

Disability Law Service

Offering free, confidential legal advice and
representation for disabled people

A Guide to Driving Licences

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Driving Licences

This is a brief guide about what to do if your application for a driving licence is refused or if your licence has been revoked. If you wish to appeal against a refusal or revocation you or your representative will need to look at the legislation which governs driving licences in more detail. The main legislation that governs driving licences is the Road Traffic Act 1988 (RTA) and the The Motor Vehicles (Driving Licences) Regulations 1999.

A person applying for a driving licence must declare on the application if s/he has, or has at any time had a relevant disability or a prospective disability.

If a person who already has a driving licence develops a relevant or prospective disability or if an existing disability becomes more acute, s/he must notify the Driver and Vehicle Licensing Agency (DVLA). The DVLA does not have to be notified if the disability is new and there are reasonable grounds for believing that it will not last for more than 3 months.

What is a relevant disability?

The Regulations set out relevant disabilities which are:

- a) epilepsy;
- b) severe mental disorder;
- c) liability to sudden attacks of disabling giddiness or fainting;
- d) liability to sudden attacks of disabling giddiness or fainting which are caused by any disorder or defect of the heart which has caused the applicant for the licence or the licence holder to have a device, such as a pacemaker implanted;
- e) persistent misuse of drugs or alcohol whether or not such misuse amounts to dependency;
- f) any other disability likely to cause the driver to be a danger to the public when driving a vehicle.

The Regulations set out relevant disabilities in more detail and the effect of particular disabilities on your ability to hold a driving licence. It is important, therefore, always to look at the Regulations in each individual case.

What is a prospective disability?

A prospective disability is one that may become a relevant disability in the course of time e.g. a progressive disability such as multiple sclerosis

Important Note - failure to notify the DVLA of the disability in these circumstances is an offence.

If you have a relevant disability the DVLA will refuse to give you a driving licence or if you already have a licence, will revoke it.

What if I my disability is not one of the 'relevant disabilities' listed above?

If your disability is not a relevant disability as described above the DVLA will base its decision on whether or not to refuse or revoke your licence on guidelines produced by its own medical experts. These guidelines are set out in two publications called 'Customer Service Guide for Drivers with Medical Conditions' and 'At a glance guide to the current medical standards of fitness to drive'. Copies of these publications are available from the DVLA; see 'Useful Organisations' at the end of this factsheet or from the DVLA website: www.dvla.gov.uk/medical/about_dri_med.aspx.

If your licence has been revoked or refused the DVLA should give you its reasons and the medical standard which you have failed to meet in writing. You may, however, find that the standard that it gives you is more strict than the one set out in its publication. This is often because the DVLA does not update its publication each time a standard is changed.

What can I do if my application for a licence is refused or if my licence is revoked?

You have the right to appeal against the decision to refuse or revoke your licence to the Magistrates Court. You must appeal within **6 months** of the decision. Before you appeal to the Magistrates Court you must give notice of your intention to appeal to the DVLA.

Where can I get help with preparing my appeal?

We regret that the Disability Law Service is not able to provide further assistance or representation for such appeals in the Magistrates Court. If you are unable to conduct the appeal yourself you will need to seek help from a local solicitor or Citizens Advice Bureau. If your income and capital is low (and you do not have much money saved) you may be able to get free advice from a solicitor under the Legal Help Scheme. This will not, however, enable your solicitor to represent you in the Magistrates Court. Legal Aid is not available for such appeals.

This means that the solicitor will not be able to represent you in the Magistrates Court unless you are able to pay him or her.

In addition, if you lose your appeal against the DVLA's decision the Magistrates may make a costs order against you. This means that you will be ordered to pay the DVLA's legal costs in defending its decision as well as your own legal costs.

Remember that it is up to you to prove, with evidence, that the DVLA's decision was wrong.

What sort of evidence will I need?

You should try to obtain a further medical report from an appropriate specialist which is more favourable and which states that in that medical expert's opinion you are able to drive safely. It may be helpful to show your medical expert the DVLA's guidelines set out in its publication 'At a glance guide to the current medical standards of fitness to drive'

If you can obtain such a report you should consider sending it to the DVLA and asking it to review its decision to refuse or revoke your licence. If the DVLA is prepared to do this you will not have to go through the process of an appeal in the Magistrates Court.

