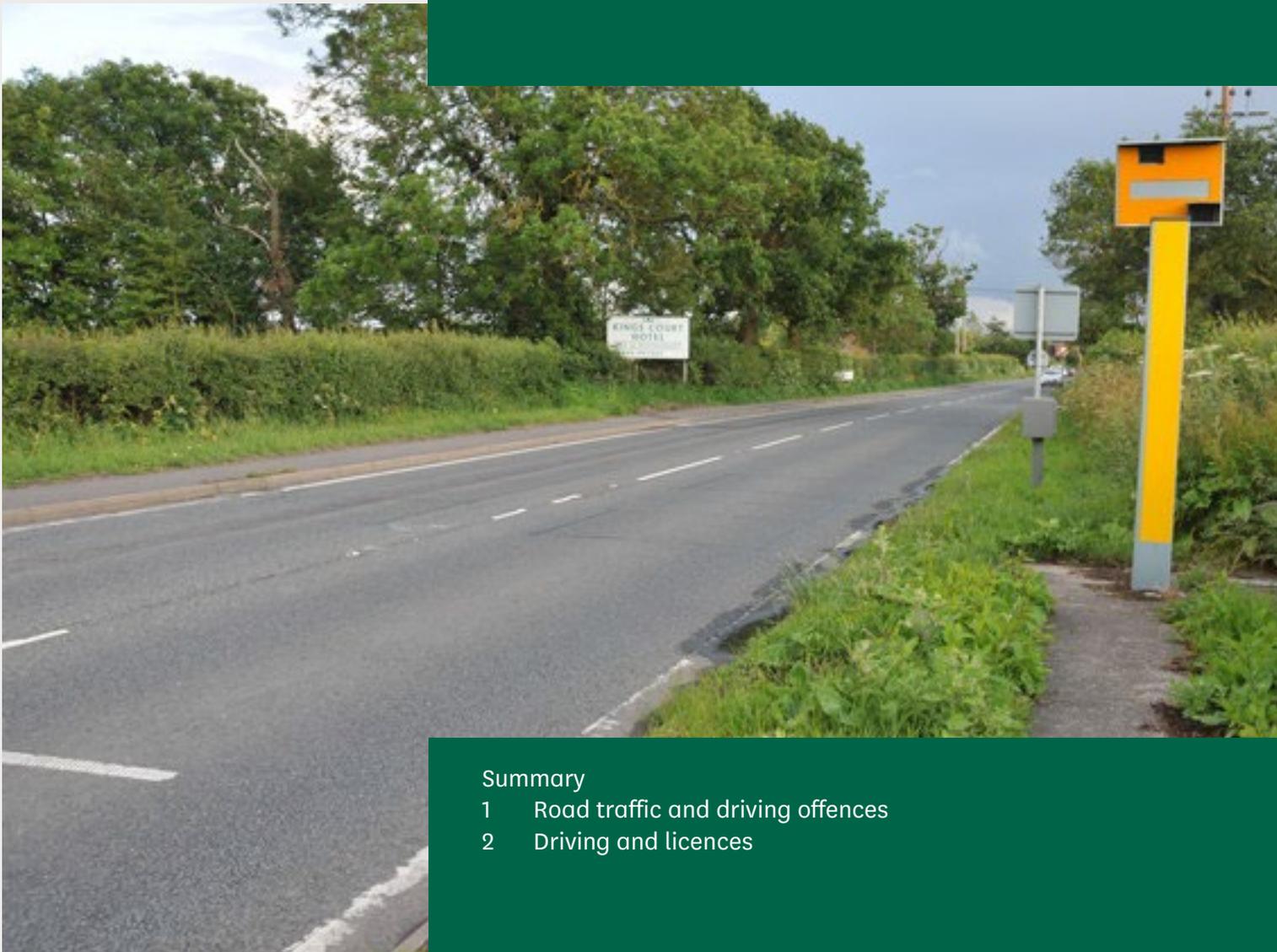


By Dr Roger Tyers
26 May 2022

Road traffic offences and licensing FAQs



Summary

- 1 Road traffic and driving offences
- 2 Driving and licences

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Summary

Responsibilities

Roads policy is largely a reserved matter in Great Britain so the information in this paper is relevant for England, Scotland and Wales unless otherwise stated. There are some statutory public bodies that can provide further information:

- [National Highways](#) (formerly Highways England)
- [Transport Scotland](#)
- [Welsh Government](#)
- [Northern Ireland Department for Infrastructure](#)
- [Driver and Vehicle Licensing Agency \(DVLA\)](#)
- [Driver and Vehicle Standards Agency \(DVSA\)](#)
- [Vehicle Certification Agency \(VSA\)](#)
- [Driver & Vehicle Agency \(DVA\) Northern Ireland](#)

This paper answers FAQs on the following topics:

Road traffic and driving offences

Drink driving, the use of hand-held mobile devices, speed awareness courses, and motor insurance for vehicles that are not being used.

Driving and licensing

Satnavs and HGVs, driving with medical conditions, graduated driving licences for young and elderly drivers, and driving in the EU.

Further reading

You may also be interested in the briefing papers [Roads and Traffic Regulations FAQs](#) and [Vehicles and Driving FAQs](#).

1 Road traffic and driving offences

1.1 Is the Government going to cut the drink drive limit?

There is no indication of Government plans to cut the limit in England and Wales.

