



# How can I get my licence back?



Doctors are under a duty to report health matters to the DVLA in certain circumstances



I have for a number of years been undergoing medical tests with my doctor and have, in the past, had a couple of issues raised.

I have since been to a specialist who says that I am fit to drive, however, the DVLA still holds my licence and is reviewing the matter. What can I do?



This is a relatively common situation whereby drivers who undergo a medical as either part of their employment or because they have

reached an age where they are required to renew their licence and undertake a medical. As a result of the medical a particular medicinal 'problem' has been uncovered, which has been reported, by the doctor, to the DVLA.

Doctors are under a duty to report health matters to the DVLA in certain circumstances where the health of an individual could have an impact on their ability to drive safely and as such could pose a danger to passengers, pedestrians and other road users.

On receipt of a report from the drivers' doctors the matters will be referred to the DVLA's medical team who will consider all evidence and, in some circumstances, ask for additional tests to be carried out before deciding if the individual is fit to carry on driving.

In the situation outlined above it is important that the driver keeps in contact with the DVLA to chase them in relation to his licence. If his licence has been suspended he should not drive until he has received the all clear

from DVLA.

The DVLA can take a significant amount of time in such matters, with matters taking up to six months to resolve.

The best advice I can give is that the drivers contact the DVLA on a regular basis to ask for updates and keep pushing for return and/or decision in relation to the licence.

### What about my missing wages?

**Q:** I have recently received my weekly wage slip and it appears that it is short by approximately 13 hours. What should I do in this situation?

**A:** In the situation outlined above, I would recommend the driver contacted the transport manager to make him aware of the shortfall in relation to the wages as soon as possible.

The transport manager should then investigate the circumstances and refer it to the relevant department and/or individual within the organisation. It is essential that the matter is dealt with as soon as possible as this could have a significant impact on the driver.

If the situation is not rectified very quickly, I would suggest that the driver speak with his line manager and bring it to his attention.

Going forward I would suggest that the driver keep an eye on his wage slips to ensure that the correct sums are paid. However, it would appear that this is a clerical error.

### Will this affect my good repute?

**Q:** I am a coach driver and a few months ago I was involved in a collision while I was driving my coach with another vehicle. As a result of the collision the driver of the other vehicle died. I have now been charged with causing death by careless driving and the matter is proceeding through the criminal court.

My question is that, as I am a CPC holder, will this affect my good repute and what should I do in relation to the traffic commissioner?

**A:** As most readers will be aware one of the most important undertakings that an individual gives in relation to a CPC qualification as a traffic manager is that they should be of good repute. In this circumstance the member is concerned about his good repute if he is convicted of a criminal offence.

A criminal conviction can impact on an individual in relation to repute. However, it need not necessarily mean the loss of a CPC qualification.

In relation to this specific matter I would advise the driver to wait until the outcome of the criminal case. If the driver is found guilty or, indeed, pleads guilty to the charges, it would be essential for him to provide the traffic commissioner with details of the charge, whether he pleaded guilty, or not guilty, the penalties that were imposed upon him, (ie, ban, fine etc.) and

whether he has fulfilled his obligations to the court, ie, paid the fine immediately.

It would then be for the traffic commissioner to decide whether the driver's good repute has been impacted upon and if he should hold a licence going forward. It may be even appropriate for the traffic commissioners to call a Public Inquiry to seek all representations by the driver as to why he should keep his licence.

### Can I be charged insurance excess?

**Q:** What is the position with regards to drivers being charged insurance excesses?

**A:** I have been asked these questions on a number of occasions. The answer in this case is very much dependant on the contract of employment that exists between the driver and his employer. If the contract provides that the driver will be liable for the insurance excess in certain circumstances the employer can enforce this provision.

However, it is worth noting that, unless there is an agreement in place, the employer cannot simply make a deduction from the employee's salary.



**Hammonds**

Legal Jottings is brought to you through CDC's partnership with leading transport lawyer, Andrew Sanderson.  
Tel: 020 7655 1060 Email: [andrew.sanderson@hammonds.com](mailto:andrew.sanderson@hammonds.com)