



Road Traffic (Driver Licensing and Information Systems) Act 1989

1989 CHAPTER 22

PART I

DRIVING LICENCES

1 Abolition of special licences for driving HGVs and PSVs.

(1) On the appointed day Part IV of the ^{M1}Road Traffic Act 1988 and section 22 of the ^{M2}Public Passenger Vehicles Act 1981 (which require special driving licences to be held for driving heavy goods vehicles and public service vehicles) shall cease to have effect but the repeal of those provisions does not imply that it is lawful for a person to drive a heavy goods vehicle or a public service vehicle of any class on or after that day on the authority of an existing licence under Part III of the 1988 Act (ordinary licences) and, for the purposes of section 87 of that Act (offence of driving without Part III licence), his licence shall not be taken to authorise him to drive vehicles of those classes.

^{F1}(2)

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(7) In this Part of this Act—

“the appointed day” means the day appointed for the coming into force of this section;

“existing”, in relation to a licence, means in force immediately before the appointed day;

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“traffic area” means a traffic area constituted for the purposes of the 1981 Act;

“traffic commissioner” means a traffic commissioner appointed for the purposes of the 1981 Act;

“the 1981 Act” means the ^{M3}Public Passenger Vehicles Act 1981;

“the 1988 Act” means the ^{M4}Road Traffic Act 1988;

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...

Textual Amendments

F1 S. 1(2)-(6) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 14

F2 Words in s. 1(7) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 14

Commencement Information

II S. 1 wholly in force at 1.4.1991; S. 1 not in force at Royal Assent see s. 17(2); s. 1(7) in force for certain purposes at 1.6.1990 by S.I. 1990/802; S. 1 in force so far as not already in force at 1.4.1991 by S.I. 1990/2610

Marginal Citations

M1 1988 c. 52.

M2 1981 c. 14.

M3 1981 c. 14.

M4 1988 c. 52.

2 Special provisions relating to licensing of drivers of LGVs and PCVs.

(1) There shall be inserted as Part IV of the 1988 Act the provisions set out in Schedule 2 to this Act which—

- (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and
- (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the 1981 Act to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act.

(2) After section 99(1) of the 1988 Act (duration of licences) there shall be inserted the following subsection—

“(1A) In so far as a licence authorises its holder to drive any prescribed class of goods vehicle or passenger-carrying vehicle, it shall, unless previously revoked, suspended or surrendered, remain in force—

(a) except in a case falling within paragraph (c) or (d) of this subsection—

(i) for the period ending on the forty-fifth anniversary of the applicant’s date of birth or for a period of five years, whichever is the longer, or

(ii) where the applicant’s age at the date on which the licence is to come into force will exceed forty-five but not sixty-five years, for the period ending on the sixty-sixth anniversary of the applicant’s date of birth or for a period of five years, whichever is the shorter,

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- (b) except in a case falling within paragraph (d) of this subsection, where the applicant’s age at that date will exceed sixty-five years, for a period of one year,
 - (c) except in a case falling within paragraph (b) or (d) of this subsection, if the Secretary of State so determines in the case of a licence to be granted to a person appearing to him to be suffering from a relevant or prospective disability, for such period of not more than three years and not less than one year as the Secretary of State may determine, and
 - (d) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,
- and any such period shall begin with the date on which the licence in question is expressed to come into force.”

Commencement Information

I2 S. 2 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

3 Exceptions to prohibition on driving without a licence.

- (1) Section 88 of the 1988 Act (exceptions to prohibition on driving without a licence) shall be amended as follows.
- (2) In subsection (1) (conditions of the exception), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
 - “(a) the driver has held—
 - (i) a licence under this Part of this Act to drive vehicles of that or a corresponding class, or
 - (ii) a Northern Ireland licence to drive vehicles of that or a corresponding class, or
 - (iii) a British external licence or British Forces licence to drive vehicles of that or a corresponding class, or
 - (iv) an exchangeable licence to drive vehicles of that or a corresponding class, and
 - (b) either—
 - (i) a qualifying application by the driver for the grant of a licence to drive vehicles of that class for a period which includes that time has been received by the Secretary of State, or
 - (ii) a licence to drive vehicles of that class granted to him has been revoked or surrendered in pursuance of section 99(3) or (4) of this Act otherwise than by reason of a current disqualification or of its having been granted in error, and”.
- (3) After subsection (1) there shall be inserted the following subsections—
 - “(1A) An application for the grant of a licence to drive vehicles of any class is a qualifying application for the purposes of subsection (1)(b)(i) above if—
 - (a) the requirements of paragraphs (a), (b) so far as it relates to initial evidence and (c) of section 97(1) of this Act have been satisfied;

