



## BRIEFING PAPER

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# Older drivers

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2. Licensing rules to 70 and beyond
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## Summary

This paper describes the licencing and medical fitness rules for drivers over the age of 70, and summarises recent Government statements on older drivers and the recommendations of the Older Drivers Task Force.

Driver licensing rules in the UK ultimately derive from the EU. It is as yet unclear what the impact of Brexit might be on driver licensing and testing: it seems likely that the UK would adopt a system compatible with that across the EU in order to retain the benefits of mutual recognition.

For at least the last ten years there have been stories in the media about possible changes to the licensing and/or testing requirements for older drivers. However, despite the speculation, there have been no recent changes to the requirements for older drivers.

Since the 2015 General Election the Government has published a road safety statement and a motoring services strategy, both of which referred to the need to support older drivers and ensure that they are safe. The independent Older Drivers Task Force reported in July 2016. The Government is currently considering its recommendations, which included:

- the automatic requirement for drivers to notify the DVLA at age 70 of any medical condition that may affect safe driving should be raised to 75;
- DVLA should require evidence of an eyesight test at age 75 and encourage vision checks every two years, particularly from age 60; and
- the Government should support an evaluation of driving appraisal courses offered by the public sector and those in the private sector who wish to participate.

Information on associated matters involving driver licensing and fitness to drive can be found on the [Roads Topical Page](#) of the Parliament website.

# 1. Are older drivers 'safe'?

Government figures show that 232 people aged over 60 were killed in cars in 2015, roughly a third of all deaths:<sup>1</sup>

## Reported casualties by road user type, age and severity, Great Britain, 2015

|                             | Number/percentage change compared to 2014 |          |                   |          |                  |          |                |          |              |
|-----------------------------|---|----------|-------------------|----------|------------------|----------|----------------|----------|--------------|
|                             | Killed                                    |          | Seriously injured |          | Slightly injured |          | All casualties |          | Road traffic |
|                             | Number                                    | % change | Number            | % change | Number           | % change | Number         | % change | % change     |
| Car occupants               |   |          |                   |          |                  |          |                |          |              |
| Children: 0-15 years        | 19  | 6        | 315               | -1       | 6,681            | -3       | 7,015          | -3       | ..           |
| Young people: 0-17 years    | 42  | 27       | 555               | -3       | 9,248            | -4       | 9,845          | -4       | ..           |
| Adults: 18-59 years         | 480                                       | -6       | 5,492             | -2       | 79,568           | -3       | 85,540         | -3       | ..           |
| 60 and over                 | 232                                       | -9       | 1,755             | -3       | 12,902           | -5       | 14,889         | -5       | ..           |
| All casualties <sup>1</sup> | 754                                       | -5       | 7,888             | -2       | 103,065          | -3       | 111,707        | -3       | 1            |

Eleven drivers per million population aged 16-19, and 19 drivers per million population aged 20-29 were killed in 2015 – the next highest rates is 18 per million for drivers over the age of 80. More than 2,000 car drivers per million population aged 20-29 were injured – by far the highest among any age group:<sup>2</sup>

