
STATUTORY INSTRUMENTS

1998 No. 1420

ROAD TRAFFIC

The Driving Licences (Community Driving Licence) Regulations 1998

<i>Made</i>	- - - -	<i>6th June 1998</i>
<i>Laid before Parliament</i>		<i>9th June 1998</i>
<i>Coming into force</i>	- -	<i>1st July 1998</i>

The Secretary of State for the Environment, Transport and the Regions, being a Minister designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the licensing of drivers of motor vehicles, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Driving Licences (Community Driving Licence) Regulations 1998.

(2) These Regulations shall come into force on 1st July 1998.

Amendment of the Road Traffic Act 1988

2. The Road Traffic Act 1988(3) is amended in accordance with regulations 3 to 15.

3.—(1) Section 88 (exceptions from offence of driving without licence etc.)(4) is amended as follows.

(2) For subsection (1)(b)(ii) substitute—

“(ii) a licence to drive vehicles of that class granted to him has been revoked or surrendered in pursuance of section 99(2A), (3) or (4) of this Act otherwise than by reason of a

(1) S.I. 1981/1536.

(2) 1972 c. 68; by virtue of section 1 of the European Economic Area Act 1993 (c. 51), section 1(2) of that Act is amended to enable regulations to be made under section 2(2) to implement obligations of the United Kingdom arising under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and a Protocol adjusting the Agreement signed at Brussels on 17th May 1994 (Cm 2183).

(3) 1988 c. 52.

(4) Subsections (1) and (2) were amended by section 3 of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, in these footnotes referred to as “the 1989 Act”) and by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974, in these footnotes referred to as “the 1996 Regulations”).

current disqualification or of its having been granted in error and he has complied with any requirements imposed on him under section 99(7B) of this Act, and”.

(3) In subsection (2) (limits on operation of subsection (1)), in paragraph (a), after “99(7)” insert “or (7A)”.

4.—(1) Section 92 (requirements as to physical fitness of drivers)(5) is amended as follows.

(2) In subsection (5) (notice of disability), after paragraph (b), insert
“or

(c) if he drives a vehicle except in accordance with particular conditions.”.

(3) For subsections (7) and (7A) substitute—

“(7) Where a notice is served in pursuance of subsection (5)(b) above, the Secretary of State may—

- (a) if the person on whom the notice is served is an applicant for a licence, grant him a licence limited to vehicles of the particular class specified in the notice, or
- (b) if he held a licence which is revoked by the Secretary of State and he complies with subsection (7ZB) below, grant him a licence limited to vehicles of that class,

and, if the Secretary of State so directs in the notice, his entitlement to drive other classes of vehicle by virtue of section 98(2) of this Act shall be limited as specified in the notice.

(7ZA) Where a notice is served in pursuance of subsection (5)(c) above, the Secretary of State may—

- (a) if the person on whom the notice is served is an applicant for a licence, grant him a licence authorising him to drive vehicles subject to the particular conditions specified in the notice, or
- (b) if he held a licence which is revoked by the Secretary of State and he complies with subsection (7ZB) below, grant him a licence authorising him to drive vehicles subject to those conditions,

and, if the Secretary of State so directs in the notice, any entitlement which the person has to drive vehicles by virtue of section 98(2) of this Act shall be subject to conditions as specified in the notice.

(7ZB) A person complies with this subsection if—

- (a) he surrenders the existing licence and its counterpart, and
- (b) where the Secretary of State so requires, he provides evidence of his name, address, sex and date and place of birth and a photograph which is a current likeness of him.

(7A) If he considers it appropriate to do so, the Secretary of State may, after serving a notice under any of the paragraphs of subsection (5) above, serve a further notice under that paragraph or a notice under another of those paragraphs; and on his serving the later notice the notice previously served shall cease to have effect and any licence previously granted in accordance with it shall be revoked by the later notice.”.

5. In section 93 (revocation of licence because of disability or prospective disability), after subsection (2) insert—

“(2A) The Secretary of State may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth, and
- (b) a photograph which is a current likeness of him,

(5) Subsection (7) was amended by section 5 of the 1989 Act and by the 1996 Regulations.

before granting a licence to him on an application made for the purposes of subsection (2) above.”.

6.—(1) Section 97 (grant of licences)(**6**) is amended as follows.

(2) After subsection (1) insert—

“(1A) Where any licence to be granted to an applicant would be in the form of a photocard, the Secretary of State may under subsection (1)(a) and (b) above in particular require him to provide a photograph which is a current likeness of him.”.

(3) In subsection (3)(e) (provisional licence conditions), after “motor bicycle”, in each place where the words occur, insert “or moped”.

(4) In subsection (3A) (training in the riding of motor cycles), after “motor bicycles”, in each place where the words occur, insert “and mopeds”.

