle driver's licence which has been suspended, whether (in either case) the suspension has effect under section 115 of the 1988 Act or under the provision of the law for the time being in force in Northern Ireland that corresponds to that section;

- (ii) subject to paragraph (3), is disqualified for holding or obtaining a licence or a Northern Ireland large goods or passenger-carrying vehicle driver's licence, whether (in either case) the disqualification has effect under section 117 of the 1988 Act or under the provision of the law for the time being in force in Northern Ireland that corresponds to that section;
  - (iii) is disqualified by a court for holding or obtaining an ordinary driving licence or by a court in Northern Ireland for holding or obtaining a Northern Ireland ordinary driving licence;
  - (iv) is disqualified by reason of his age for holding or obtaining a licence to drive any of the vehicles in the category of vehicles to which the licence is to relate; or
  - (v) would hold more than one large goods vehicle driver's licence or such a licence and a Northern Ireland licence, British external licence, British Forces licence, exchangeable licence or existing licence authorising him to drive large goods vehicles of any category or would hold more than one passenger-carrying vehicle driver's licence or such a licence and a Northern Ireland licence, British external licence, British Forces licence, exchangeable licence or existing licence authorising him to drive passenger-carrying vehicles of any category;
- (b) he shall hold a full ordinary driving licence or a full Northern Ireland ordinary driving licence authorising him to drive motor vehicles in category B or he shall be authorised to drive motor vehicles in category B as a full licence holder by virtue of section 88 of the 1988 Act (licence applied for or surrendered for correction of particulars, etc.), or any corresponding Northern Ireland provision or by having passed a test for that category; and
- (c) in the case of an applicant for an lgv trainee driver's licence—
- (i) the licence referred to in sub-paragraph (b) above or its counterpart shall be free from any penalty points or relevant endorsements,
  - (ii) he shall be a person who is a registered employee of a registered employer.
- (2) Paragraph (1)(b) above shall not apply in the case of an applicant who is a full-time member of the armed forces of the Crown.
- (3) A person is qualified to apply for a large goods vehicle driver's licence notwithstanding that when the licence is granted his passenger-carrying vehicle driver's licence is suspended or he is disqualified for holding or obtaining such a licence if such suspension or disqualification relates to his conduct other than as a driver of a motor vehicle.

## **Disabilities**

6.—(1) The following disabilities are prescribed as relevant disabilities for the purposes of section 92(2) of the 1988 Act in relation to large goods vehicle or passenger-carrying vehicle drivers' licences (in addition to the disabilities prescribed by regulation 24 of the Motor Vehicles (Driving Licences) Regulations 1987)—

- (a) an epileptic attack since attaining the age of 5 years;
- (b) abnormal sight in one or both eyes where—
  - (i) in the case of a person who held an existing licence on 1st January 1983 and who holds such a licence on 1st April 1991, the visual acuity is worse than 6/12 with the better eye and worse than 6/36 with the other eye and, if corrective lenses are worn, the uncorrected acuity in each eye is worse than 3/60, or
  - (ii) in any other case, the visual acuity is worse than 6/9 in the better eye and worse than 6/12 in the other eye and, if corrective lenses are worn, the uncorrected acuity in each eye is worse than 3/60;

(c) sight in only one eye unless—

(i) in the case of a person who held an existing licence on 1st January 1983 and who holds such a licence on 1st April 1991 the traffic commissioner in whose area he resides or the traffic commissioner who granted the last-mentioned licence knew of the disability before 1st January 1991 and the visual acuity in that eye is no worse than 6/12, or

(ii) in the case of a person who did not hold an existing licence on 1st January 1983 but who holds an existing licence on 1st April 1991 the traffic commissioner in whose area he resides or the traffic commissioner who granted the last-mentioned licence knew of the disability before 1st January 1991 and the visual acuity in that eye is no worse than 6/9;

(d) diabetes subject to insulin treatment unless the person in question held, on 1st April 1991, an existing licence and the traffic commissioner in whose area he resides or the traffic commissioner who granted the licence knew of the disability before 1st January 1991.

(2) In this regulation references to measurements of visual acuity are references to visual acuity measured on the Snellen Scale.

### **Grant of licences subject to a limitation**

7. Where an applicant for a provisional licence—

(a) holds an ordinary driving licence which contains a provision under section 92(7) or 97(3) of the 1988 Act limiting the applicant to the driving of vehicles of a particular construction or design or class only; or

(b) holds a Northern Ireland ordinary driving licence which contains a similar provision under the law for the time being in force in Northern Ireland that corresponds to the said section 92(7) or 97(3);

any such licence granted to the applicant to drive large goods vehicles or passenger-carrying vehicles of any category shall contain a corresponding limitation.

