STATUTORY INSTRUMENTS

1962 No. 2282

ROAD TRAFFIC

LICENSING OF DRIVERS

The Motor Vehicles (Driving Licences) (Amendment) Regulations 1962

Made - - - -	15*th October* 1962
Laid before Parliament	25*th October* 1962
Coming into Operation	8*th November* 1962

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 section 260 (2) of the Road Traffic Act 1960 hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on 8th November 1962 and may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 1962.

(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. 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 section 100 (4) 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 section 100 (6) of that Act 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 within the meaning of that Act;

(*c*) 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 (Scotland) Act 1960(f) or is receiving treatment as an in-patient in a hospital within the meaning of that Act;

(*d*) 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

(a) 8 & 9 Eliz. 2. c. 16. (b) 52 & 53 Vict. c. 63. (c) S.I. 1950/333 (1950 II, p. 737). (d) The relevant amending instrument is S.I. 1960/2336 (1960 III, p. 2996).
(e) 7 & 8 Eliz. 2. c. 72. (f) 8 & 9 Eliz. 2. c. 61.

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 ;

(*e*) mental deficiency such that he is incapable of living an independent life or of guarding himself against serious exploitation 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 (Scotland) Act 1960 or is either resident in accommodation provided by, or by arrangement with, a local health authority under section 27 of the National Health Service (Scotland) Act 1947(b) or is otherwise receiving care from a local health authority under that section ;

(*f*) any form of mental disorder as a result of which 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 ;

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

(*h*) 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."

3. The Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 1960(c) are hereby revoked.

Given under the Official Seal of the Minister of Transport the 15th October 1962.

(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, as amended by the Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 1960, 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 Regulations is that certain prescribed diseases and disabilities are re-defined for application in Scotland as follows:—

(i) mental disorder, as defined in the Mental Health (Scotland) Act 1960, for which the applicant or holder of a licence is liable to be detained under that Act or is receiving treatment as an in-patient in a hospital ; and

(ii) mental deficiency such that he is incapable of living an independent life or of guarding himself against serious exploitation as a result of which the applicant or holder of a licence is subject to guardianship under the Mental Health (Scotland) Act 1960 or is resident in accommodation provided by, or is otherwise receiving care from, a local health authority.

(a) 9 & 10 Geo. 6. c. 81. (b) 10 & 11 Geo. 6. c. 27. (c) S.I. 1960/2336 (1960 III, p. 2996).