



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART IV

#### LICENSING OF DRIVERS OF HEAVY GOODS VEHICLES

##### *Requirement for HGV licence*

#### **110 Drivers of heavy goods vehicles to be licensed**

- (1) It is an offence for a person to drive a heavy goods vehicle of any class on a road if he is not licensed under this Part of this Act to drive a heavy goods vehicle of that class.
- (2) It is an offence for a person to cause or permit another person to drive a heavy goods vehicle of any class on a road if that other person is not so licensed to drive a heavy goods vehicle of that class.
- (3) Nothing in subsection (1) or (2) above makes it unlawful—
  - (a) for a person who is not so licensed to act, or
  - (b) for a person to cause or permit such a person 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 86 of the Road Traffic Regulation Act 1984) 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 III of this Act and this section.
- (4) Neither subsection (1) nor subsection (2) above applies to the driving of, or the causing or permitting of a person to drive, a vehicle in any case where—
  - (a) the excise duty in respect of the vehicle under the Vehicles (Excise) Act 1971 is chargeable at the rate applicable to vehicles specified in paragraph 2(1) of Schedule 3 to that Act, and
  - (b) the vehicle is being driven for one of the purposes for which it must solely be used if the duty is to remain chargeable at that rate.

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*Grant, duration and revocation of licences*

**111 Licensing authority, and applications, for HGV drivers' licences**

- (1) The traffic commissioner for any area constituted for the purposes of the Public Passenger Vehicles Act 1981 shall exercise the function of granting licences under this Part of this Act (in this Part of this Act referred to as “heavy goods vehicle drivers' licences”) and is in this Part of this Act referred to as “the licensing authority”.
- (2) An application for a heavy goods vehicle driver’s licence shall be made to the licensing authority of the traffic area in which the applicant for the licence resides.

**112 Grant of HGV drivers' licences**

- (1) Subject to the provisions of any regulations made by virtue of section 117(2)(m) of this Act, the licensing authority must not grant a full licence to drive a heavy goods vehicle of any class unless he is satisfied—
  - (a) that the applicant for the licence has at some time during the period of five years ending on the date of the coming into force of the licence passed the prescribed test of competence to drive vehicles of that class, or
  - (b) that the applicant for the licence has within that period held a full licence authorising the driving of vehicles of that class, or
  - (c) that the applicant for the licence holds a licence to drive a motor vehicle granted under Part III of this Act and that—
    - (i) either he holds an exchangeable licence authorising the driving of vehicles of a category corresponding to that class or, at the time of the application for the licence granted under Part III of this Act which he holds or of an application for a previous such licence, he surrendered such an exchangeable licence, and
    - (ii) he fulfils the requirements of subsection (2) below.
- (2) Those requirements are that at the time of his application for the heavy goods vehicle driver’s licence he has not been normally resident in Great Britain or (where the exchangeable licence is or was a Community licence) the United Kingdom for more than 18 months, that he surrenders to the licensing authority any exchangeable licence which he holds, and that either—
  - (a) he has passed in the member State or territory in respect of which his exchangeable licence was issued a test in respect of vehicles of a category corresponding to the class in question, being a test which, in the opinion of the Secretary of State, is equivalent to the prescribed test of competence to drive vehicles of that class, or
  - (b) at the time at which he became normally resident in Great Britain or (where the exchangeable licence is or was a Community licence) the United Kingdom, he had been in the habit of driving vehicles of a category corresponding to the class in question—
    - (i) for a period of six months falling within the period of 18 months ending at that time, or
    - (ii) for a period of one year falling within the period of three years ending at that time,

or for periods which, taken together, satisfy sub-paragraph (i) or (ii) above.

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- (3) Subsection (8) of section 89 of this Act shall apply for the purposes of this section as it applies for the purposes of that.
- (4) For the purposes of this section, where an exchangeable licence authorises the driving of vehicles of any category and any vehicle falling within that category falls also within any class of vehicles specified by regulations under section 117 of this Act as a class in respect of which a heavy goods vehicle driver's licence may be issued—
  - (a) that category shall be treated as corresponding to that class, and
  - (b) where, by virtue of those regulations, a person who passes a test of competence to drive vehicles of that class is treated as having also passed a test of competence to drive vehicles of another class, that category shall be treated as corresponding to that other class.
- (5) For the purpose of enabling an applicant to learn to drive a heavy goods vehicle with a view to passing the prescribed test of competence to drive, the licensing authority may issue to him a heavy goods vehicle driver's licence as a provisional licence.
- (6) A licence issued by virtue of subsection (5) above or a full licence granted to an applicant who is under the age of 21 on the date of the application 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 is guilty of an offence.
- (7) It is an offence for a person to cause or permit another person who is under the age of 21 to drive a heavy goods vehicle of any class in contravention of any prescribed conditions subject to which that other person's licence is issued.
- (8) In this section—

“Community licence” has the same meaning as in Part III of this Act,  
“exchangeable licence” means a Community licence or a document which would be a Community licence if Gibraltar formed part of a member State other than the United Kingdom.

