



# Road Traffic Act 1972

## 1972 CHAPTER 20

### PART IV

#### LICENSING OF DRIVERS OF HEAVY GOODS VEHICLES

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

- (1) It shall be 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 shall be an offence for a person to employ 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, as the case may be, shall prevent a person who is not licensed as therein mentioned from acting, or being employed 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 78 of the Road Traffic Regulation Act 1967) 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 shall apply to the driving of, or the employment of a person to drive, a vehicle in any case where 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 the vehicle is being driven for one of the purposes for which it must be solely used if the duty is to remain chargeable at that rate.

#### **113 Licensing authority, and applications, for heavy goods vehicle driver's licences**

- (1) The person who is the chairman of the traffic commissioners for any area constituted for the purposes of Part III of the Road Traffic Act 1960, including any person for the time being appointed by the Secretary of State to act as deputy to the chairman, shall

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have the power and be charged with the duty of granting licences (in this Part of this Act referred to as " heavy goods vehicle drivers' licences") under this Part of this Act 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.

#### **114 Grant of heavy goods vehicle drivers' licences**

- (1) Subject to the transitional provisions contained in Schedule 5 to this Act, the licensing authority shall not grant a full licence to drive a heavy goods vehicle of any class unless he is satisfied that the applicant for the licence—
- (a) 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) has within that period held a full licence authorising the driving of vehicles of that class.
- (2) 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.
- (3) A licence issued by virtue of subsection (2) above 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 shall be guilty of an offence.

#### **115 Duration of heavy goods vehicle drivers' licences**

- (1) Subject to subsection (2) 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, but 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.
- (2) Subject to subsection (3) below, a licence issued by virtue of section 114(2) of this Act shall, unless previously revoked, continue in force for six months from the date on which it is expressed to take effect.
- (3) Subsection (2) above shall not apply to a licence treated as a provisional licence by virtue of section 119(1)(e) of this Act.

#### **116 Disqualification on revocation of heavy goods vehicle driver's licence**

- (1) Where in pursuance of section 115(1) 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 the licence is a full licence and 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

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competence to drive heavy goods vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he has, since the date of the order, passed such a test.

- (2) 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, but so long as the disqualification continues in force a heavy goods vehicle driver's licence shall not be granted to him and any such licence obtained by him shall be of no effect.
- (3) Where the holder of a full licence is disqualified under subsection (1)(b) above, a licensing authority shall not thereafter 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.

#### **117 Court may determine whether test of competence to drive was properly conducted**

A magistrates' court acting for the petty sessions area in which a person who has submitted himself for a test of competence to drive resides, or if he resides in Scotland the sheriff within whose jurisdiction he resides, may on the application of that person determine whether the test was properly conducted in accordance with the regulations and, if it appears to the court or sheriff that the test was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another test before the expiration of the period prescribed for the purposes of section 119(1)(j) of this Act, and may 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.

#### **118 Appeals relating to heavy goods-vehicle 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 116(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 (3) below, a person who is so aggrieved as aforesaid, 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; and on any such appeal the court or sheriff may make such order as it or he thinks fit and an order so made shall be binding on the licensing authority.
- (3) No appeal shall lie 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 117 of this Act.

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- (4) Where the 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 continue in force until the appeal has been disposed of notwithstanding that it would otherwise have expired.

## **119 Regulations for purposes of Part IV**

- (1) The Secretary of State may make regulations for the purpose of carrying the provisions of this Part of this Act into effect and, without prejudice to the generality of the foregoing, 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 tests;
  - (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) 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 125 of this Act or any licence under Part II of the Road Traffic Act (Northern Ireland) 1955 or Part I of the Road Traffic Act (Northern Ireland) 1970 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;
  - (i) 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 ;
  - (j) 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 117 of this Act;
  - (k) provide for the issue of a new licence in place of a licence lost or defaced on payment of the prescribed fee;

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

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- (2) Regulations under this section may provide that a person who contravenes or fails to comply with any specified provision of the regulations shall be guilty of an offence.
- (3) 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.

## **120 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 this Part of this Act shall be paid into the Consolidated Fund.
- (4) Any expenses incurred by the Secretary of State under this Part of this Act shall be defrayed out of moneys provided by Parliament.

## **121 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 under section 85(2) of this Act for any prescribed class of motor vehicle.

## **122 Transitional provisions as to certain heavy goods vehicle drivers' licences**

The provisions of Schedule 5 to this Act shall have effect in connection with the coming into operation of section 112 of this Act.

## **123 Restriction on institution of proceedings for certain offences**

Proceedings for an offence under section 112 or 114(3) of this Act shall not, in England or Wales, be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by the traffic commissioners, a chief officer of police or the council of a county, county borough or county district.

## **124 Interpretation of Part IV**

In this Part of this Act and Schedule 5 thereto, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

" full licence " means a heavy goods vehicle driver's licence other than a provisional licence;

" heavy goods vehicle " means a vehicle of any of the following classes which is constructed or adapted for hauling or carrying goods or burden of any description, that is to say, a heavy locomotive, a light locomotive, a motor tractor, a heavy motor car and a motor car so constructed that a trailer may

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by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne thereby;

" prescribed " means prescribed by regulations under section 119 of this Act;

" traffic commissioners " has the same meaning as it has for the purposes of Part III of the Road Traffic Act 1960.

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

- (1) If the Secretary of State certifies that satisfactory provision is made by the law of Northern Ireland for the issue of licences specifically to drive heavy goods vehicles, it shall be lawful for the holder of such a licence (hereafter in this section referred to as a Northern Ireland licence) to 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) While a certificate is in force under subsection (1) above, the licensing authority may, notwithstanding anything in section 114(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 and 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 116(1) of this Act as is conferred in relation to a heavy goods vehicle driver's licence by section 115(1) thereof and the said section 116(1) on the licensing authority for the traffic area in which the last-named licence was granted, and the provisions of the said section 115(1) (except the provision relating to the duration of licences) and of the said section 116(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 118 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, be to a prescribed magistrates' court or a prescribed sheriff; and
  - (b) the provisions of subsection (2) of the said section 118 shall have effect accordingly.
- (5) At any time when no certificate is in force under subsection (1) above a person resident in Northern Ireland who is temporarily in Great Britain and holds a driving licence issued in Northern Ireland under Part II of the Road Traffic Act (Northern Ireland) 1955 or Part I of the Road Traffic Act (Northern Ireland) 1970 to drive heavy goods vehicles of any description may during a period of twelve months from the date of his last entry into Great Britain drive, and be employed in driving, on a road in Great Britain a heavy goods vehicle of that description brought temporarily into Great

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Britain notwithstanding that he is not the holder of a heavy goods vehicle driver's licence.