



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART IV

#### LICENSING OF DRIVERS OF HEAVY GOODS VEHICLES

##### *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

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- 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.
- (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.
- (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,

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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.