

# Disability Law Service

advice and legal representation for disabled people

## A Guide to Driving Licenses

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# A Guide to Driving Licences

## 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This is a brief guide about what to do if your application for a driving licence is refused or if your licence has been revoked.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 Motor Vehicles (Driving Licences) Regulations 1999.

A person applying for a driving licence must declare on the application if s/he has, or had 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 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](http://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 stricter 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 Group  
Longview Road  
Morrison  
Swansea SA99 1TU  
Telephone: **0300 790 6806**  
Fax: **0845 850 0095**

*For Northern Ireland*

#### Driver and Vehicle Licensing (Northern Ireland)

County Hall  
Castlerock Road  
Coleraine  
Co. Londonderry BT51 3TB  
Telephone: **0845 402 4000**

## Other Useful Addresses

#### QEF Mobility Services

Damson Way  
Fountain Drive  
Carshalton  
Surrey SM5 4NR  
Telephone: **020 8770 1151**

### **Clatterbridge Driving Assessment Centre for the Disabled**

Wirral Limb Centre

Clatterbridge Hospital

Clatterbridge Road

Bebington

Wirral

Merseyside CH63 4JY

Telephone: **0151 334 4000**

### **Cornwell Mobility Centre**

Tehidy House

Royal Cornwall Hospital

Truro

Cornwall TR1 3LJ

Telephone: **01872 254 920**

### **Derby Drivability**

Kingsway Hospital

Kingsway

Derby DE22 3LZ

Telephone: **01332 371 929**

### **Disability Action (DA)**

189 Airport Road West

Belfast BT3 9ED

Telephone: **028 9029 7880**

### **Regional Driving Assessment Centre**

Network Park

Duddeston Mill Road

Saltey

Birmingham B8 1AU

Telephone: **0121 359 4222**

### **Scottish Driving Assessment Service**

SMART Centre

Asteley Ainslie Hospital

133 Grange Loan

Edinburgh EH9 2HL

Telephone: **0131 537 9192**

### **East Anglian Drivability**

2 Napier Place

Thetford

Norfolk IP24 3RL

Telephone: **01842 753 029**

### **South Wales Mobility and Driving Assessment Service**

Rookwood Hospital

Fairwater Road

Llandaff

Cardiff

CF5 2YN

Telephone: **0292 055 5130**

### **Wrightington Mobility Centre**

North West Driving Assessment Service

Fleet House

Pye Close

Haydock

St Helens

WA11 9SL

Telephone: **01942 483713**

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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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