(5) In subsection (4) (training regulations), after “motor bicycle”, in each place where the words occur, insert “or moped”.

7.—(1) Section 98 (form of licence)(**7**), is amended as follows.

(2) For subsection (1) substitute—

“(1) A licence shall be in the form of a photocard of a description specified by the Secretary of State or such other form as he may specify and—

- (a) the licence shall state whether, apart from subsection (2) below, it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes,
- (b) the licence shall specify (in such manner as the Secretary of State may determine) the restrictions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of section 101 of this Act and any conditions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of section 92(7ZA) of this Act, and
- (c) in the case of a provisional licence, the licence or its counterpart shall specify (in such manner as the Secretary of State may determine) the conditions subject to which it is granted.

(1A) The Secretary of State may specify different descriptions of photocards, and different forms of licences not in the form of a photocard, for different cases and may determine the form of licence to be granted in any case.”.

(3) In subsection (3)(c) (limits on provisional entitlement under full licence), after “motor bicycle” insert “or moped”.

8.—(1) Section 99 (duration of licences)(**8**) is amended as follows.

(2) In subsection (2) (provisional licences to drive motor cycles), after “motor bicycle”, in each place where the words occur, insert “or moped”.

(3) After subsection (2) insert—

“(2A) Where, in accordance with the preceding provisions of this section, a licence in the form of a photocard remains in force for a period of more than ten years, the holder of

(6) The relevant amendments are by section 6 of the 1989 Act and the 1996 Regulations.

(7) The relevant amendments are by the 1989 Act, Schedule 3, paragraph 11, by the Driving Licences (Community Driving Licence) Regulations 1990 (S.I. 1990/144, in these footnotes referred to as “the 1990 Regulations”) and by the 1996 Regulations.

(8) Subsection (4) was amended by the 1990 Regulations; subsection (5) was amended by the 1989 Act, Schedule 3, paragraph 12.

the licence must surrender it and its counterpart to the Secretary of State not later than the end of the period of ten years beginning with—

- (a) the date shown on the licence as the date of its issue, or
 - (b) if the licence was granted by way of renewal or replacement of a licence bearing the same photograph, the date shown on the earliest licence bearing that photograph as the date of issue of that licence.”
- (4) In subsection (4) (surrender of licence on change of name or address), omit the words “and provide him” onwards.
- (5) In subsection (5) (offence), after “subsection” insert “(2A),”.
- (6) For subsections (7) and (8) substitute—

“(7) On the surrender of a licence and its counterpart by a person in pursuance of subsection (2A), (3) or (4) above, the Secretary of State must (subject to the following provisions of this section) grant a new licence to that person and any licence granted under this subsection shall be granted free of charge.

(7A) Where the surrendered licence was revoked because it was granted in error or in consequence of an error or omission appearing to the Secretary of State to be attributable to the fault of the licence holder or in consequence of a current disqualification, subsection (7) shall not apply but the Secretary of State may, if the person is not currently disqualified, grant a new licence to that person on payment of the fee (if any) which is prescribed.

(7B) The Secretary of State may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth, and
- (b) a photograph which is a current likeness of him,

before granting a new licence to him under subsection (7) or (7A) above.

(8) A replacement licence granted pursuant to subsection (7) or (7A) above shall expire on the date on which the surrendered licence would have expired had it not been surrendered except that, where the period for which the surrendered licence was granted was based on an error with respect to the licence holder’s date of birth such that (if that error had not been made) that licence would have been expressed to expire on a different date, the replacement licence shall expire on that different date.”.

9. In section 99A(4) (authorisation of goods vehicle and PCV Community licence holders to drive in Great Britain)(**9**), for paragraph (a) substitute—

- “(a) except in a case falling within paragraph (b) or (c) of this subsection—
- (i) the date on which he attains the age of 45 years, or
 - (ii) the expiry of the period of five years beginning with the relevant date,
- whichever is the later,”.

10.—(1) Section 105 (regulations)(**10**) is amended as follows.

(2) In subsection (2)(e) (replacement of lost or defaced licences and counterparts)—

- (a) omit “new”, and
- (b) after “such fee” insert “, and compliance with such requirements,”.

(3) In subsection (4) (regulations about fees), at the end insert “and (in particular) in relation to licences in different forms”.

(9) Section 99A was inserted by the 1996 Regulations.

(10) The relevant amendments are by the 1990 Regulations.

11. In section 108(1) (interpretation)(**11**), in the definition of “motor bicycle”, for “50 kilometres per hour” substitute “45 kilometres per hour”.

12. In section 117A (LGV Community licences and PCV Community licences: disqualification etc.)(**12**), for subsection (3) substitute—

“(3) Where, in pursuance of subsection (1) or (2) above, the Secretary of State orders a Community licence holder to be disqualified the Secretary of State must, on receipt of the Community licence and its counterpart (if any), grant to the Community licence holder, free of charge, a licence authorising the driving of the classes of vehicle which are unaffected by the disqualification.

