

SCHEDULE 1

Regulation 2

AMENDMENT OF THE ROAD TRAFFIC ACT 1988

1. The Road Traffic Act 1988 is amended as follows.
- 2.—(1) Section 97 (grant of licences) is amended as follows.
 - (2) In subsection (1)—
 - (a) in paragraph (d)(1) the words from “in accordance” to “applies for” become sub-paragraph (i);
 - (b) omit “and” after that sub-paragraph and insert—
“or
 - (ii) subject to a current disqualification under the law of an EEA State (other than the United Kingdom) which relates to vehicles of the class, or of a class corresponding to the class, to which the application relates and was imposed while the person was the holder of a licence granted under the law of that State; and”;
 - (c) the words from “is not prevented” to the end become paragraph (e); and
 - (d) in that paragraph (e), for “it” substitute “the licence”.
 - (3) Subsections (3)(d), (5) and (6) are omitted.
3. In section 98 (form of licence) omit subsection (3)(b).
- 4.—(1) Section 99 (duration of licences) is amended as follows.
 - (2) For subsection (2A)(2) substitute—

“(2A) Where in accordance with the preceding provisions of this section, a licence in the form of a photocard remains in force after the last day of the administrative validity period, the holder of the licence must nevertheless surrender the licence and its counterpart to the Secretary of State not later than that day.

(2B) Subject to subsections (2C) to (2H), the administrative validity period of a licence in the form of a photocard is—

 - (a) where the licence authorises its holder to drive any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (1A) otherwise than for a purpose mentioned in section 97(2) or by virtue of section 98(2)(3), the period of 5 years beginning with the date shown on the licence as the date of issue; and
 - (b) in any other case, the period of 10 years beginning with the date shown on the licence as the date of issue.

(2C) In the case of a licence issued before 19th January 2013, the administrative validity period is the period of 10 years beginning with—

 - (a) the date shown on the licence as the date of issue, or

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- (1) Section 97(1)(d) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22) (“the 1989 Act”), Schedule 3, paragraph 9; the Road Traffic (New Drivers) Act 1995 (c.13), Schedule 2, paragraph 2 and the Crime (International Co-operation) Act 2003 (c.32), Schedule 5, paragraphs 17 and 21.
 - (2) Section 99(2A) was inserted by S.I. 1998/1420.
 - (3) Section 98(2) was amended by the 1989 Act, section 5(10)(a) and the Transport Act 2000, Schedule 29, paragraphs 1 and 4. As at the date of these Regulations being made, these provisions in the Transport Act 2000 are yet to be commenced. Section 98(2) was also amended by S.I. 1990/144 in relation to licences which come into force on or after 1 June 1990. Paragraphs (a) and (b) of section 98(2) were substituted by the 1989 Act, Schedule 3, paragraph 11(b).

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- (b) if the licence was granted by way of renewal or replacement of a licence bearing the same photograph, the date shown on the earliest licence bearing that photograph as the date of issue of that licence.

(2D) Where under subsection (3)(4) or (4)(5) a person is required to surrender a licence and the Secretary of State grants a new licence under subsection (7), the administrative validity period of the new licence is—

- (a) a period equal to the unexpired part of the administrative validity period of the old licence; or
- (b) if that person so elects in such manner as the Secretary of State may require and pays any fee prescribed, a new administrative validity period calculated in accordance with subsection (2B).

(2E) Subject to subsection (2F), where under section 97 the Secretary of State grants a licence (the “new licence”) to a person who has previously held a licence, the administrative validity period of the new licence is—

- (a) a period equal to the unexpired part (if any) of the administrative validity period of the person’s last licence (the “old licence”), or
- (b) if the person so elects in such manner as the Secretary of State may require and pays any fee prescribed, a new administrative validity period calculated in accordance with subsection (2B).

(2F) Subsection (2E) does not apply if—

- (a) the old licence was revoked by notice under section 93(1)(6) or (2)(7) (revocation because of disability or prospective disability);
- (b) the old licence did not authorise the holder to drive any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (1A) otherwise than for a purpose mentioned in section 97(2) or by virtue of section 98(2), and the new licence does; or
- (c) the old licence was granted only for a purpose mentioned in section 97(2) and the new licence is a full licence.

(2G) Subsections (2C)(b), (2D)(a) and (2E)(a) are subject to any adjustment the Secretary of State makes in a new licence to correct an error that appears to the Secretary of State to have been made in particulars specified in an earlier licence.

(2H) Where the administrative validity period of a licence under any of subsections (2B) to (2E) would otherwise be longer than the period for which the licence remains in force under subsection (1) or (1A) (the “entitlement period”), the administrative validity period ends with the last day of the entitlement period.”