### **Correspondences**

8. For the purposes of section 89A of the 1988 Act, a class of heavy goods vehicle or public service vehicle or a test of competence to drive heavy goods vehicles or public service vehicles of a class specified in column (1) of Part I or Part II, as the case may be, of the table in Schedule 2 corresponds to a category of large goods vehicle or passenger-carrying vehicle or a test of competence to drive a category of large goods vehicle or passenger-carrying vehicle, as the case may be, specified in column (2) of Part I or Part II of that table, and in respect of an existing heavy goods vehicle licence for vehicles in class 3 or 3A which is restricted to vehicles having a permissible maximum weight not exceeding 10 tonnes by virtue of—

(a) paragraph 3(3) and (5) of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) Act 1976(1); or

(b) paragraph (1) or (2) of regulation 31 of the Heavy Goods Vehicles (Drivers' Licences) Regulations 1977(2) before they ceased to have effect with the repeal of Part IV of the 1988 Act by section 1 of the 1989 Act,

without any such restriction.

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(1) 1976 c. 3.

(2) S.I. 1977/1309; to which there are amendments not relevant to these Regulations.

### **Fees for licences**

**9.**—(1) Subject to paragraph (2) below, the fees for the grant of licences shall be as set out in Schedule 3.

(2) When an application for more than one licence is made at the same time only the highest fee prescribed by paragraph (1) above shall be payable on the grant of the licences and when an application for a licence and for an ordinary driving licence is made at the same time only the highest fee prescribed by that paragraph or by regulation 7 of the Motor Vehicles (Driving Licences) Regulations 1987 shall be so payable.

### **Provisional licences and provisional entitlement**

**10.**—(1) The entitlement to drive vehicles in category C, D, C plus E or D plus E subject to the same conditions as a provisional licence holder conferred by section 98(2) and (3) of the 1988 Act shall not apply in the case of the holder of a full licence to drive vehicles of category B.

(2) The entitlement to drive vehicles in category C or C plus E subject to the same conditions as a provisional licence holder conferred by section 98(2) and (3) of the 1988 Act shall not apply in the case of the holder of a full licence to drive vehicles of category D or D plus E, and the entitlement to drive vehicles in category D or D plus E subject to those conditions shall not apply in the case of the holder of a full licence to drive vehicles of category C or C plus E.

(3) Subject to paragraph (5), a large goods vehicle or passenger-carrying vehicle driver's licence issued as a provisional licence, including a full licence which is treated as a provisional licence under section 98(2) and (3), shall be subject to the following conditions prescribed for the purposes of section 114(1) of the 1988 Act, that is to say, the holder shall not drive a vehicle of any category which he may drive by virtue of the licence—

- (a) otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full licence or a full existing licence to drive the vehicle; and
- (b) unless there is clearly displayed in a conspicuous manner on the front and on the back of the vehicle a distinguishing mark—
  - (i) before a date 5 years after these Regulations come into force, in either form A or B set out in Schedule 4, or
  - (ii) on or after that date, in form B only.

(4) A passenger-carrying vehicle driver's licence issued as a provisional licence, including a licence which is treated as a provisional licence under section 98(2) and (3), shall be subject to the condition prescribed for the purposes of section 114(1) of the 1988 Act that the holder shall not drive a passenger-carrying vehicle which he may drive by virtue of the licence while carrying any passenger in the vehicle other than the person specified in paragraph (3)(a) above or in regulation 18(5).

(5) The condition specified in paragraph (3)(a) shall not apply whilst the holder of a provisional licence is undergoing a test and none of the conditions specified in the said paragraph (3) nor the condition in paragraph (4) shall apply in relation to the driving of a vehicle of any category where the holder of the licence has passed a test for a vehicle of that category.

(6) This regulation shall not apply to lgv trainee drivers and lgv trainee drivers' licences.

### **Large goods vehicles drivers' licences issued to persons under the age of 21**

**11.**—(1) A large goods vehicle driver's licence issued to a person under the age of 21 shall be subject to the following conditions prescribed for the purposes of section 114(1) of the 1988 Act—