(3A) The Secretary of State may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth, and
- (b) a photograph which is a current likeness of him,

before issuing a licence to him under subsection (3) above.”.

13. In section 118 (large goods vehicle and passenger-carrying vehicle drivers' licences: surrender, return and endorsement of revoked or suspended licences)(**13**), after subsection (4) insert—

“(4A) The Secretary of State may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth, and
- (b) a photograph which is a current likeness of him,

before issuing a licence to him under subsection (4) above.”.

14. In section 164(3) (seizure of revoked licences)(**14**), before “93”, in each place where it occurs, insert “92,”.

15. In section 183(4) (application to the Crown)(**15**), after “motor bicycles”, in each place where the word occur, insert “and mopeds”.

Amendment of the Road Traffic Offenders Act 1988

16.—(1) The Road Traffic Offenders Act 1988(**16**) is amended as follows.

(2) In Schedule 1 (offences to which section 1, 6, 11 and 12(1) of that Act apply)(**17**), in the table, in the entry for section 99 of the Road Traffic Act 1988 (“RTA”), in column 2, for the words “, when his licence” onwards substitute “to surrender licence and counterpart”.

(3) In Schedule 2 (prosecution and punishment of offences)(**18**), in Part I, in the entry for section 99(5) of the Road Traffic Act 1988 (“RTA”), in column 2, for the words “when his licence” onwards substitute “to surrender licence and counterpart”.

17. The Schedule (repeals and revocations) has effect.

(11) The relevant amendments are by the 1996 Regulations.

(12) Section 117A was inserted by the 1996 Regulations.

(13) Section 118 was substituted by Schedule 2 to the 1989 Act.

(14) Subsection (3) was amended by the 1990 Regulations, by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 68, and by the 1996 Regulations.

(15) Amended by the 1996 Regulations.

(16) 1988 c. 53.

(17) The relevant amendment is by the 1990 Regulations.

(18) The relevant amendment is by the 1989 Act, Schedule 3, paragraph 28, and by the 1990 Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Helene Hayman
Parliamentary Under Secretary,
Department of the Environment, Transport and
the Regions

6th June 1998

SCHEDULE

Regulation 17

REPEALS AND REVOCATIONS

<i>Short title or title</i>	<i>Reference</i>	<i>Extent of repeal or revocation</i>
The Road Traffic Act 1988.	1988 c. 52.	In Section 92(5)(a), the word “or”. In section 105(2)(e) the word “new”.
The Road Traffic (Driver Licensing and Information Systems) Act 1989.	1989 c. 22.	Section 5(3). In Schedule 3, paragraph 27(d) apart from the word “and”, and paragraph 28(b)(ii) and the word “and” preceding it.
The Driving Licences (Community Driving Licence) Regulations 1990.	S.I.1990/144.	In Schedule 1, paragraph 4(a) and paragraph 5(d) and the word “and” preceding it. In Schedule 2, paragraphs 26(a) and 27(a). In Schedule 3, paragraph 3(4) and, in paragraph 3(5), paragraph (b) apart from the word “and” at the end.
The Driving Licences (Community Driving Licence) Regulations 1996.	S.I. 1996/1974.	In Schedule 1, paragraphs 3(4) and 7(2).

EXPLANATORY NOTE*(This note is not part of the Regulations)*

These Regulations amend the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988 so as to give effect to Council Directives [96/47/EC](#) (OJNo. L235, 17.9.96, p.1) and [97/26/EC](#) (OJ No. L150, 7.6.97, p.41), which amend Council Directive [91/439/EEC](#) on driving licences (OJ No. L237, 24.8.91, p.1). The Directives apply, by virtue of Decision 7/94 of the EEA Joint Committee (OJ No. L160, 28.6.94, p.1), to states within the European Economic Area.

Directive [96/47/EC](#) provides for the introduction of a model form of photocard driving licence as an alternative to the model paper form. The Regulations make provision for the Secretary of State to issue licences in that form and for that purpose to require applicants to provide photographs and other evidence of their identity.

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Directive [97/26/EC](#) amends the definition of “motor cycle” and specifies codes which member states must include on the licences they issue to indicate, amongst other things, restrictions on the classes of vehicle which a licence holder may drive on account of physical disability or conditions which may be imposed on his driving vehicles on account of such disability. The Regulations make provision for these matters.

The Regulations also correct minor errors in the Driving Licences (Community Driving Licence) Regulations 1996 in relation to (i) the validity period of LGV and PCV Community licences and (ii) the application of certain provisions of the Road Traffic Act 1988 to mopeds.