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- (b) the applicant—
 - (i) is not subject to a current disqualification which is relevant to the licence he applies for, and
 - (ii) is not prevented from obtaining it by section 89 of this Act; and
 - (c) the declaration made in pursuance of section 92(1) of this Act indicates that he is not suffering from a relevant disability.
- (1B) A disqualification is relevant to a licence for which a person makes an application if—
- (a) in the case of an application made by virtue of any provision of subsection (1)(a) above, the disqualification subsists under or by virtue of any provision of the Road Traffic Acts and relates to vehicles of the class to which his application relates;
 - (b) in the case of an application made by virtue of subsection (1)(a)(ii) above, the disqualification subsists under or by virtue of any provision of the law of Northern Ireland and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;
 - (c) in the case of an application made by virtue of subsection (1)(a)(iii) above, the disqualification subsists under or by virtue of any provision of the relevant external law or, as the case may be, is a disqualification for holding or obtaining a British Forces licence and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates; and
 - (d) in the case of an application made by virtue of subsection (1)(a)(iv) above, the disqualification subsists under or by virtue of any provision of the law of the member State or country or territory under which the licence which he held was granted and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;
- but a disqualification which does not prevent the person disqualified from obtaining a provisional licence or, as the case may be, a licence corresponding to a provisional licence is relevant to a full licence but not to a provisional licence.”
- (4) In subsection (2) (period of benefit of exception), at the end, there shall be inserted “, or
- (c) in a case where a licence is refused under section 92(3) of this Act, beyond the day on which the applicant receives notice of the refusal.”
- (5) After subsection (7) there shall be inserted the following subsection—
- “(8) In this Part of this Act—
- “British external licence” means a licence granted in the Isle of Man or any of the Channel Islands under the relevant external law;
 - “British Forces licence” means a licence granted in the Federal Republic of Germany by the British authorities to members of the British Forces or of the civilian components of those Forces or their dependants; and
 - “relevant external law” means the law for the time being in force in the Isle of Man or any of the Channel Islands which corresponds to this Part of this Act.”

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4 Tests of competence and related conditions of entitlement to driving licence.

- (1) Section 89 of the 1988 Act (tests of competence to drive and related conditions of entitlement to driving licence) shall be amended as provided in subsections (2) to (4) below.
- (2) In subsection (1) (conditions of entitlement to driving licence), for paragraphs (a) to (d) there shall be substituted the following paragraphs—
- “(a) that at some time during the period of two years ending with the date the application is made but not earlier than the appointed day he has passed—
- (i) the test of competence to drive prescribed by virtue of subsection (3) below, or
 - (ii) a Northern Ireland test of competence to drive which corresponds to such a test, or
 - (iii) a test of competence which under subsection (6) below is a sufficient test;
- or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or
- (b) that at some time not earlier than the appointed day he has held—
- (i) a full licence authorising the driving of vehicles of that class, or
 - (ii) a full Northern Ireland licence authorising the driving of vehicles of that or a corresponding class;
- or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or
- (c) that at some time during the period of two years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class conducted under any relevant external law or for the purpose of obtaining a British Forces licence; or
- (d) that at some time not earlier than the appointed day he has held a full British external licence or a full British Forces licence to drive vehicles of that or a corresponding class or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or
- (e) that at some time during the period of two years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class conducted under the law of another member State or of Gibraltar or a designated country or territory; or
- (f) that, at the time of the application for the licence—
- (i) he holds an exchangeable licence authorising the driving of vehicles of that or a corresponding class, and
 - (ii) he is normally resident in Great Britain or (where the exchangeable licence is a Community licence) the United Kingdom but has not been so resident for more than the prescribed period.”