The [drink drive limit](#) in England, Wales and Northern Ireland (blood alcohol level) has remained at 80 mg/100 ml of blood since it was first introduced in 1967.¹ In 2014, the Scottish Government reduced the drink drive limit from 80 mg/100ml to 50 mg/100 ml of blood.² A 2019 report by the National Institute for Health Research found that this had not had any measurable effect in incidents of drink driving in Scotland.³

There have been calls by road safety groups for many years for the Government to reduce the limit in England and Wales, but this has always been rejected. For example, in 2010 the outgoing Labour Government commissioned Sir Peter North to conduct an independent review into drink and drug driving, which recommended a reduction in the limit to 50mg/100ml.⁴ In December 2010 the Transport Select Committee published a report calling for the Government to aim for an ‘effectively zero’ limit of 20mg/100ml in the long term, but acknowledged that there was “little evidence to suggest the public would support such a drastic, immediate, change in the law” and that any change should only happen “after an extensive Government education campaign.”⁵

The Government rejected these arguments in favour of improving enforcement against the “staggering proportion of drink drivers [who] are well over the current limit.”⁶

More recently, the Government’s 2019 [Road Safety Statement](#) said that it was supporting the Parliamentary Advisory Council for Transport Safety (PACTS) multi-disciplinary review of recent drink driving trends, practice and interventions, to help “understanding of the incidence of drink driving and

¹ Gov.uk [The drink drive limit](#) [Accessed 12 April 2022]

² Mygov.scot [Drink-drive limit in Scotland](#) Last updated 14 Dec 2020

³ National Institute for Health Research [A lower drink-drive limit in Scotland is not linked to reduced road traffic accidents as expected](#) 10 September 2019

⁴ Sir Peter North CBE QC [Independent North Review of Drink and Drug Driving Law](#) 16 June 2010

⁵ Transport Committee [Drink and drug driving law](#) 2 December 2010, HC 460 2010–11, Para 38

⁶ [HC Deb 21 Mar 2011 : Column 45WS](#)

support the Department's continuing efforts to improve drink driving behaviours.”⁷

In January 2021, the then Parliamentary Under Secretary of State at the Department for Transport (Rachel Maclean) said that the Government was prioritising other measures over a change to the drink driving limit:

The Government is committed to tackling drivers under the influence of alcohol and ensuring that all such drivers are caught and punished. We have a combined approach of tough penalties and rigorous enforcement along with our highly respected and effective THINK! Campaigns. This reinforces the social unacceptability of drink driving and reminds people of the serious consequences that drinking and driving can have on themselves and others. The Government has no plans to lower the drink drive limit in England and Wales. We believe that our current measures as outlined above are a more effective deterrent than changing the drink driving limit.⁸

1.2

Are the Government introducing harsher sentences for drivers who cause death?

Yes. In the Police, Crime, Sentencing and Courts Act 2022, which received Royal Assent on 28 April 2022, [Section 86 of the Act](#):

- increases the maximum penalty for causing death by dangerous driving from 14 years' to life imprisonment; and
- increases the maximum penalty for causing death by careless driving whilst under the influence of drink or drugs from 14 years' to life imprisonment;⁹

Section 87 of the Act also creates a new offence of causing serious injury by careless driving.¹⁰

These sections of the Act will come into force on 28 June 2022.¹¹

This legislative change followed a 2016 Government consultation on driving offences and penalties related to causing death or serious injury.¹² The Government's 2020 [Sentencing White Paper](#) recommitted the Government to

⁷ DfT, DVLA, DVSA, Highways England Policy paper [Road safety statement 2019: a lifetime of road safety](#) 19 July 2019

⁸ PQ 142902 [[Driving under Influence](#)], 29 January 2021

⁹ [Section 86, Police, Crime, Sentencing and Courts Act 2022](#). The 2022 Act amends the sentencing provisions in [Schedule 2, Part I of the Road Traffic Offenders Act 1988](#)

¹⁰ [Section 87, Police, Crime, Sentencing and Courts Act 2022](#)

¹¹ [Section 208, Police, Crime, Sentencing and Courts Act 2022](#) sets out the commencement dates of the Act's provisions.

¹² DoJ Consultation [Driving offences and penalties relating to causing death or serious injury](#) Closed 1 February 2017 [Accessed 12 April 2022]; MoJ [Response to the consultation on driving offences and penalties relating to causing death or serious injury](#), Cm 9518, October 2017 (PDF)

bringing forward legislation for these proposals.¹³ Further background to these increased penalties can be found in the Commons Library Briefing paper on the [Police, Crime, Sentencing and Courts Bill: Part 5 Road Traffic](#).¹⁴

1.3

Can I take a speed awareness course rather than get points on my licence?

It depends on the circumstances and the place where the offence occurs. Nobody is required to accept an offer of a course. They can always accept a fixed penalty or contest the allegation in court.

Offering a place on a course in lieu of prosecution is at the discretion of the police. A course cannot be offered where an offender has already taken one in the previous three years. In 2016, the Transport Select Committee reported that the use of these courses had grown rapidly since their introduction in 2004.¹⁵

Several different diversionary courses are available through the [National Driver Offender Retraining Schemes \(NDORS\)](#). The most prominent of these is the [National Speed Awareness Course \(NSAC\)](#) and accounts for the vast majority of the courses attended and completed under the NDORS banner.¹⁶

Police forces can decide which courses to offer and therefore not all courses are available in all areas. The same offence committed in different force areas can be dealt with in different ways. There are no speed awareness courses available in Scotland, though their introduction has long been mooted.¹⁷ In 2019 there was concern about a lack of available funding to introduce such a scheme.¹⁸

