



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART IV

#### LICENSING OF DRIVERS OF HEAVY GOODS VEHICLES

##### *General and supplemental*

#### **117 Regulations**

- (1) The Secretary of State may make regulations for the purpose of carrying the provisions of this Part of this Act into effect.
- (2) Without prejudice to the generality of subsection (1) above, the regulations may—
  - (a) make provision with respect to tests of competence to drive heavy goods vehicles and, in particular, the nature of such tests, the qualifications, selection, appointment and removal of the persons by whom they may be conducted, and evidence of the results of the test,
  - (b) require applicants for such tests or for heavy goods vehicle drivers' licences (whether full or provisional) to have such qualifications, experience and knowledge (including, in the case of applicants for licences, qualifications with respect to health and driving conduct and, if the applicant is to be authorised to drive vehicles of any class at an age below the normal minimum age for driving vehicles of that class, with respect to participation in an approved training scheme for drivers) as may be prescribed,
  - (c) require a person submitting himself for a test to produce for the purposes of the test a vehicle of the class in respect of which he is to be tested, loaded or unloaded according as may be prescribed, and, in the case of a loaded vehicle, impose requirements about its loading,
  - (d) restrict the issue of provisional licences, in the case of prescribed classes of applicants or in prescribed circumstances, to such classes of vehicle as may be prescribed,

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- (e) provide that a full licence to drive a heavy goods vehicle of a particular class shall also be treated for the purposes of this Part of this Act as a provisional licence to drive heavy goods vehicles of another prescribed class,
- (f) make provision for preventing a person holding more than one licence and for facilitating the identification of licence holders,
- (g) make provision with respect to applications for and the issue of heavy goods vehicle drivers' licences,
- (h) make provision with respect to the custody and production of any heavy goods vehicle driver's licence or any Northern Ireland licence (within the meaning of section 121 of this Act) or any licence under Part I of the Road Traffic Act (Northern Ireland) 1970 or Part II of the Road Traffic (Northern Ireland) Order 1981 to drive heavy goods vehicles of any description, and require the return to a prescribed licensing authority of any such licence which has expired or been suspended or revoked,
- (j) require the payment of a fee of a prescribed amount by a person who applies for a test and provide for the repayment of any such fee in the prescribed circumstances,
- (k) provide that a person submitting himself for, but failing to pass, a test shall not be eligible to submit himself for another test before the expiration of a prescribed period, except under an order made by a court or sheriff under section 115 of this Act,
- (l) provide for the issue of a new licence in place of a licence lost or defaced on payment of the prescribed fee,
- (m) make provision about the effect of a change in the meaning of heavy goods vehicle or in the classification of heavy goods vehicles for the purposes of this Part of this Act on heavy goods vehicle drivers' licences then in force or issued or on the granting of such licences afterwards,

and different provision may be made by the regulations for different cases.

(3) In subsection (2)(b) above—

“approved training scheme for drivers” means a training scheme for drivers (as defined in section 101(5) of this Act) approved for the time being by the Secretary of State for the purposes of regulations under this section, and

“normal minimum age for driving”, in relation to the driving of vehicles of any class, means the age which is in force under section 101 of this Act (but apart from any approved training scheme for drivers) in relation to that class of vehicle.

- (4) Regulations under this section may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence.
- (5) The Secretary of State may by regulations provide that this Part of this Act shall not apply to heavy goods vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.

## **118 Fees and expenses**

- (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 Consolidated Fund in such manner as the Treasury may direct.

- (3) Any fees received by the Secretary of State in pursuance of regulations under section 117 of this Act shall be paid into the Consolidated Fund.

## **119 Common test of competence to drive for the purposes of Parts III and IV**

The Secretary of State may by regulations provide that a person who passes a test of competence to drive heavy goods vehicles of any prescribed class for the purpose of obtaining a full licence shall, in such circumstances as may be prescribed, be treated as having passed a test of competence to drive prescribed by virtue of section 89 (3) of this Act for any prescribed class of motor vehicle.

## **120 Interpretation**

In this Part of this Act—

“full licence” means a heavy goods vehicle driver’s licence other than a provisional licence,

“heavy goods vehicle” means—

- (a) an articulated goods vehicle, or
- (b) a large goods vehicle, that is to say, a motor vehicle (not being an articulated goods vehicle) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes,

“heavy goods vehicle driver’s licence” has the meaning given by section 111 of this Act,

“licensing authority” has the meaning given by section 111 of this Act,

“prescribed” means prescribed by regulations under section 117 of this Act, and in this section “articulated goods vehicle” and “permissible maximum weight” have the same meaning as in Part III of this Act.

## **121 Provisions as to Northern Ireland heavy goods vehicle drivers' licences**

- (1) The holder of a licence specifically to drive heavy goods vehicles granted under the law of Northern Ireland (in this section referred to as a “Northern Ireland licence”) may drive, and be employed in driving, on a road in Great Britain heavy goods vehicles of any class which he is authorised by that licence to drive, notwithstanding that he is not the holder of a heavy goods vehicle driver’s licence.
- (2) The licensing authority may, notwithstanding anything in section 112 (1) of this Act, grant a full licence to drive a heavy goods vehicle of any class to an applicant resident in Great Britain if he is satisfied that the applicant has, within the period of five years ending on the date of the coming into force of the licence, held a Northern Ireland licence to drive any heavy goods vehicle of that class corresponding to a full licence, not being a licence granted under an enactment of the Parliament of Northern Ireland in consequence of a dispensation from passing a test of competence to drive by reason of the applicant’s residence outside the United Kingdom.
- (3) A prescribed licensing authority may exercise as respects Great Britain the like power of suspending or revoking any Northern Ireland licence and of making an order under section 114 (1) of this Act as is conferred in relation to a heavy goods vehicle driver’s licence by sections 113 (2) and 114 (1) of this Act on the licensing authority for the

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traffic area in which the last-named licence was granted, and the provisions of sections 113 (2) and 114 (1) shall have effect accordingly.

- (4) A holder of a Northern Ireland licence who is aggrieved by the suspension or revocation of the licence or the ordering of disqualification by virtue of subsection (3) above shall have the like right to require the reconsideration of the matter and the like right of appeal as are conferred by section 116 of this Act, except that the matter shall be reconsidered by the prescribed licensing authority, and—
- (a) an appeal brought by virtue of this subsection shall, if the appellant is not resident in Great Britain, lie to a prescribed magistrates' court or a prescribed sheriff, and
  - (b) the provisions of section 116 (2) shall have effect accordingly.

## **122 Protection of public interests**

It is hereby declared that nothing in this Part of this Act is to be treated as conferring on the holder of a licence granted under this Part of this Act any right to the continuance of any benefits arising from, or from a licence granted under, this Part of this Act, or from any conditions attached to any such licence.