(3) For subsection (2) there shall be substituted the following subsection—

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“(2) For the purposes of subsection (1) above—

- (a) a licence which has been revoked under section 99(3) of this Act or any corresponding provision of the law of Northern Ireland or under any corresponding provision of the relevant external law as a licence granted in error shall be disregarded for the purposes of paragraph (b) or, as the case may be, paragraph (d) of that subsection;
- (b) a test of competence to drive any class of goods vehicle or any class of passenger-carrying vehicle conducted under a relevant external law is to be disregarded for the purposes of paragraph (c) of that subsection unless the Secretary of State, by order made by statutory instrument, designates that law as one which makes satisfactory provision for tests of competence to drive such vehicles;
- (c) a British external licence to drive any class of goods vehicle or any class of passenger-carrying vehicle is to be disregarded for the purposes of paragraph (d) of that subsection unless the Secretary of State, by order made by statutory instrument, designates the relevant external law under which it is granted as one which makes satisfactory provision for the granting of such licences.”

(4) After section 89 of the 1988 Act there shall be inserted the following section—

“89A The alternative requirements to those in section 89.

- (1) The alternative requirements referred to in section 89(1) of this Act are the following.
- (2) The requirement which is alternative to that specified in section 89(1)(a) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (3) below—
 - (a) is available to that person if the application is made within the period of ten years beginning with the appointed day, and
 - (b) is that at some time before the appointed day and during the period of ten years ending with the date the application is made he has passed—
 - (i) the test of competence to drive prescribed by virtue of section 89(3) of this Act or a test of competence to drive which corresponds to such a test, or
 - (ii) a Northern Ireland test of competence to drive which corresponds to any test falling within (i) above, or
 - (iii) a test of competence which under section 89(6) of this Act is a sufficient test or a test of competence to drive which corresponds to such a test.
- (3) The requirement which is alternative to that specified in section 89(1)(a) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this subsection—
 - (a) is available to that person if the application is made within the period of five years beginning with the appointed day, and

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- (b) is that at some time before the appointed day and during the period of five years ending with the date the application is made he has passed—
 - (i) a test of competence to drive a heavy goods vehicle or public service vehicle of a class corresponding to the class of vehicle to which his application relates, or
 - (ii) a corresponding Northern Ireland test of competence to drive a heavy goods vehicle or public service vehicle of a class which corresponds to the class of goods vehicle or passenger-carrying vehicle to which his application relates.
- (4) The requirement which is alternative to that specified in section 89(1)(b) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (5) below is that at some time before the appointed day but not earlier than 1st January 1976 he has held—
 - (a) a full licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates, or
 - (b) a full Northern Ireland licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates.
- (5) The requirement which is alternative to that specified in section 89(1)(b) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this subsection is that at some time before the appointed day but not earlier than the beginning of the period of five years ending with the appointed day he has held—
 - (a) a full heavy goods vehicle or a public service vehicle driver’s licence authorising the driving of vehicles of a class corresponding to the class of vehicle to which his application relates, or
 - (b) a full Northern Ireland licence to drive heavy goods vehicles of a class corresponding to the class of vehicle to which his application relates or a Northern Ireland licence to drive public service vehicles of a class corresponding to the class of vehicle to which his application relates.
- (6) The requirement which is alternative to that specified in section 89(1)(d) on an application by a person for a licence authorising the driving of motor vehicles of any class—
 - (a) is available to that person if the application is made within the period of ten years beginning with the appointed day, and
 - (b) is that at some time before the appointed day and during the period of ten years ending with the date the application is made he has held a full British external licence or a full British Forces licence to drive vehicles of that or a corresponding class.
- (7) In this section “heavy goods vehicle” and “public service vehicle” have the same meaning as they had for the purposes of Part IV of this Act or section 22 of the Public Passenger Vehicles Act 1981 before their repeal by section 1 of the Road Traffic (Driver Licensing and Information Systems) Act 1989.”

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Commencement Information

I3 S. 4 wholly in force at 1.4.1991 see s. 17(2) and S.I. 1990/2610, art. 2, Sch.