Concerns have been expressed more generally about the how diversionary courses are funded. Diversionary courses are funded by a course fee paid by the offender. Some of this fee goes towards running the course, and some is held by the police to cover the cost of referring the offender to the course.¹⁹ These costs vary from one police force area to another. In 2016 the Transport

¹³ MoJ Policy paper [A Smarter Approach to Sentencing](#) 16 September 2020

¹⁴ [Police, Crime, Sentencing and Courts Bill: Part 5 Road Traffic](#), Commons Library Briefing Paper CBP-9166, 12 March, 2021

¹⁵ Transport Committee [Road traffic law enforcement](#) 15 March 2016, HC 518, Para 21

¹⁶ UK Road Offender Education (UKROEd) [Trends & Statistics](#) [Accessed 13 April 2022]; Transport Committee [Road traffic law enforcement](#) 15 March 2016, HC 518, Para 72

¹⁷ Scottish parliament [Public Petitions Committee](#) 30 January 2020, Speed Awareness Courses (PE1600); Transport Committee [Road traffic law enforcement](#) 15 March 2016, HC 518, Para 4

¹⁸ The Scotsman [Funding threat to new awareness courses for speeding Scottish drivers](#) 10 October 2019.

¹⁹ Transport Committee [Road traffic law enforcement](#) 15 March 2016, HC 518, Para 76

Select Committee recommended that the costs for diversionary courses should be standardised nationwide.²⁰

In 2017 the Government introduced the Vehicle Technology and Aviation Bill which, amongst other things, would have provided a specific legal basis for charging for diversionary courses. The Bill fell at the 2017 General Election and the provisions as regards diversionary courses were never revived.²¹

Section 90 of the Police, Crime, Sentencing and Courts Act 2022 provides a statutory basis for a charging regime for diversionary courses in England Wales. It says that a course “fee may be set at a level that exceeds the cost of an approved course and related administrative expenses, but any excess must be used for the purpose of promoting road safety.”²² It also allows the Secretary of State to create regulations regarding:

- (a) how fees, or components of fees, are to be calculated;
- (b) the level of fees or components of fees;
- (c) the use of fee income.²³

More information about the road traffic elements of the Police, Crime, Sentencing and Courts Act 2022 can be found in the Library briefing on [Police, Crime, Sentencing and Courts Bill: Part 5 Road Traffic](#).²⁴

1.4

Do I need insurance for a vehicle I do not drive?

Usually, yes. There is an exception if a registered keeper of a vehicle has made a Statutory Off Road Notification (SORN).

Section 22 of the Road Safety Act 2006 amended the Road Traffic Act 1988 to create a new offence of keeping a vehicle that is uninsured.²⁵ This means that any vehicle for use on the public roads must be insured. If prosecuted, the maximum penalty is a level 3 fine – currently £1,000.²⁶

²⁰ Transport Committee [Road traffic law enforcement](#) 15 March 2016, HC 518, Para 80

²¹ [Vehicle Technology and Aviation Bill 2016-17](#)

²² [Section 90, Police, Crime, Sentencing and Courts Act 2022](#)

²³ [Section 90G \(3\), Police, Crime, Sentencing and Courts Act 2022](#)

²⁴ [Police, Crime, Sentencing and Courts Bill: Part 5 Road Traffic](#) Commons Library Briefing Paper CBP-9166, 12 March 2021

²⁵ [Section 22, Road Safety Act 2006](#)

²⁶ [Gov.uk: Vehicle insurance](#) [Accessed 14 April 2022]

Continuous Insurance Enforcement (CIE) was introduced in 2011 via the Road Safety Act 2006 (Commencement No. 6) Order 2011 ([SI 2011/19](#)) and the Motor Vehicles (Insurance Requirements) Regulations 2011 ([SI 2011/20](#)).²⁷

CIE requires that if you're the registered keeper of a vehicle, it must be insured at all times. However, there is an **exception** to the requirement if you have made a [Statutory Off Road Notification \(SORN\)](#) for the vehicle; or you have kept your vehicle kept off-road since before SORN came into force on 31 January 1998.²⁸

A May 2011 press notice from the DfT explained the regime as follows:

The DVLA will work in partnership with the Motor Insurers' Bureau to identify uninsured vehicles. Motorists will receive a letter telling them that their vehicle appears to be uninsured and warning them that they will be fined unless they take action. If the keeper fails to insure the vehicle they will be given a £100 fine. If the vehicle remains uninsured - regardless of whether the fine is paid - further action will be taken. If the vehicle is on public land it could then be clamped, seized and destroyed. Alternatively court action could be taken, with the offender facing a fine of up to £1,000. Seized vehicles would only be released when the keeper provided evidence that the registered keeper is no longer committing an offence of having no insurance and the person proposing to drive the vehicle away is insured to do so.²⁹

It also clearly reiterated: "Vehicles with a valid Statutory Off Road Notice (SORN) will not be required to be insured."³⁰

1.5

Can UK drivers be fined for minor traffic offences committed in EU countries?

Since 1 January 2021, UK drivers can no longer receive fines via the post for minor traffic offences committed in the EU countries. However, UK drivers can still receive on the spot fines in person in EU Member States.

Before the UK left the EU, the cross-border Directive for road safety-related traffic offences provided for Member States to be able to request access to data relating to vehicles and their registered keepers. The EU Directive 2015/413 applied to road safety offences such as speeding and mobile phone offences.³¹

²⁷ [The Road Safety Act 2006 \(Commencement No. 6\) Order 2011; Motor Vehicles \(Insurance Requirements\) Regulations 2011](#)

²⁸ [Gov.uk: When you need to make a SORN](#) [Accessed 14 April 2022]

²⁹ DfT Press release [Motorists warned to get insured ahead of crackdown](#) 23 May 2011

³⁰ As above.