Other evidence which might be useful for your appeal in the Magistrates court is:

- a full driving history, ideally indicating a significant amount of mileage with no accidents;
- an expert assessment of your driving ability - see 'Useful Organisations' for centres which may be able to do such an assessment.

You should be aware, however, that the DVLA's guidelines have been prepared by medical experts. It will be difficult to prove that you are safe to drive if you fail the DVLA's standards.

Finally, you should note that the standards are often much higher for Group 2 licences which cover Heavy Goods Vehicles (HGVs) and some other professional uses than for Group 1 licences which are for normal domestic use.

Useful Organisations

We regret that the Disability Law Service is unable to assist with appeals to the DVLA or in the Magistrates Court.

Statutory Body Addresses:

DVLA

Drivers Medical Unit

Longview Road

Morrison

Swansea SA99 1TU

Telephone: 01792 783 686

For Northern Ireland

Driver and Vehicle Licensing (Northern Ireland)

Castlerock Road

Coleraine BT51 3HS

Telephone: 01265 41200

Other Useful Addresses

Banstead Mobility Centre

Damson Way

Fountain Drive

Carshalton

Surrey SM5 4NR

Telephone: 020 8770 1151

Clatterbridge Driving Assessment

Centre for the Disabled

Clatterbridge Hospital

Bebington

Wirral

Merseyside L63 4JY

Telephone: 0151 334 4000

Cornwell Friends Mobility Centre

Tehidy House

Treliske Hospital

Truro

Cornwall TR1 3LJ

Telephone: 01872 254

Derby Disabled Driving Centre
Kingsway Hospital
Kingsway
Derby DE3 3LZ
Telephone: 01332 371 929

Disability Action (DA)
2 Annadale Avenue
Belfast BT7 3UR
Telephone: 01232 491011

Driving Assessment Centre
Mary Malborough Lodge
Nuffield Orthopaedic Centre
NHS Trust
Windmill Road
Oxford OX3 7LD
Telephone: 01865 227449

Edinburgh Driving Assessment Service
Mobility Centre
Asteley Ainslie Hospital
133 Grange Loan
Edinburgh EH9 2HL
Telephone: 0131 537 9192

Irish Wheelchair Association
Blackheath Drive
Clontarf
Dublin 3
Telephone: (353) 1 833 8241

Kilverstone Mobility Centre
2 Napier Place
Thetford
Norfolk IP24 3RL
Telephone: 01842 753 029

Mobility Advice & Vehicle Information
Service (MAVIS)
Department of Transport
'O' Wing, Macadam Avenue
Old Wokingham Road
Crowthorne
Berkshire RG45 6XD
Telephone: 0191 219 5694

Mobility Information Service
Unit 2A Atcham Estate
Upton Magna
Shrewsbury SY4 4UG
Telephone: 01743 761 889

Regional Rehabilitation Mobility Centre
Hillcrest Rehabilitation Centre
Moseley Hall Hospital
Alcester Road
Moseley
Birmingham B13 8JD
Telephone: 0121 442 4321 ext 306

Rookwood Hospital
Llandaff
Cardiff CF5 2NY
Telephone: 01222 566 281

Wales Disabled Drivers Assessment
Centre
18 Plas Newydd
Whitchurch
Cardiff CF4 1NR
Telephone: 01222 615 276

Wrighton Mobility Centre
Wrighton Hospital
Hall Lane
Wrightington
Wigan
Lancs. WD6 3EP
Telephone: 01257 256 409

Legal Disclaimer

Although great care has been taken in the compilation and preparation of this work to ensure accuracy, DLS cannot accept responsibility for any errors or omissions. All information provided is for education / informative purposes and is not a substitute for professional advice. Any organisations, telephone numbers and links to external web-sites have been carefully selected but are provided without any endorsement of the content of those sites.

For further advice on these matters please contact:

Disability Law Service

Telephone: **020 7791 9800**

Minicom: **020 7791 9801**

Fax: **020 7791 9802**

Email: advice@dls.org.uk

Website: www.dls.org.uk

Or write to us at: 39 – 45 Cavell Street, London E1 2BP

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