5 Refusal or revocation of licences on grounds of physical unfitness.

- (1) Section 92 of the 1988 Act (requirements as to physical fitness of drivers) shall be amended as provided in subsections (2) to (5) below.
- (2) In subsection (5) (notice to a person of dangerous disability following a test of competence)—
- (a) after the words “a test of competence to drive” there shall be inserted the words “or of information obtained under the relevant powers”;
 - (b) after the words “who took the test” there shall be inserted the words “or in relation to whom the information was obtained”; and
 - (c) for the words “construction or design” there shall be substituted the word “class”.

^{F3}(3)

- (4) After subsection (7) there shall be inserted the following subsections—

“(7A) If he considers it appropriate to do so the Secretary of State may, after serving a notice in pursuance of subsection (5)(a) above, serve a notice in pursuance of subsection (5)(b) above or, after serving a notice in pursuance of subsection (5)(b) above, serve a notice in pursuance of subsection (5)(a) above or a further notice in pursuance of subsection (5)(b) above; and on his serving a further notice under any of those provisions the notice previously served shall cease to have effect and any limited licence previously granted shall be revoked by the subsequent notice.

(7B) In subsection (5) above the references to a test of competence to drive and to information obtained under the relevant powers are references respectively to a test of competence prescribed for the purposes of section 89 or so much of such a test as is required to be taken in pursuance of section 94(5)(c) of this Act and to information obtained in pursuance of section 94(5)(a) or (b) of this Act.

(7C) A person whose licence [^{F4}and its counterpart]is revoked by virtue of subsection (7A) above must deliver the licence to the Secretary of State forthwith after the revocation and a person who, without reasonable excuse, fails to do so is guilty of an offence.”

- (5) In subsection (9) (relevant driving tests under external laws which entitle persons with prescribed disabilities to have licences)—
- (a) for paragraph (a) there shall be substituted the following paragraph—
 - “(a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he passed a test of competence to drive which—
 - (i) under a provision of the law of Northern Ireland or a relevant external law corresponding to subsections (3) and (4) or (6) of section 89 of this Act, either is prescribed in relation to vehicles of classes

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- corresponding to 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, or
- (ii) is sufficient for the granting of a British Forces licence authorising the driving of vehicles of those classes, and”; and
- (b) in paragraph (b), for the words from “the authority” to “vehicle” there shall be substituted the words “his licensing authority”.
- (6) In section 93(3) of the 1988 Act (duty to surrender licence revoked on account of disability), at the end, there shall be inserted the words “and a person who, without reasonable excuse, fails to do so is guilty of an offence.”
- (7) In section 94(4) of the 1988 Act (powers of Secretary of State to satisfy himself whether or not a person is suffering from a disability)—
- (a) after the word “If” there shall be inserted the words “the prescribed circumstances obtain in relation to a person who is an applicant for, or the holder of, a licence or if”; and
- (b) for the words “that is the case” there shall be substituted the words “that person may be suffering from that or any other relevant or prospective disability”.
- (8) In section 94(5)(c) of the 1988 Act (requirement on applicant for, or holder of, licence believed to be suffering from disability to take driving test), for the words from “a test of competence to drive” to the end there shall be substituted the words “such a test of competence to drive as the Secretary of State directs in the notice.”
- (9) In section 94(9) of the 1988 Act (payment of doctors’ fees), for the words “The Secretary of State must” there shall be substituted the words “Except where the requirement is made in the circumstances prescribed for the purposes of subsection (5) above, it shall be for the Secretary of State (and not for any other person) to”.
- (10) In section 98 of the 1988 Act (form of licence and provisional entitlement)—
- (a) in subsection (2), for the words “and (4)” there shall be substituted the words “, (4) and (4A)”;
- (b) after subsection (4) there shall be inserted the following subsection—
- “(4A) [^{F5}Subsection (2) above does not]authorise a person on whom a notice under section 92(5)(b) of this Act has been served to drive motor vehicles otherwise than in accordance with the limits specified in the notice.”

Textual Amendments

- F3** S. 5 (3) repealed (1.7.1998) by S.I. 1998/1420, regs. 17, Sch.
- F4** Words inserted by S.I. 1990/144, regs. 2(3), 3, Sch. 3 para. 1(a)
- F5** Words substituted by S.I. 1990/144, regs. 2(3), 3, Sch. 3 para. 1(b)

Commencement Information

- I4** S.5 wholly in force at 1.4.1991; s. 5 not in force at Royal Assent see s. 17(2); s. 5 partly in force at 1.6.1990 by S.I. 1990/802; s. 5 in force at 1.4.1991 so far as not already in force by S.I. 1990/2610, art. 2, Sch.