³¹ [QJ No L 68, 13 March 2015](#)

The [Road Vehicles \(registration and licensing\) \(amendment\) \(EU exit\) Regulations 2020](#) revoked the UK's obligation to provide vehicle data to EU Member states when requested under the Directive.³²

More information on driving in the EU after Brexit is available in the Library Insight on [Driving in the EU after Brexit](#).³³

1.6 What are the rules around using a mobile phone while driving?

The law on people using their mobile phones while driving in Great Britain became stricter from 25 March 2022 under the [Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 2\) Regulations 2022](#).³⁴

A detailed explanation of the new law is available in the Library Insight on [Changes in the law on driving while using a mobile phone](#).³⁵

From 1 December 2003 it was already an offence to drive a motor vehicle on a road while using a hand-held mobile telephone or similar device for 'interactive communication', i.e. phone-calls, messages or accessing the internet.³⁶

Under The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2022, the coverage of the offence has been widened, and is now triggered whenever a driver holds and uses a device, regardless of why they are holding it. The SI's explanatory notes state the offence "will cover any device which is capable of interactive communication even if that functionality is not enabled at the time."³⁷

The meaning of 'using' a phone is now expanded to cover the following:

- illuminating the screen
- checking the time
- checking notifications
- unlocking the device

³² [Road Vehicles \(registration and licensing\) \(amendment\) \(EU exit\) Regulations 2020](#) Explanatory Notes

³³ [Driving in the EU after Brexit](#) Commons Library Insight, 18 October 2021

³⁴ [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 2\) Regulations 2022](#)

³⁵ [Changes in the law on driving while using a mobile phone](#) Commons Library Insight, 7 March 2022

³⁶ [Regulation 110 of the Road Vehicles \(Construction & Use\) Regulations 1986](#)

³⁷ [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 2\) Regulations 2022](#) Explanatory Notes, Para 7.10

- making, receiving, or rejecting a telephone or internet based call
- sending, receiving or uploading oral or written content
- sending, receiving or uploading a photo or video
- utilising camera, video, or sound recording
- drafting any text
- accessing any stored data such as documents, books, audio files, photos, videos, films, playlists, notes or messages
- accessing an app
- accessing the internet³⁸

Exemptions exist which allow drivers to use a phone in emergencies, or to hold and use a device, while stationary, to make a contactless payment at a payment terminal for goods or services (e.g. paying for a car park or drive-through coffee using a phone). Using a mobile phone for navigation continues to be legal, as long as it is kept in a cradle and not in the driver's hand.³⁹

The offence is punishable with 6 penalty points on the licence and a £200 Fixed Penalty. The offence does not apply to hands-free phones.

The law change followed a 2019 Transport Select Committee report into the issue⁴⁰ and a 2020 Government consultation into expanding the offence of using a hand-held mobile phone while driving, to include non-connected mobile application actions.⁴¹

The outcome of this consultation led to the introduction of stricter rules in 2022, through the introduction of [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 2\) Regulations 2022](#).⁴²

³⁸ [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 2\) Regulations 2022](#) Regulation 3

³⁹ [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 2\) Regulations 2022](#) Explanatory Notes

⁴⁰ Transport Committee [Road safety: driving while using a mobile phone](#), 13 August 2019, HC 2329

⁴¹ DfT Consultation outcome [Expanding the offence of using a hand-held mobile phone while driving to include non-connected mobile application actions](#) Updated 10 February 2022

⁴² [The Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 2\) Regulations 2022](#)

2 Driving and licences

2.1 What is being done to stop satnavs directing HGVs down inappropriate routes?

There are satnavs specifically designed for large vehicles that incorporate HGV restrictions on local roads and information about narrow roads and low bridges.⁴³ However, there is no legislation that requires HGV drivers to use them, and problems can arise when HGV drivers use inappropriate car satnavs instead.

While there have been calls for laws to force HGVs to use suitable satnavs, the Government's view has long been that greater and better data-sharing between highway authorities, mapping providers and satnav companies is the best way forward, and that there should be cooperative methods for data exchange, helping to provide satnav users with up-to-date information when making their journey.⁴⁴

In October 2016, the then Transport Minister, Andrew Jones, told the House that the DfT had brought together satnav manufacturers, mapping companies, local authorities and other industry organisations in a 'Satnav Summit' and that it would "continue to work with these parties to improve the information satnavs provide to road users, and enable better co-operation and information-sharing between local highway authorities and the industry, through joint working."⁴⁵ He also highlighted the DfT's £3 million investment in a [national digital road map](#), developed by Ordnance Survey, to enable better integration and sharing of data on roads between local authorities and service providers.⁴⁶

The most recent statement on this was by then Transport Minister Jesse Norman in February 2019 when he reiterated the Government's reluctance to legislate for mandatory HGV satnavs:

Some existing satnavs are configured specifically for HGVs. Mandating them would be a major step that would undoubtedly have negative as well as positive consequences. This is primarily and mainly a market function, but

⁴³ SMMT [Why truck-specific satnavs are essential for HGV operators](#) 22 March 2017

⁴⁴ DfT [Road Network Policy Consultation - Response](#) December 2011; BBC News [Ban lorries from using car sat-navs, say councils](#) 28 January 2017

⁴⁵ PQ 47701 [[On Large Goods Vehicles: Driver Information Systems](#)] 10 October 2016

⁴⁶ Ordnance Survey [Open Roads](#) [Accessed 28 April 2022]

protections are in place for local authorities to enforce against abuse of roads by HGVs.⁴⁷

2.2 What can I do if I have an issue with a driving licence?

Sometimes people get into a dispute with the [Driver and Vehicle Licensing Agency \(DVLA\)](#) over a correspondence issue, such as applying for a replacement licence and notifying DVLA of a change in circumstances. Individuals sometimes say that they have received a fine or been caused some other sort of inconvenience (legal or otherwise) that they say is the fault of DVLA for not sending them notification of a requirement; failing to respond to letters, emails or phone calls; or not responding within a relevant timeframe.

