Section 88 advice for ABN members (2023)

Section 88 of the Road Traffic Act lists certain circumstances in which a driver is legally able to drive without a valid driving licence in the UK. This is most often the case where a driver has applied for a replacement driving licence and is waiting for the licence to be processed and delivered, but it may also apply to medical conditions.

To qualify for section 88 a driver must have **voluntarily surrendered** their license after informing the DVLA of a notifiable medical condition. **Section 88 does not apply** if the driver has had their licence revoked by the DVLA; medical revocation by the DVLA occurs if the driver (or their doctor) notifies the DVLA of a medical condition but does not voluntarily surrender their license.

If they have voluntarily surrendered their license to the DVLA, a driver may be able to drive before receiving their new driving licence via Section 88, providing the following criteria are met:

- Their specialist team or doctor confirms that they are not aware of any reason why the driver should not be licensed
- The driver is confident that they meet medical standards of fitness to drive
- The driver held a valid driving licence prior to surrendering it
- The driver has applied for a new licence within the past 12 months and a correct and complete application has been received by the DVLA
- The licence was not revoked or refused for medical reasons
- The driver has not been disqualified from driving
- They drive only under the conditions of the previous licence.

**Thus, a neurologist can only advise on the first point above, it is the responsibility of the driver to ensure they fulfil all the criteria above otherwise.**

In summary, if a driver’s licence was revoked, Section 88 does not apply. If a driver voluntarily surrendered their licence, Section 88 may apply but the responsibility is on the driver to decide if they meet all the necessary criteria above, a doctor can only advise whether they are fit to drive based on DVLA criteria.


Below is a template letter to be used in response to Section 88 queries from patients.
RE: Section 88 application

Dear [Name],

You made an enquiry about whether you could drive under Section 88 of the Road Traffic Act 1988, which allows drivers to return to driving before the DVLA have issued a new licence, subject to strict criteria as below.

I can confirm that, to my knowledge, you meet the DVLA’s medical criteria to regain your license from x date.

Please note, this does not necessarily mean you are eligible to drive without a licence under Section 88 provision. You also must ensure you fulfil ALL the following criteria:

1. You voluntarily surrendered your licence to the DVLA rather than notified them of a condition, following which they revoked your licence for the medical condition.
2. You are satisfied that you fulfil the DVLA medical criteria to drive
3. You held a valid driving licence prior to surrendering it
4. You have applied for a new licence within the past 12 months and a correct and complete application has been received by the DVLA
5. You have not been disqualified from driving
6. You drive only under the conditions of the previous licence, and only in the UK.

If you do not fulfil all these conditions, you may not be eligible to drive. Unless you are confident you fulfil all the above, you should not drive until the DVLA have issued a new licence, otherwise you may be committing an offence and invalidating any insurance.

Yours sincerely,