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STATUTORY INSTRUMENTS

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**2014 No. 3190**

**The Road Traffic Act 1988 and Motor Vehicles  
(Driving Licences) (Amendment) Regulations 2014**

**Amendment of the Road Traffic Act 1988**

- 10.**—(1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 97A (residence requirement)(1), in subsection (1), for paragraph (d) substitute—
- “(d) in any other case, the applicant is lawfully resident in the United Kingdom and—
- (i) is also normally resident in Great Britain, or
  - (ii) has been attending a course of study in Great Britain during the period of 6 months ending on that date.”.

(3) In section 99 (duration of licences)(2), after subsection (7A) insert—

“(7AA) The Secretary of State may not grant a new licence to a person under subsection (7), (7ZZA) or (7A) above unless, on the date on which the licence is granted, the person is lawfully resident in the United Kingdom and—

    - (a) is also normally resident in Great Britain, or
    - (b) has been attending a course of study in Great Britain during the period of 6 months ending on that date.

(7AB) For the purposes of subsection (7AA) a person is not lawfully resident in the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.”.

(4) In section 108 (interpretation), after subsection (1A) insert—

“(1B) For the purposes of this Part a person is normally resident in Great Britain if—

    - (a) the person lives in Great Britain for at least 185 days in each calendar year because of—
      - (i) personal and occupational ties, or
      - (ii) close personal ties, or
    - (b) the person has personal ties in Great Britain and occupational ties in another place in the EEA and consequently lives in turn in Great Britain and that other place.

(1C) For the purposes of this Part a person is normally resident in the United Kingdom if—

    - (a) the person lives in the United Kingdom for at least 185 days in each calendar year because of—
      - (i) personal and occupational ties, or

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(1) Section 97A was inserted by the Immigration Act 2014 (c.22) section 46, which came into force on 14th July 2014.

(2) Amendments were made to subsection (7) by Schedule 7 to the Road Safety Act 2006 (c.49) and to subsections (7) and (7A) by S.I. 1998/1420. Relevant amendments were made in relation to the surrender and renewal of licences on the expiry of the administrative validity period by S.I. 2012/977. Equivalent residence requirements were introduced by section 47 of the Immigration Act 2014 (c.22), in respect of the grant of licences under section 97 of the Road Traffic Act 1988 (c.52).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (ii) close personal ties, or
  - (b) the person has personal ties in the United Kingdom and occupational ties in another place in the EEA and consequently lives in turn in the United Kingdom and that other place.
- (1D) In order to be normally resident in Great Britain or the United Kingdom by virtue of subsection (1B)(b) or (1C)(b) a person must return there regularly, except when the person is living in another place in the EEA in order to carry out a task of a definite duration.
- (1E) For the purposes of subsections (1B) and (1C) attendance at a university or school is not a personal or occupational tie.”.