Users of DVLA services should always be aware of any relevant timeframes and should chase the DVLA if they are in danger of being in breach of any sort of law due to a process delay.

The DVLA does have service standards which it must meet, which are set out in the agency's annual reports.⁴⁸

Information on [how to contact the DVLA](#) can be found online.⁴⁹ There is also a [process for complaining to the DVLA](#).⁵⁰ If someone exhausts that DVLA complaints process, then they can ask an MP to refer their complaint to the Parliamentary and Health Service Ombudsman (PHSO).⁵¹

2.3 Do I need to hand over my physical driving licence for a speeding fine?

Currently yes, although the law is expected to change in future. As the [Government guidance](#) states, “if you get an endorsement you’ll need to hand over your licence to either the police, a fixed penalty office (FPO) or when you appear in court.”⁵²

Section 93 of the Police, Crime, Sentencing and Courts Act 2022, which received Royal Assent on 28 April 2022, has a provision which removes the requirement for the physical licence to be produced where a Fixed Penalty

⁴⁷ [HC Deb 14 February 2019 c1025](#)

⁴⁸ DVLA Collection [DVLA annual reports and accounts](#) [Accessed 28 April 2022]

⁴⁹ [Gov.uk: Contact DVLA](#) [Accessed 28 April 2022]

⁵⁰ DVLA [Complaints procedure](#) [Accessed 19 May 2022]

⁵¹ [Parliamentary and Health Service Ombudsman](#) [Accessed 19 May 2022]

⁵² [Gov.uk: Penalty points \(endorsements\)](#) [Accessed 28 April 2022]

Notice has been issued.⁵³ Similarly, Section 94 of the 2022 Act removes the requirement to produce a physical licence where a driver accepts a conditional offer of a fine and licence points.⁵⁴ However, if a driver is disqualified they will still be required to surrender their physical licence and, if they fail to do so within 28 days, this will become an offence under Section 92 of the 2022 Act.⁵⁵ However, these provisions are not yet in force and will require the Secretary of State to pass secondary legislation to commence them.

Prior to 8 June 2015, those who had committed an endorsable driving offence were required to hand over their photocard driving licence and paper counterpart in order for penalty points to be physically printed on the counterpart.⁵⁶ On 8 June 2015 the law changed and the paper counterpart to the driving licence was replaced by an online service – this was a consequence of the commencement of Section 10 and [Schedule 3](#) of the Road Safety Act 2006.⁵⁷ Since the paper counterpart was abolished, driving licence endorsements and any accompanying penalty points have been recorded electronically on a person’s driver record held by the DVLA.

However, the provisions in the Road Safety Act 2006 which removed the counterpart did not remove the requirement to surrender licences as part of the court and fixed penalty processes, because at that point the automation of the computer systems of the police and court services was unable to accommodate that change.

It is still the case, therefore, that where a Fixed Penalty Notice has been issued the driver must surrender their licence to the relevant authority.

More information about the road traffic elements of the Police, Crime, Sentencing and Courts Act 2022 can be found in the Library briefing on [Police, Crime, Sentencing and Courts Bill: Part 5 Road Traffic](#).⁵⁸

2.4 How can a medical condition affect my legal ability to drive?

Drivers are legally obliged to inform the DVLA of any changes to their health that they think might affect their legal ability to drive. Third parties, such as doctors and family members, can also make representations to the Agency if they feel someone’s health is posing a danger to their driving ability.

⁵³ [Section 93, Police, Crime, Sentencing and Courts Act 2022](#)

⁵⁴ [Section 94, Police, Crime, Sentencing and Courts Act 2022](#)

⁵⁵ [Section 92, Police, Crime, Sentencing and Courts Act 2022](#)

⁵⁶ [Gov.uk: Penalty points \(endorsements\)](#) [Accessed 28 April 2022]

⁵⁷ Road Safety Act 2006, [Section 10](#), [Schedule 3](#)

⁵⁸ [Police, Crime, Sentencing and Courts Bill: Part 5 Road Traffic](#) Commons Library Briefing Paper CBP-9166, 12 March, 2021

A ‘relevant disability’ for the purposes of Road Traffic Act 1988 is one that is either prescribed in legislation or any other disability likely to “cause the driving of a vehicle ... to be a source of danger to the public.”⁵⁹ A driver who is suffering from a relevant disability must not be licensed to drive.