### **113 Duration of HGV drivers' licences**

- (2) Subject to subsection (4) below, 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.
- (2) A heavy goods vehicle driver's licence 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 (including conduct in Northern Ireland) 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.
- (3) Without prejudice to subsection (1) above, if there come into existence, in relation to the holder of a heavy goods vehicle driver's licence who is under the age of 21, such circumstances as may be prescribed relating to his conduct as a driver of a motor vehicle, the licensing authority of the area in which the licence was granted must revoke the licence.
- (4) Subject to subsection (5) below, a licence issued by virtue of section 112(5) of this Act shall, unless previously revoked, continue in force for six months from the date on which it is expressed to take effect.

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- (5) Subsection (4) above does not apply to a licence treated as a provisional licence by virtue of section 117(2)(e) of this Act.
- (6) Without prejudice to section 116(5) of this Act, if on the date on which an application is made for a heavy goods vehicle driver's licence, the applicant is the holder of such a licence, his existing licence shall not expire in accordance with subsection (1) above before the application is disposed of.

#### **114 Disqualification on revocation of HGV driver's licence**

- (1) Where in pursuance of section 113(2) of this Act the licensing authority revokes a heavy goods vehicle driver's licence, the authority may—
  - (a) order the holder to be disqualified indefinitely or for such period as the authority thinks fit for holding or obtaining such a licence, or
  - (b) if—
    - (i) the licence is a full licence, and
    - (ii) it appears to the authority that, owing to the conduct or physical disability of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under this Part of this Act until he passes the prescribed test of competence to drive heavy goods vehicles of any class,  
order him to be disqualified for holding or obtaining a full licence until he passes such a test.
- (2) Where in pursuance of section 113(3) of this Act the licensing authority is required to revoke the heavy goods vehicle driver's licence of a person under the age of 21, the authority must order that person to be disqualified for holding or obtaining such a licence until he attains the age of 21.
- (3) Where the holder of a heavy goods vehicle driver's licence is disqualified under subsection (1)(a) above, the licensing authority for the traffic area where he resides may, in such circumstances as may be prescribed, remove the disqualification.
- (4) Where the holder of a full licence is disqualified under subsection (1)(b) above, a licensing authority must not afterwards grant him a full licence to drive a heavy goods vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.
- (5) If, while the holder of a heavy goods vehicle driver's licence is disqualified under subsection (2) above, the circumstances prescribed for the purposes of section 113(3) of this Act cease to exist in his case, the licensing authority of the traffic area where he resides must, on an application made to the authority in that behalf, remove the disqualification.
- (6) So long as the disqualification under subsection (1)(a) or (2) above of the holder of a heavy goods vehicle driver's licence continues in force, a heavy goods vehicle driver's licence must not be granted to him and any such licence obtained by him shall be of no effect.

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### *Appeals and review of tests*

#### **115 Review of conduct of test**

- (1) On the application of a person who has submitted himself for a test of competence to drive—
  - (a) a magistrates' court acting for the petty sessions area in which he resides, or
  - (b) in Scotland, the sheriff within whose jurisdiction he resides,may determine whether the test was properly conducted in accordance with the regulations.
- (2) The court or, as the case may be, sheriff may, if it appears that the test was not so conducted—
  - (a) order that the applicant shall be eligible to submit himself for another test before the expiration of the period specified for the purposes of section 117 (2)(k) of this Act, and
  - (b) order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

#### **116 Appeals relating to HGV drivers' licences**

- (1) A person who, being the holder of, or an applicant for, a heavy goods vehicle driver's licence feels aggrieved by the licensing authority's—
  - (a) refusal or failure to grant such a licence, or
  - (b) imposition of any limitation on such a licence, or
  - (c) suspension or revocation of such a licence, or
  - (d) ordering of disqualification under section 114 (1) of this Act,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) Subject to subsection (4) below, a person who feels aggrieved as mentioned in subsection (1) above or who is dissatisfied with the decision of the licensing authority on reconsideration of the matter, may appeal to a magistrates' court acting for the petty sessions area in which he resides or, if he resides in Scotland, to the sheriff within whose jurisdiction he resides.
- (3) On any such appeal the court or sheriff may make such order as it or he thinks fit and an order so made is binding on the licensing authority.
- (4) No appeal lies under this section in respect of any matter in respect of which an application may be made to a magistrates' court or a sheriff under section 115 of this Act.
- (5) Where an 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 not expire before the appeal is disposed of.

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*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,
  - (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

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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,

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“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 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.