1960 No. 2336

The Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations, 1960

Made - - - -	12*th December*, 1960
Laid before Parliament	22*nd December*, 1960
Coming into Operation	2*nd January*, 1961

The Minister of Transport, in exercise of his powers under sections 100 and 113 of the Road Traffic Act, 1960(a), and of all other powers him enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of subsection (2) of section 260 of the Road Traffic Act, 1960, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the second day of January, 1961, and may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations, 1960.

(2) The Interpretation Act, 1889(b), shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. The Motor Vehicles (Driving Licences) Regulations, 1950(c), as amended(d), shall have effect as though for Regulation 5 there were substituted the following Regulation:—

"*Diseases and disabilities precluding persons from claiming driving tests*

5.—(1) The diseases and disabilities in the case of which the applicant for a licence shall not be entitled to claim to be subjected to a test as to his fitness or ability to drive a motor vehicle under subsection (4) of section 100 of the Road Traffic Act, 1960, or in the case of which the holder of a licence which a licensing authority is proposing to revoke under subsection (6) of the said section 100 shall not be entitled to claim to be subjected to a test as to his fitness or ability to drive a motor vehicle, shall be the following:—

(*a*) epilepsy;

(*b*) mental disorder for which the applicant for the licence or, as the case may be, the holder of the licence is liable to be detained under the Mental Health Act, 1959(e), or is receiving treatment as an in-patient in a hospital or mental nursing home;

(*c*) severe subnormality as a result of which the applicant for the licence or, as the case may be, the holder of the licence is subject to guardianship under the Mental Health Act, 1959, or is either resident in accommodation provided by, or by arrangement with,

(a) 8 & 9 Eliz. 2. c. 16. (b) 52 & 53 Vict. c. 63. (c) S.I. 1950/333 (1950 II, p. 737).
(d) S.I. 1950/2108, 1956/1602, 1957/1244, 1391, 1579, 1958/151, 1960/1424 (1950 II, p. 749; 1956 II, p. 2005; 1957 II, pp. 1994, 1996, 1998; 1958 II, p. 2096; 1960 III, p. 2995).
(e) 7 & 8 Eliz. 2. c. 72.

a local health authority under section 28 of the National Health Service Act, 1946(a), or is otherwise receiving care from a local health authority under that section;

(*d*) any form of mental disorder or mental defect as a result of which—

(i) the applicant for the licence or, as the case may be, the holder of the licence is certified or is duly ascertained as subject to be placed under statutory supervision, or

(ii) the estate of the said applicant or, as the case may be, of the said holder is in the hands of a receiver, curator bonis or judicial factor;

(*e*) liability to sudden attacks of disabling giddiness or fainting;

(*f*) inability to read at a distance of twenty-five yards in good daylight (with the aid of glasses, if worn) a series of six letters and figures coloured white on a black surface of the same size and arrangement as those prescribed for the registration mark of a motor car.

(2) In sub-paragraph (*b*) of paragraph (1) of this Regulation the expressions "mental disorder", "hospital" and "mental nursing home", and in sub-paragraph (*c*) of that paragraph the expression "severe subnormality", have the same meanings as in the Mental Health Act, 1959".

Given under the Official Seal of the Minister of Transport this twelfth day of December, 1960.

(L.S.)

Ernest Marples,
The Minister of Transport.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations, 1950, by substituting for Regulation 5 (which prescribes the diseases and disabilities in respect of which persons are precluded from claiming driving tests) a new Regulation which prescribes the diseases and disabilities which are to have this effect in the future. The principal change made by the Regulation is that the following new diseases and disabilities are prescribed:—

(*a*) mental disorder, as defined by the Mental Health Act, 1959, for which the applicant for the licence is liable to be detained under that Act, or is receiving treatment as an in-patient in a hospital or mental nursing home, and

(*b*) severe subnormality, as defined by that Act, as a result of which the applicant is subject to guardianship under that Act, or is either resident in accommodation provided by, or is otherwise receiving care from, a local health authority.

(a) 9 & 10 Geo. 6. c. 81.