There are also some ‘prescribed’ disabilities where licensing is permitted provided certain conditions are met. ‘prospective disabilities’ are any medical conditions that:

because of their progressive or intermittent nature, may develop into relevant disabilities in time. Examples are Parkinson’s disease and early dementia. A driver with a prospective disability may be granted a driving licence for up to 5 years, after which renewal requires further medical review.⁶⁰

Standards for prescribed disabilities are contained in Part VI of the Motor Vehicles (Driving Licences) Regulations 1999 (SI [1999/2864](#)),⁶¹ as amended. A full list of medical conditions that a driver must notify the DVLA about can be found on the DVLA page, [Check if a health condition affects your driving](#).⁶²

The rules as they apply to the range of conditions and illnesses are set out in the DVLA’s [Assessing fitness to drive: a guide for medical professionals](#).⁶³ The guidelines therein:

are the result of advice from the six Honorary Medical Advisory Panels to the Secretary of State, which cover:

- cardiology
- neurology
- diabetes
- vision
- alcohol or substance misuse and dependence
- psychiatry

Each panel consists of acknowledged experts in the relevant area and includes DVLA and lay membership.⁶⁴

The Panels meet twice yearly where the standards are reviewed and updated.

⁵⁹ [Section 92, Road Traffic Act 1988](#)

⁶⁰ DVLA [Assessing fitness to drive – a guide for medical professionals](#), Annex A

⁶¹ [Part VI, Motor Vehicles \(Driving Licences\) Regulations 1999](#)

⁶² DVLA [Check if a health condition affects your driving](#) [Accessed 29 April 2022]

⁶³ DVLA Guidance [Assessing fitness to drive: a guide for medical professionals](#) [Accessed 29 April 2022]

⁶⁴ DVLA [Assessing fitness to drive – a guide for medical professionals](#), Introduction

Under section 99 of the 1988 Act the Secretary of State may limit the duration of a licence granted to a person suffering from a relevant or prospective disability to between one and three years.⁶⁵

Drivers who have their driving entitlement revoked or refused on medical grounds have the right to appeal to a Magistrate's Court under section 100 of the 1988 Act.⁶⁶

Further information on driving with a medical condition can be found in the relevant Commons Library briefing paper, [Driving with a medical condition](#).

2.5

Are doctors legally obliged to inform DVLA if they think a patient might be unfit to drive?

Circumstances may arise in which a person cannot or will not notify the DVLA. It may be necessary for a doctor, optometrist or other healthcare professional to consider notifying the DVLA under such circumstances if there is concern for road safety, which would be for both the individual and the wider public.

The DVLA explains the policy in some detail in the preamble to its [Assessing fitness to drive: a guide for medical professionals](#).⁶⁷ The General Medical Council (GMC) and General Optical Council (GOC) offer clear advice about notifying the DVLA when the person cannot or will not exercise their own legal duty to do so. The DVLA guidance summarises this GMC and GOC advice.⁶⁸

The GMC and GOC advice recommends that professionals try to ensure that patient consent is obtained prior to any notifications being made to the DVLA. However, there may be occasions where the professional notifies the DVLA without patient consent:

If a patient does not provide you with explicit consent to disclose confidential information about them, and if you cannot rely on implied consent, there may still be circumstances in which you may pass the information on to an appropriate authority, such as where it is in the public interest, or where there is a legal requirement for you to do so.⁶⁹

⁶⁵ [Section 99, Road Traffic Act 1988](#)

⁶⁶ [Section 100, Road Traffic Act 1988](#)

⁶⁷ DVLA [Assessing fitness to drive – a guide for medical professionals](#)

⁶⁸ DVLA [Assessing fitness to drive – a guide for medical professionals](#), pages 9-12

⁶⁹ DVLA [Assessing fitness to drive – a guide for medical professionals](#), page 12

2.6

Can I drive while I wait for the DVLA to process a licence application?

In some cases, yes. Section 88 of the Road Traffic Act 1988 allows people to continue to drive even if they do not hold a current driving licence, when it is being processed by the DVLA.⁷⁰ The DVLA leaflet '[Can I drive while my application is with DVLA?](#)' explains the criteria when Section 88 can apply. In particular, the leaflet notes that:

To continue driving under Section 88, you must meet all of the following criteria:

- Your doctor must have told you that you are fit to drive. If your doctor is unsure about how a medical condition affects driving, they should refer to 'Assessing fitness to drive – a guide for medical professionals' at www.gov.uk/dvla/fitnesstodrive
- You have held a valid driving licence and only drive vehicles you have applied for on your current application and were entitled to drive on your previous licence.
- If you hold a Group 2 (bus or lorry) licence, your entitlement has not been suspended, revoked or refused by a traffic commissioner.
- You meet any conditions that were specified on your previous licence that still apply.
- DVLA has received your correct and complete application within the last 12 months.
- Your last licence was not revoked or refused for medical reasons.
- You are not currently disqualified from driving by a court.
- You were not disqualified as a high risk offender on or after 1 June 2013 (a high risk offender is a driver convicted of a serious drink driving offence).⁷¹

2.7

Is the Government going to introduce graduated licensing for young drivers?

There are no Government plans to introduce graduated driving licensing (GDL) for young drivers at this time.

⁷⁰ [Section 88, Road Traffic Act 1988](#)

⁷¹ DVLA Promotional material [Can I drive while my application is with DVLA? \(INF188/6\)](#) Last updated 28 April 2022

A GDL system aims to provide a staged progression from initial learning to unrestricted solo driving using measures to restrict exposure during early driving, exert a supervisory influence over driver behaviour during the first part of a driver's solo driving career or improve the level of training and experience accumulated before driving solo without restrictions. GDL can consist of several different elements, designed to best fit local conditions. Many of these are, in effect, post-test prohibitions, i.e. limiting what newly qualified drivers can do or how, where and when they may drive.

Successive governments have been resistant to introducing a 'graduated driving licensing system' largely on the grounds that they do not want to restrict the freedom of young people (GDL can involve a longer period of driver training). This view was reiterated in a PQ response by the then Parliamentary Under Secretary of State at the DfT, Rachel MacLean in February 2021:

In October 2020 the Department for Transport discussed the topic of a Graduated Driver Licence and compulsory black box usage at the Transport Select Committee on Young and Novice Drivers.