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6 Compulsory training courses for riders of motor cycles.

(1) In section 89 of the 1988 Act (tests of competence to drive)—

(a) after subsection (2), there shall be inserted the following subsection—

“(2A) Except as provided under subsection (5A) below, no person submitting himself for a test of competence to drive a motor bicycle shall be permitted to take the test unless he furnishes the prescribed certificate of completion by him of an approved training course for motor cyclists either with his application for an appointment for a test or to the person who is to conduct the test.”; and

(b) after subsection (5), there shall be inserted the following subsection—

“(5A) Regulations may prescribe cases in which persons are exempt from the requirement imposed by subsection (2A) above; and the regulations may—

- (a) limit the exemption to persons in prescribed circumstances;
- (b) limit the exemption to a prescribed period;
- (c) attach conditions to the exemption; and
- (d) regulate applications for, and the issue and form of, certificates evidencing a person’s exemption from that requirement.”

(2) In section 97 of the 1988 Act (licences to be granted on fulfilment of certain conditions)—

(a) in subsection (1), for the words “subsection (2) below” there shall be substituted the words “the following provisions of this section”;

(b) in subsection (3) (provisional licences), after paragraph (d), there shall be inserted the following “, and

(e) except as provided under subsection (3B) below, shall not authorise a person, before he has passed a test of competence to drive, to drive on a road a motor bicycle except where he has successfully completed an approved training course for motor cyclists or is undergoing training on such a course and is driving the motor cycle on the road as part of the training.”; and

(c) after subsection (3), there shall be inserted the following subsections—

“(3A) Regulations may make provision as respects the training in the driving of motor bicycles of persons wishing to obtain licences authorising the driving of such motor cycles by means of courses of training provided in accordance with the regulations; and the regulations may in particular make provision with respect to—

- (a) the nature of the courses of training;
- (b) the approval by the Secretary of State of the persons providing the courses and the withdrawal of his approval;
- (c) the maximum amount of any charges payable by persons undergoing the training;
- (d) certificates evidencing the successful completion by persons of a course of training and the supply by the Secretary of State of the forms which are to be used for such certificates; and

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(e) the making, in connection with the supply of forms of certificates, of reasonable charges for the discharge of the functions of the Secretary of State under the regulations; and different provision may be made for training in different classes of motor cycles.

(3B) Regulations may prescribe cases in which persons holding a provisional licence are exempt from the restriction imposed by subsection (3)(e) above on their driving under the licence; and the regulations may—

- (a) limit the exemption to persons in prescribed circumstances;
- (b) limit the exemption to a prescribed period or in respect of driving in a prescribed area;
- (c) attach conditions to the exemption; and
- (d) regulate applications for, and the issue and form of, certificates evidencing the holder's exemption from the restriction.”.

7 Minor, consequential and further amendments.

The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule being for the most part minor or consequential amendments.

Commencement Information

- I5** S. 7 wholly in force at 1.4.1991; S. 7 not in force at Royal Assent see s. 17(2); S. 7 in force for certain purposes at 8.11.1989 by S.I. 1989/1843, at 1.6.1990 by S.I. 1990/802 and at 1.12.1990 by S.I. 1990/2228; s. 7 in force at 1.4.1991 so far as not already in force by S.I. 1990/2610, art. 2, Sch.

PART II

DRIVER INFORMATION SYSTEMS

Modifications etc. (not altering text)

- C1** Pt. II (ss. 8–15) excluded by S.I. 1990/865, art. 2(1)(2)

Preliminary

8 Definitions of driver information systems etc.

- (1) The following provisions shall have effect for the interpretation of this Part of this Act.
- (2) Subject to subsection (7) below, “driver information” is information (including guidance and warnings) of use to the drivers of motor vehicles relating to routes for or the position of their vehicles or traffic conditions and “route guidance” is to be construed accordingly.