- (a) in the case of a full-time member of the armed forces of the Crown, that he shall not drive a large goods vehicle of any category otherwise than for naval, military or air force purposes; and
  - (b) in the case of the holder of an lgv trainee driver's licence, that he shall not drive a large goods vehicle of any category for which the licence is issued or for which by virtue of subsections (2) and (3) of section 98 of the 1988 Act (which authorise holders of full licences for certain classes of vehicles to drive all other classes subject to provisional licence conditions) the licence is treated as a provisional licence, unless the holder is the registered employee of a registered employer and either—
    - (i) the vehicle is a large goods vehicle of a category to which his training agreement applies and is owned or operated by that registered employer or by a registered lgv driver training establishment, or
    - (ii) the holder is a part-time member of the armed forces of the Crown and the vehicle is owned by the Secretary of State for Defence and used for naval, military or air force purposes, and
  - (c) in the case of the holder of an lgv trainee driver's full licence, that he shall not drive a vehicle of any category for which the licence is issued if the vehicle is being used to draw a trailer, otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence or a full standard existing licence to drive the vehicle.
- (2) In the case of an lgv trainee driver's full licence to drive large goods vehicles of category C, the provisions of subsections (2) and (3) of section 98 of the 1988 Act shall apply in respect of category C plus E after the expiration of the period of two years from the date on which he passed the test to drive large goods vehicles of category C.
- (3) The holder of an hgv trainee driver's full licence to drive heavy goods vehicles of class 2 or 3 may, on surrendering that licence and paying the fee prescribed in Schedule 3, apply for an lgv trainee driver's licence which will be a full lgv trainee driver's licence to drive large goods vehicles of category C and which, two years from the date on which he passed the test to drive heavy goods vehicles of class 3, will also act as an lgv trainee driver's provisional licence to drive vehicles of category C plus E.
- (4) Subject to paragraphs (5), (6) and (7), an lgv trainee driver's provisional licence, including an lgv trainee driver's full licence which is treated as an lgv trainee driver's provisional licence by virtue of subsections (2) and (3) of section 98 of the 1988 Act, shall be subject to the following conditions (additional to that required by paragraph (1)), that is to say, that the holder shall not drive a large goods vehicle of any category which he may drive by virtue of the licence—
- (a) otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence or a full standard existing licence to drive the vehicle; and
  - (b) unless there is clearly displayed in a conspicuous manner on the front and on the back of the vehicle a distinguishing mark—
    - (i) before a date 5 years after these Regulations come into force, in either form A or B set out in Schedule 4, or
    - (ii) on or after that date, in form B; and
  - (c) if the vehicle is being used to draw a trailer, unless the licence is for category C plus E and the combination of vehicle and trailer would fall within that category.
- (5) The condition specified in paragraph (4)(a) shall not apply while the holder of the licence is undergoing a test.
- (6) Where the holder of an lgv trainee driver's provisional licence (including a full licence which is treated as a provisional licence as mentioned above) has passed a test for a category of large goods

vehicle for which the licence is, or is treated as, a provisional licence the conditions specified in paragraph (4) (except (a) where the vehicle is in category C and is being used to tow a trailer or is in category C plus E) shall not apply so far as regards the driving of a vehicle in that category.

### **Obligatory revocation of large goods vehicle drivers' licences and disqualification on revocation**

**12.**—(1) The prescribed circumstances for the purposes of section 115(1)(a) of the 1988 Act (obligatory revocation of licence) are that, in the case of the holder of a large goods vehicle driver's licence who is under the age of 21, the counterpart of his ordinary driving licence bears more than three penalty points.

(2) Where a large goods vehicle driver's licence is revoked under section 115(1)(a) the cases in which the person whose licence has been revoked must be disqualified indefinitely or for a period, shall be determined by the Secretary of State.

(3) Where the Secretary of State determines that a person whose licence has been revoked under section 115(1)(a) is to be disqualified for a period he shall be disqualified until he reaches 21 years of age or for such longer period as the Secretary of State may determine.

### **Removal of disqualification**

**13.**—(1) Subject to paragraph (2) and (3), the Secretary of State may remove a disqualification under section 117(4) of the 1988 Act, after consultation with the traffic commissioner in cases which had been referred to him, if the application for the removal of the disqualification is made after the expiration of whichever is relevant of the following periods from the commencement of the disqualification, that is to say—

- (a) two years, if the disqualification is for less than four years;
- (b) one half of the period of the disqualification, if it is for less than ten years, but not less than four years;
- (c) five years in any other case, including disqualification for an indefinite period.

(2) The applicant must have incurred no further penalty points or relevant endorsements.

(3) Where an application under paragraph (1) for the removal, under section 117(4) of the 1988 Act, of a disqualification is refused, a further such application shall not be entertained if made within three months after the date of refusal.

### **Prescribed classes of goods and passenger-carrying vehicles**

**14.** For the purposes of sections 89A(3) and (5), 99(1) and (1A) and 117(7) of the 1988 Act, the prescribed classes of goods vehicles or large goods vehicles are those in categories C and C plus E and the prescribed classes of passenger-carrying vehicles are those in categories D and D plus E.