After giving our reasoning that we are not currently pursuing the topic as a future policy, the Secretary of State has accordingly not met with industry representatives on the matter.

The Department for Transport take any consideration of restrictions on any road users very seriously, particularly those in rural areas for access to education, employment and leisure.

Due to the ongoing COVID-19 pandemic, this Government has no current plans to enforce any further restrictions which could be detrimental to the younger generation's prospects for employment, education or livelihood.⁷²

DfT is currently supporting the [Driver 2020 project](#) being led by the Transport Research Laboratory, which is testing non-legislative, technological and educational based measures that may improve the road safety of young and novice drivers.⁷³ Amongst other things it is intended to help DfT decide what delivery mechanisms might act as barriers or facilitators if the interventions were rolled out or made part of a GDL scheme.⁷⁴ The project is trialling the interventions with 25,0000 volunteer participants aged between 17 and 24.⁷⁵ The project has been delayed due to the impact of Covid-19 but initial findings are expected in Spring 2022, and the project is due to conclude in Spring 2023.⁷⁶

⁷² PQ 152581 [[On Driving Licences and Technology](#)], 10 February 2021

⁷³ Transport Research Laboratory [Driver 2020 FAQs](#) [Accessed 29 April 2022], PQ 66862 [[On Driving: Young People](#)], 30 June 2020

⁷⁴ DfT [The Road Safety Statement 2019](#) July 2019, Para 2.20

⁷⁵ Transport Research Laboratory [Driver 2020 FAQs](#) [Accessed 29 April 2022]

⁷⁶ Transport Committee [Road safety: young and novice drivers: Government Response](#), 13 May 2021, HC 29, Page 3

The July 2019 Road Safety Statement included a commitment to continue evaluating and examining GDL schemes around the world to see what the UK can learn.⁷⁷

2.8 Are older drivers going to have to take a re-test or have their licenses restricted?

The Government has no such plans at this time. There has been concern from older drivers and those who campaign on their behalf that the Government might change the law to require them to undertake retesting after the age of 70 or have a graduated licence scheme imposed.⁷⁸ However, On 21 April 2021, then Parliamentary Under Secretary of State at the DfT, Rachel Maclean said:

The Government has no plans to introduce graduated driving licenses for drivers aged 70 or over. It is the law that all drivers must tell the Driver and Vehicle Licensing Agency about any medical conditions which might affect their driving. This rule remains unchanged.⁷⁹

Older drivers do not have to re-take their driving tests nor will they have their licences restricted. However, full driving licences are granted until the holder attains the age of 70. After 70 years of age the licence is renewable every three years. When renewing their licence, the driver must attest that they have no medical conditions which affect their driving.

The [Older Drivers Task Force report](#), published in July 2016, did not discuss retesting drivers after the age of 70.⁸⁰ However, it did recommend that:

- the DVLA should require evidence of an eyesight test at age 75
- the DVLA should encourage vision checks every two years, particularly from age 60; and
- the Government should support an evaluation of driving appraisal courses offered by the public sector and those in the private sector who wish to participate.

The report said:

Driver appraisal schemes hold enormous promise for the future. Unthreatening, voluntary courses run by trusted organisations have the potential to become a new (and enjoyable) social norm which any responsible

⁷⁷ DfT [The Road Safety Statement 2019](#) July 2019

⁷⁸ Daily Mail [Motorists over 70 and in poor health face a ban on night time driving in licence shake up, and could only be allowed to travel up to 30 miles from their home](#) 28 March 2021

⁷⁹ PQ 182052 [[On Driving Licences: Older People](#)], 16 April 2021

⁸⁰ Older Drivers Task Force [Supporting Safe Driving Into Old Age: A National Older Driver Strategy](#) July 2016

older driver would wish to take to refresh skills and knowledge to support their safe driving into old age.⁸¹

The Government's July 2019 Road Safety Statement committed to providing funding and support for better information and education for older drivers, including through Mobility Centres, and to ensure the robustness of medical and eyesight tests. It did not mention retesting after age 70.⁸²

Further information on issues affecting older drivers can be found in the relevant Library briefing on [Older drivers](#).⁸³

2.9

What do I need to be able to drive in the EU?

The end of the post-Brexit transition period means new rules affect how UK licence holders can drive in Europe.

Licences

UK photocard driving licences continue to be valid while driving in the EU, Iceland, Liechtenstein, Norway and Switzerland.

Those with a paper driving licence only, or a licence issued in Gibraltar, Guernsey, Jersey or the Isle of Man, may need to purchase an [International Driving Permit](#) (IDP) to drive in some EU countries and Norway.⁸⁴

The type of IDP a driver will need (there are three), depends on the countries in which they wish to drive. The UK Government recommends [checking with the relevant embassy](#) before travelling.⁸⁵

Those who live in an EU country – or in Iceland, Liechtenstein, Norway or Switzerland – and are currently using a UK driving licence, will have to exchange it for a local one because it cannot be renewed in the UK. The deadline for doing so depends on the country in which they live, and can be checked on gov.uk.⁸⁶

⁸¹ Older Drivers Task Force [Supporting Safe Driving Into Old Age: A National Older Driver Strategy](#) July 2016, page 10

⁸² DfT [The Road Safety Statement 2019](#) July 2019

⁸³ [Older drivers](#), Commons Library Briefing Paper SN-00409, 11 January, 2017

⁸⁴ [Gov.uk: Driving abroad](#) [Accessed 29 April 2022]