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- (3) A “driver information system” is—
- (a) a system for the collection, storage and processing of data from which driver information is derived, or
 - (b) a system for the transmission of data from which driver information is derived, by means of apparatus situated otherwise than in motor vehicles to motor vehicles equipped to receive the transmissions, or
 - (c) a system for both of the above;
- but data is not “collected” unless it is collected from motor vehicles whether or not also from other sources.
- (4) A person “operates” a driver information system if (otherwise than as an employee)—
- (a) he collects, stores and processes data from which driver information is derived, or
 - (b) he transmits such data to motor vehicles;
- and he operates a driver information system “in relation to” public roads if he collects data from or, as the case may be, transmits data to, motor vehicles on public roads; and related expressions shall be construed accordingly.
- (5) “Data” means information recorded in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose.
- (6) The “system apparatus”, in relation to a driver information system, is the apparatus by means of which the system is operated.
- (7) The Secretary of State may by order prescribe descriptions of information which is not to be driver information for the purposes of any provision of this Part of this Act.
- (8) In this Part of this Act—
- (a) “highway authority” is used with reference to England and Wales and has the same meaning as in the ^{M5}Highways Act 1980;
 - (b) “roads authority” is used with reference to Scotland and has the same meaning as in the ^{M6}Roads (Scotland) Act 1984; and
 - (c) “public road” means, with reference to England and Wales, a highway maintainable at the public expense within the meaning of the Highways Act 1980, and, with reference to Scotland, a public road within the meaning of the Roads (Scotland) Act 1984.

Marginal Citations

M5 1980 c. 66.

M6 1984 c. 54.

Licensing for driver information systems

9 Requirement for licence to operate driver information system.

- (1) Except as provided under subsection (2) below, no person shall operate a driver information system in relation to public roads in England or Wales or Scotland unless he is authorised to do so by a licence granted to him by the Secretary of State.

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- (2) The Secretary of State may, by order, direct that this Part of this Act shall not apply to any description of driver information system specified in the order; and the description of a system may be framed by reference to any of its characteristics, its effects or any other circumstances.
- (3) [^{F6}The holding by a person of a licence under this section shall not relieve him of—
 - (a) any liability in respect of a failure to hold [^{F7}a licence under section 8 of the Wireless Telegraphy Act 2006] ; or
 - (b) any obligation to comply with requirements imposed by or under Chapter 1 of Part 2 of the Communications Act 2003 (electronic communications networks and electronic communications services).]
- (4) Any person who operates a driver information system in contravention of this section commits an offence.
- (5) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to a fine.

Textual Amendments

- F6** S. 9(3) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 97\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))
- F7** Words in s. 9(3)(a) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), [Sch. 7 para. 7](#)

10 Operators' licences.

- (1) The Secretary of State may grant a licence to operate a driver information system in any area in England or Wales or Scotland (such a licence being referred to in this Part of this Act as an “operator’s licence”).
- (2) More than one operator’s licence may be granted for the same area but an operator’s licence is not assignable.
- (3) An operator’s licence may authorise the operation of all or only one or more descriptions of driver information system and may authorise the transmission of data from which route guidance is derived to the drivers of motor vehicles of all or only one or more classes or its collection from motor vehicles of all or only one or more classes.
- (4) An operator’s licence shall be in writing and shall specify, in accordance with subsection (3) above, the scope of the authority given and the area within which the licence holder may operate.
- (5) An operator’s licence shall, unless revoked, suspended or surrendered, remain in force for the period specified in the licence.
- (6) An operator’s licence shall be granted on such terms and subject to such conditions as the Secretary of State considers appropriate and he may—
 - (a) with the consent of the licence holder, attach new conditions or vary any of the terms or conditions; or

