



Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

Physical fitness

92 Requirements as to physical fitness of drivers

- (1) An application for the grant of a licence must include a declaration by the applicant, in such form as the Secretary of State may require, stating whether he is suffering or has at any time (or, if a period is prescribed for the purposes of this subsection, has during that period) suffered from any relevant disability or any prospective disability.
- (2) In this Part of this Act—
 - “disability” includes disease,
 - “relevant disability” in relation to any person means—
 - (a) any prescribed disability, and
 - (b) any other disability likely to cause the driving of a vehicle by him in pursuance of a licence to be a source of danger to the public, and
 - “prospective disability” in relation to any person means any other disability which—
 - (a) at the time of the application for the grant of a licence or, as the case may be, the material time for the purposes of the provision in which the expression is used, is not of such a kind that it is a relevant disability, but
 - (b) by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in course of time.
- (3) If it appears from the applicant’s declaration, or if on inquiry the Secretary of State is satisfied from other information, that the applicant is suffering from a relevant disability, the Secretary of State must, subject to the following provisions of this section, refuse to grant the licence.

Status: This is the original version (as it was originally enacted).

- (4) The Secretary of State must not by virtue of subsection (3) above refuse to grant a licence—
- (a) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant has at any time passed a relevant test and it does not appear to the Secretary of State that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the Secretary of State at that time,
 - (b) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person in whose case the disability is appropriately controlled,
 - (c) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the application is for a provisional licence.
- (5) Where as a result of a test of competence to drive the Secretary of State is satisfied that the person who took the test is suffering from a disability such that there is likely to be a danger to the public—
- (a) if he drives any vehicle, or
 - (b) if he drives a vehicle other than a vehicle of a particular construction or design,
- the Secretary of State must serve notice in writing to that effect on that person and must include in the notice a description of the disability.
- (6) Where a notice is served in pursuance of subsection (5)(a) above, then—
- (a) if the disability is not prescribed under subsection (2) above, it shall be deemed to be so prescribed in relation to the person who took the test, and
 - (b) if the disability is prescribed for the purposes of subsection (4)(c) above it shall be deemed not to be so prescribed in relation to him.
- (7) Where a notice is served in pursuance of subsection (5)(b) above, any licence granted to the person who took the test shall be limited to vehicles of the particular construction or design specified in the notice.
- (8) In this section “relevant test”, in relation to an application for a licence, means any such test of competence as is mentioned in section 89 of this Act or a test as to fitness or ability in pursuance of section 100 of the Road Traffic Act 1960 as originally enacted, being a test authorising the grant of a licence in respect of vehicles of the classes to which the application relates.
- (9) Without prejudice to subsection (8) above, for the purposes of subsection (4)(a) above—
- (a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he has passed a test of competence to drive which, under a provision of a relevant external law corresponding to subsections (3) and (4) or (6) and (7) of section 89 of this Act, either is prescribed in relation to vehicles of the classes to which the application relates or is sufficient under that law for the granting of a licence authorising the driving of vehicles of those classes, and
 - (b) in the case of an applicant who is treated as having passed a relevant test by virtue of paragraph (a) above, disclosure of a disability to the authority having power under the relevant external law to grant a licence to drive a motor vehicle shall be treated as disclosure to the Secretary of State.

In this subsection “relevant external law” has the meaning given by section 89(2) of this Act.