
STATUTORY INSTRUMENTS

1999 No. 2864

The Motor Vehicles (Driving Licences) Regulations 1999

PART IV

GOODS AND PASSENGER—CARRYING VEHICLES

Drivers' conduct

Large goods vehicle drivers' licences and LGV Community licences: obligatory revocation or withdrawal and disqualification

55.—(1) The prescribed circumstances for the purposes of section 115(1)(a) of the Traffic Act are that, in the case of the holder of a large goods vehicle driver's licence who is under the age of 21, he has been convicted (or is, by virtue of section 58 of the Offenders Act, to be treated as if he had been convicted) of an offence as a result of which the number of penalty points to be taken into account under section 29 of the Offenders Act(1) exceeds three.

(2) The prescribed circumstances for the purposes of section 115A(1)(a) of the Traffic Act are that, in the case of the holder of an LGV Community licence who is under the age of 21, he has been convicted (or is, by virtue of section 58 of the Offenders Act, to be treated as if he had been convicted) of an offence as a result of which the number of penalty points to be taken into account under section 29 of the Offenders Act exceeds three.

(3) Where—

- (a) a large goods vehicle drivers' licence is revoked under section 115(1)(a) of the Traffic Act, or
- (b) the Secretary of State serves a notice on a person in pursuance of section 115A(1)(a) of that Act,

the cases in which the person whose licence has been revoked or, as the case may be, on whom the notice has been served must be disqualified indefinitely or for a fixed period shall be determined by the Secretary of State.

(4) Where the Secretary of State makes a determination under paragraph (3) that a person is to be disqualified for a fixed period he shall be disqualified until he reaches 21 years of age or for such longer period as the Secretary of State shall determine.

Holders of licences who are disqualified by order of a court

56.—(1) This regulation applies where a person's large goods vehicle or passenger-carrying vehicle driver's licence is treated as revoked by virtue of section 37(1) of the Offenders Act (effect of disqualification by court order) and where it applies subsections (1) and (2) of section 117 of the Traffic Act are modified in accordance with paragraphs (2) to (6).

(1) Section 99C was inserted by the 1996 Regulations.

(2) Where the licence which is treated as revoked is a large goods vehicle driver's licence held by a person under the age of 21—

- (a) the Secretary of State must order that person to be disqualified either indefinitely or for a fixed period, and
- (b) where the Secretary of State determines that he shall be disqualified for a fixed period, he must be disqualified until he reaches the age of 21 or for such longer period as the Secretary of State determines.

(3) Where the licence which is treated as revoked is a large goods vehicle driver's licence held by any other person or is a passenger-carrying vehicle driver's licence—

- (a) the Secretary of State may order that person to be disqualified either indefinitely or for such fixed period as he thinks fit, or
- (b) except where the licence is a provisional licence, if it appears to the Secretary of State that, owing to that person's conduct, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences until he passes a test, the Secretary of State may order him to be disqualified for holding or obtaining a full licence until he passes a test.

(4) Where the Secretary of State orders him to be disqualified until he passes a test, that test shall be a test prescribed by these Regulations for a licence authorising the driving of any class of vehicle in category C (other than sub-category C1), C+E, D or D+E which, prior to his disqualification by order of the court, he was authorised to drive by the revoked licence.

(5) Any question as to whether a person—

- (a) shall be disqualified indefinitely or for a fixed period or until he passes a test, or
- (b) if he is to be disqualified for a fixed period, what that period should be, or
- (c) if he is to be disqualified until he passes a test, which test he should be required to pass,

may be referred by the Secretary of State to the traffic commissioner.

(6) Where the Secretary of State determines that a person shall be disqualified for a fixed period, that period shall commence on the expiration of the period of disqualification ordered by the court.

(7) Where this regulation applies, subsections (3) to (6) of section 116 of the Traffic Act shall apply, but as if—

- (a) subsection (4)(a) were omitted,
- (b) for the words "in any other case, revoke the licence or suspend it" in subsection (4)(b) there were substituted "suspend the licence", and
- (c) the references to sections 115(1) and 116(1) of that Act were references to this regulation.

Removal of disqualification

57.—(1) Subject to paragraphs (2) and (3), the Secretary of State may remove a disqualification for a period of more than two years imposed under section 117(2)(a) of the Traffic Act, after consultation with the traffic commissioner in a case which was referred to him, if an application for the removal of the disqualification is made after the expiration of whichever is relevant of the following periods commencing on the date of the disqualification—

- (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.

(2) An application may not be made if the applicant has during the relevant period been convicted (or treated as convicted) of an offence by virtue of which he has incurred—

(a) penalty points, or

(b) an endorsement of a Northern Ireland driving licence held by him, or of its counterpart, with particulars of a conviction pursuant to provisions for the time being in force in Northern Ireland that correspond to sections 44 and 45 of the Offenders Act.

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