(3) After subsection (7)(8) insert—

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- (4) Section 99(3) was amended by [S.I. 1990/144](#), Schedule 1, paragraph 5(a), in relation to driving licences which come into force on or after 1 June 1990. Section 99(3) was also amended by the Road Safety Act 2006 (c.49) (“the 2006 Act”), Schedule 3, paragraphs 2, 9(1), 3(a), (b) and (c) and Schedule 7. As at the date of these Regulations being made, these provisions of the 2006 Act are yet to be commenced. Section 99(3) was also amended by the 1989 Act, Schedule 3, paragraph 12(b).
 - (5) Section 99(4) was amended by [S.I. 1990/144](#), Schedule 1, paragraph 5(b), in relation to driving licences which come into force on or after 1 June 1990. Section 99(4) was also amended by [S.I. 1998/1420](#), regulation 8(4). The words “and its counterpart” were repealed by the 2006 Act, Schedule 3, paragraphs 2, 9(1), (4) and Schedule 7. As at the date of these Regulations being made, these provisions of the 2006 Act are yet to be commenced.
 - (6) Section 93(1) was amended by [S.I. 1996/1974](#), Schedule 1, paragraph 4.
 - (7) Section 93(2) was amended by [S.I. 1990/144](#), Schedule 1, paragraph 2(a), in relation to driving licences which come into force on or after 1 June 1990. The words “and its counterpart” were repealed by the 2006 Act, Schedule 3, paragraphs 2, 5(1), (2) and Schedule 7. As at the date of these Regulations being made, these provisions of the 2006 Act are yet to be commenced.
 - (8) Section 99(7) was substituted by [S.I. 1998/1420](#), regulation 8(6) and was amended by the 2006 Act, section 40(1)(a), Schedule 3, paragraphs 2, 9(1) and (6) and Schedule 7. As at the date of these Regulations being made, these provisions of the 2006 Act are yet to be commenced.

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“(7ZZA) Where a person is required to surrender a licence and its counterpart in pursuance of subsection (2A), (3) or (4) but provides the Secretary of State with an explanation for not doing so which the Secretary of State considers adequate, the Secretary of State may (subject to the following provisions of this section) treat the licence and its counterpart as surrendered in accordance with the requirements of those subsections and may grant a new licence and counterpart to that person.”.

- (4) In subsection (7A)(9)—
- (a) after “subsection (2A) above” insert “, or in pursuance of subsection (3) or (4) where an election is made under subsection (2D)(b),”; and
 - (b) for “that subsection” substitute “subsection (7)”.
- (5) In subsection (7A)(10) for “subsection (7)” substitute “subsections (7) and (7ZZA)”.
- (6) In subsection (7B)—
- (a) omit “and” after paragraph (a);
 - (b) after paragraph (b) insert—
“and
 - (c) any information required by subsection (7C),”;
 - (c) after “(7)” insert “, (7ZZA)”.
- (7) After subsection (7B) insert—
- “(7C) In a case where—
- (a) a person surrenders a licence, and
 - (b) the surrender is in pursuance of subsection (2A) or an election has otherwise been made under subsection (2D)(b) or (2E)(b),
- the person must provide such evidence or further evidence as the Secretary of State may require for the purpose of satisfying the Secretary of State that the person is not suffering from a relevant or prospective disability.”.
- (8) In subsection (8) after “(7)” insert “, (7ZZA)”.

5.—(1) Section 108 (interpretation) is amended as follows.

- (2) In subsection (1)—
- (a) for the definitions of “EEA Agreement” and “EEA State”(11) substitute—
““EEA agreement” and “EEA state” have the meaning given by Schedule 1 to the Interpretation Act 1978;”(12);
 - (b) after the definition of “licence” insert—
““light quadricycle” means a quadricycle referred to in Article 1(3)(a) of the motorcycle type approval Directive (within the meaning of Part 2 of this Act),”;
 - (c) for the definition of “moped” substitute—

(9) Section 99(7A) was inserted by section 40(1)(b) of the Road Safety Act 2006 (c.49) (“the 2006 Act”) and was amended by Schedule 3, paragraphs 2, 9(1) and (7) and Schedule 7 to that Act. As at the date of these Regulations being made, the amendments made by Schedule 3 and Schedule 7 to the 2006 Act are yet to be commenced.

(10) Sections 99(7A) and (7B) were inserted by S.I. 1998/1420, regulation 8(6).

(11) In section 108(1), the definitions of “EEA State” and “EEA Agreement” were inserted by S.I. 1996/1974, Schedule 1, paragraph 19(2).

(12) The definition “EEA State” was inserted into Schedule 1 to the Interpretation Act 1978 (c.30) by the Legislative and Regulatory Reform Act 2006 (c.51), section 26(1).

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““moped” does not include light quadricycles, but otherwise has the same meaning as in Directive [2006/126/EC](#) of the European Parliament and of the Council of 20th December 2006 on driving licences,”; and

(d) in the definition of “motor bicycle”, in paragraph (b), for “and” substitute “or”.

(3) After subsection (1) insert—

“(1A) In this Part of this Act, unless the context otherwise requires, a reference to the expiry of a licence is a reference to the time when it ceases to be in force (and “expired” is to be interpreted accordingly).”.