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- (b) without the consent of the licence holder, attach new conditions designed to prevent danger to the public or vary any such condition.
- (7) An operator's licence may include a term requiring the rendering to the Secretary of State of a payment on the grant of the licence or payments during the currency of the licence or both of such amount or amounts as may be determined by or under the licence.
- (8) The conditions subject to which an operator's licence is granted may include, in particular, conditions—
- (a) specifying the classes or descriptions of public road or any particular public road in, upon, under, over, along or across which system apparatus may or may not be installed;
 - (b) specifying the classes or descriptions of public road or any particular public road which may or may not be included in route guidance to drivers or to the drivers of specified classes of motor vehicles or specifying the circumstances in which the roads or road may be included or excluded;
 - (c) specifying the classes of motor vehicles to whose drivers route guidance may or may not be given or the circumstances in which it may or may not be given to such drivers;
 - (d) regulating the size, shape or other characteristics of system apparatus;
 - (e) regulating the charges that may be made by the licence holder to drivers or other persons for receiving data transmitted by a driver information system;
 - (f) requiring the licence holder to furnish to the Secretary of State such information relating to motor vehicles or traffic conditions derived from data which is or has been stored in the driver information system by the licence holder as the Secretary of State requires and authorising the Secretary of State to make such use, including the sale, of the information as he thinks fit;
 - (g) requiring the licence holder to keep such records relating to the operation of the system as the Secretary of State specifies and to permit persons authorised by the Secretary of State to inspect the records and make copies or extracts from them;
 - (h) authorising the Secretary of State to disclose the roads permitted to be included in route guidance under the licence to persons appearing to him to be affected;
 - (i) requiring the licence holder to disclose the roads included in route guidance under the licence to persons requesting the information on payment (if required) of a charge not exceeding such amount as may be specified in the licence.
- (9) No information may be required to be furnished to the Secretary of State under subsection (8)(f) above in a way that would enable individual owners or drivers of motor vehicles to be identified.
- (10) The Secretary of State may make such payments as he may determine in respect of the furnishing of information by virtue of subsection (8)(f) above.
- (11) Any sums received by the Secretary of State in pursuance of subsection (7) above shall be paid into the Consolidated Fund.

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11 Sanctions for operating outside licence area or for breach of licence conditions.

- (1) The Secretary of State may, subject to subsection (2) below, at any time revoke or suspend an operator's licence on the ground that—
 - (a) the licence holder's operations have extended beyond the area in which the licence authorised him to operate, or
 - (b) there has been a breach of any condition of the licence.
- (2) The Secretary of State shall not revoke or suspend a licence for breach of a condition unless he is satisfied that owing to—
 - (a) the frequency of the breach of conditions,
 - (b) the intentional nature of the breach, or
 - (c) the danger to the public involved in the breach,the licence should be revoked or suspended.
- (3) Where the Secretary of State revokes a licence he may, if it appears to him to be expedient to do so, direct that the revocation is a provisional revocation which will not take effect until a future date; and where he gives such a direction he may either make final the revocation or withdraw it.
- (4) An operator's licence suspended under the foregoing provisions of this section shall during the time of suspension be of no effect.
- (5) Subject to subsection (6) below, if a condition attached to an operator's licence is broken, the holder of the licence commits an offence.
- (6) It shall be a defence for a person charged with an offence under subsection (5) above to prove that he took all reasonable precautions and exercised all due diligence to avoid a breach of that condition.
- (7) A person guilty of an offence under subsection (5) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Supplementary

12 Power to install apparatus etc.

- (1) This section has effect—
 - (a) for the purposes of any operator's licence to which it is applied by the licence, but
 - (b) subject to any exclusions or other modifications specified in the licence.
- (2) The holder of an operator's licence shall have power to do all or any of the following things, that is to say—
 - (a) install system apparatus in, upon, under, over, along or across a public road;
 - (b) inspect, maintain, adjust, repair, alter, renew or remove any system apparatus so installed; and
 - (c) execute any works requisite for or incidental to the purposes of any works falling within paragraph (a) or (b) above, including for those purposes the following kinds of works, that is to say—
 - (i) breaking up or opening a public road;
 - (ii) tunnelling or boring under a public road; and

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(iii) breaking up or opening a sewer, drain or tunnel

F8 . . .