⁸⁵ As above

⁸⁶ DfT, DVLA Guidance [Driving in Europe: UK licence holders living in the EU, Iceland, Liechtenstein, Norway or Switzerland](#) [Accessed 29 April 2022]

Insurance

Brexit meant that the UK lost automatic membership of the Green Card Free Circulation Area (GCFCA).⁸⁷ But its membership was effectively reinstated by the European Commission in 2021 (as a third country).⁸⁸ This means that drivers do not need to carry a Green Card when they drive in GCFCA countries, which include:

- All member states of the EU
- Andorra
- Bosnia and Herzegovina
- Iceland
- Liechtenstein
- Norway
- Serbia
- Switzerland

The Government advises that drivers of vehicles registered and insured in the UK may need a Green Card to drive in:

- Albania
- Azerbaijan
- Belarus
- Moldova
- Russia
- Turkey
- Ukraine⁸⁹

For other countries, drivers should speak to their insurer and check the Government's Foreign travel advice.⁹⁰

⁸⁷ A green card is an international certificate of insurance guaranteeing the minimum third-party motor insurance cover required by law. Motorists can request a green card from their insurers and separate green cards are needed for trailers and caravans; See MIB [Green Card Information for the public](#) [Accessed 20 May 2022]

⁸⁸ DfT Policy paper [Motor insurance: provisional common framework](#) 30 September 2021

⁸⁹ [Gov.uk: Vehicle Insurance: Driving Abroad](#) [Accessed 20 May 2022]

⁹⁰ FCDO [Foreign Travel Advice](#) [Accessed 20 May 2022]

EU rules mean that vehicle owners should register and insure their car in the country they normally live in. If they don't their insurance cover may not be valid.⁹¹

For more information see the Commons Library Briefing Paper on [Insurance: frequently asked questions](#).⁹²

UK sticker

Motorists need to display a 'UK' sticker on the rear of their UK-registered vehicles when travelling in Europe unless their number plate includes the letters 'UK' on their own or with a Union Flag. Previously the requirement was for a 'GB' sticker but this changed on 28 September 2021.⁹³

A UK sticker must be displayed when driving in Spain, Malta or Cyprus, regardless of what's on the number plate.⁹⁴

More information about EU licence holders in the UK and driving in the EU after Brexit can be found in the Library Insight [Driving in the EU after Brexit](#).⁹⁵

2.10

What changes have been made to HGV licensing to address the HGV driver shortage?

There were widespread reports of HGV driver shortages in summer 2021.⁹⁶ Part of the reason for this shortage is that the Coronavirus pandemic led to driver testing being suspended for much of 2020. In October 2021 the ONS estimated that there were 30,000 fewer HGV drivers in the period July 2020-June 2021 compared to the year ending June 2019, and 50,000 fewer than compared to the year ending June 2017.⁹⁷

On 20 July 2021, the Government announced a package of measures to help tackle the HGV driver shortage.⁹⁸ One of those measures was to consult on whether to change testing requirements for HGV drivers, which would require changes to legislation. The consultation ran from 10 August to 7 September 2021.⁹⁹

⁹¹ Your Europe [Car insurance validity in the EU](#) [Accessed 20 May 2022]

⁹² [Insurance: frequently asked questions](#) Commons Library briefing Paper CBP-8742, 2 November 2021

⁹³ DfT, DVLA, DVSA Guidance [Driving in the EU: UK stickers and number plates](#) [Accessed 29 April 2022]

⁹⁴ As above

⁹⁵ [Driving in the EU after Brexit](#) Commons Library Insight, 18 October 2021

⁹⁶ The Guardian [UK facing summer of food shortages due to lack of lorry drivers](#) 25 June 2021

⁹⁷ ONS [Fall in HGV drivers largest among middle-aged workers](#) 19 October 2021

⁹⁸ DfT Press Release [Government announces package of measures to support road haulage industry](#) 20 July 2021

⁹⁹ DVSA Consultation outcome [Changes to HGV and bus driving tests and allowing car drivers to tow a trailer without an extra test](#) Updated 25 April 2022

Following the consultation, the Government changed several laws intended to create additional capacity for HGV driver testing and thereby speed up the process for new drivers to start work. These include:

- Removal the requirement for DVSA examiners to conduct off-road elements of the practical driving test for large vehicles, and allow third party examiners to do this instead. This was achieved through The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 which came into force on 15 November 2021.¹⁰⁰
- Removal of a ‘staging’ requirement so that rather than having to hold a rigid lorry licence (C) before they can apply for an articulated lorry licence (C+E), drivers now only need to take one test (C+E) to drive both. This was achieved through The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2021 which came into force on 15 November 2021.¹⁰¹
- Removal of the requirement for a separate licence (B+E) to tow a trailer or caravan with a car. Drivers holding a car licence (B) now automatically hold an entitlement to tow a trailer or caravan (B+E) without needing an additional test. This was achieved through The Motor Vehicles (Driving Licences) (Amendment) (No. 5) Regulations 2021 which came into force on 16 December 2021.¹⁰²

The Government has [listed a package of 33 measures](#), including the three licensing changes noted here, that it has taken to tackle the HGV driver shortage.¹⁰³

¹⁰⁰ [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021](#)

¹⁰¹ [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2021](#)

¹⁰² [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 5\) Regulations 2021](#)

¹⁰³ [Gov.uk: UK government action to reduce the HGV driver shortage](#) [Accessed 29 April 2022]

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