- (3) The powers conferred by subsection (2) above shall not be exercisable by fixing system apparatus to a traffic sign (within the meaning of section 64(1) of the ^{M7}Road Traffic Regulation Act 1984).
- (4) Subject to subsection (5) below, the powers conferred by subsection (2) above shall not be exercisable—
- (a) by fixing system apparatus to a structure or attachment to a structure belonging to another person or authority, or
 - (b) by making use, for the purpose of installing system apparatus, of an existing cable, duct or installation of any description (whether under ground or not) belonging to another person or authority,
- without the written consent of that other person or authority; and a local authority shall have power to give its consent upon such terms (including such terms as to payment) as it thinks appropriate.
- (5) Where the consent in question under subsection (4) above would be that of any authority prescribed by order made by the Secretary of State, subsection (4) shall, as specified in the order—
- (a) apply only in the circumstances specified in the order, or
 - (b) not apply except in such circumstances (if any) as may be specified in the order.
- (6) The powers conferred by subsection (2) above shall be so exercised as to comply with any regulations made by the Secretary of State relating to the situation or manner of installation of system apparatus of any description.
- (7) Subject to any terms or conditions of the licence, the licence holder, if so required by the highway authority or the roads authority—
- (a) shall remove any system apparatus which at the expiry of the licence remains in any land (whether or not vested in the authority) comprised in or lying under a public road, and shall restore the land to its condition before the system apparatus was installed there; or
 - (b) shall reimburse the authority the expenses incurred in doing so.
- (8) In subsection (4) above, “local authority” in England and Wales has the meaning given by the ^{M8}Local Government Act 1972, and in Scotland has the meaning given by the ^{M9}Local Government (Scotland) Act 1973.
- (9) This section applies in relation to any land belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department, as it applies in relation to other land.

Textual Amendments

F8 Words in s. 12(2) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch.9](#); (E.W.) [S.I. 1992/2984, art. 2\(2\)](#), [Sch.2](#); (S.) [S.I. 1992/2990, art. 2\(2\)](#), [Sch. 2](#)

Marginal Citations

M7 1984 c. 27.

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M8 1972 c. 70.

M9 1973 c. 65.

13 Application of other Acts and protective provisions in relation to licence holders.

- (1) Schedule 4 to this Act shall have effect for the purpose of applying the enactments specified therein in relation to the holders of operators' licences and their system apparatus.
- (2) Schedule 5 to this Act (which regulates other undertakers' works affecting system apparatus) shall have effect.

14 Offences by officers of bodies corporate.

- (1) Where a body corporate is guilty of an offence under any provision of this Part of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

15 Regulations and orders.

- (1) Any power to make regulations or orders under this Part of this Act may be exercised so as to make different provision for different circumstances and different provision for England, for Wales or for Scotland.
- (2) Any power to make regulations or orders under this Part of this Act is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART III

GENERAL

16 Repeals.

The enactments mentioned in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Commencement Information

- I6** [S. 16](#) wholly in force at 1.4.1991; [S. 16](#) not in force at Royal Assent see [s. 17\(2\)](#); [s. 16](#) in force for certain purposes at 1.6.1990 by [S.I. 1990/802](#) and at 1.12.1990 by [S.I. 1990/2228](#); [s. 16](#) in force at 1.4.1991 so far as not already in force by [S.I. 1990/2610](#), [art. 2 Sch](#)

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17 Citation, commencement and extent.

- (1) This Act may be cited as the Road Traffic (Driver Licensing and Information Systems) Act 1989.
- (2) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different provisions or for different purposes.
- (3) This Act does not extend to Northern Ireland.

Modifications etc. (not altering text)

C2 Power of appointment conferred by s. 17(2) partly exercised: [S.I. 1989/1843](#), 1990/802, 2228, 2610

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 6 by 2000 c. 38 s. 274Sch. 31 Pt. 5(1)
- Sch. 1 para. 7(1) words substituted by S.I. 2005/886 Sch. para. 46
- Sch. 3 para. 11(c)(ii) by 2000 c. 38 s. 274Sch. 31 Pt. 5(1)
- Sch. 3 para. 15(g) by 2000 c. 38 s. 274Sch. 31 Pt. 5(1)
- Sch. 3 para. 2(b) repealed by 2006 c. 49 Sch. 7(4)
- Sch. 3 para. 16(b) repealed by 2006 c. 49 Sch. 7(4)
- Sch. 3 para. 25 repealed by 2006 c. 49 Sch. 7(4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 18(b)(d) by 2000 c. 38 s. 274Sch. 31 Pt. 5(1)