## Reported casualties by age band, road user type and severity, Great Britain, 2015

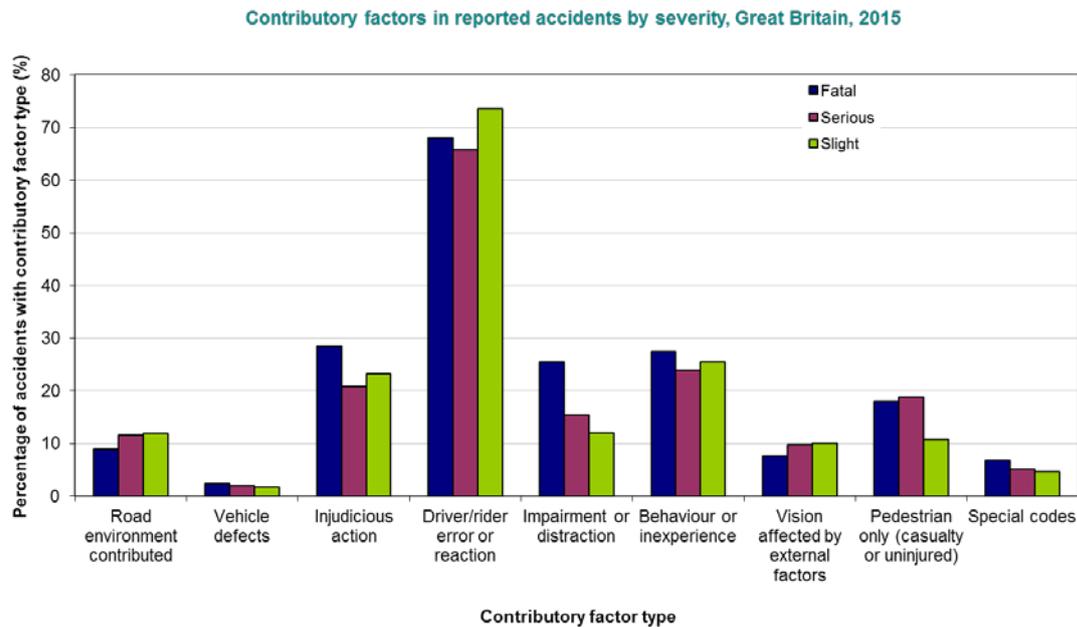
|                  | Number of casualties |       |       |       |       |        |        |        |        |       |       |             |                       |
|------------------|----------------------|-------|-------|-------|-------|--------|--------|--------|--------|-------|-------|-------------|-----------------------|
|                  | 0-4 <sup>1</sup>     | 5-7   | 8-11  | 12-15 | 16-19 | 20-29  | 30-39  | 40-49  | 50-59  | 60-69 | 70-79 | 80 and over | All <sup>2</sup> ages |
| All road users   |                      |       |       |       |       |        |        |        |        |       |       |             |                       |
| Killed           | 4                    | 4     | 8     | 9     | 18    | 48     | 44     | 44     | 56     | 47    | 52    | 74          | 408                   |
| KSI <sup>3</sup> | 168                  | 216   | 412   | 487   | 334   | 743    | 520    | 501    | 541    | 461   | 435   | 458         | 5,348                 |
| All severities   | 812                  | 1,010 | 2,016 | 2,479 | 1,800 | 3,949  | 2,802  | 2,515  | 2,161  | 1,636 | 1,294 | 1,083       | 24,061                |
| Car              |                      |       |       |       |       |        |        |        |        |       |       |             |                       |
| Drivers          |                      |       |       |       |       |        |        |        |        |       |       |             |                       |
| Killed           | 0                    | 0     | 0     | 0     | 33    | 161    | 57     | 69     | 57     | 41    | 60    | 56          | 534                   |
| KSI              | 0                    | 0     | 0     | 3     | 411   | 1,551  | 882    | 835    | 752    | 542   | 482   | 371         | 5,869                 |
| All severities   | 0                    | 0     | 0     | 14    | 4,702 | 20,841 | 15,662 | 13,793 | 10,279 | 5,337 | 3,254 | 1,939       | 76,432                |
| Passengers       |                      |       |       |       |       |        |        |        |        |       |       |             |                       |
| Killed           | 6                    | 4     | 1     | 8     | 35    | 53     | 11     | 15     | 12     | 11    | 26    | 38          | 220                   |
| KSI              | 78                   | 55    | 78    | 120   | 458   | 669    | 288    | 205    | 184    | 194   | 205   | 193         | 2,773                 |
| All severities   | 1,548                | 1,424 | 2,120 | 1,909 | 4,791 | 8,353  | 4,196  | 3,075  | 2,678  | 2,002 | 1,496 | 861         | 35,275                |

Contributory factors in reported accidents in 2015 are given below; by far the largest category is driver error or reaction:<sup>3</sup>

<sup>1</sup> DfT, [Reported road casualties in Great Britain 2015](#), 30 June 2016, RAS 30002

<sup>2</sup> *ibid.*, RAS 30025

<sup>3</sup> *ibid.*, RAS 50001



The report of the Older Drivers’ Taskforce, published in July 2016, said that:

When older drivers are involved in a crash, the likelihood of them dying or being seriously injured is up to four times higher simply because of their frailty, particularly women over 70.

Drivers over 70 are less likely to be involved in crashes involving speed, loss of control or alcohol as a cause. They are more likely to be involved in a right of way violation.

By 75, older drivers are twice as likely to be killed at T-junctions.

For every mile driven, the risk of a person aged 80 or more being killed while driving is, overall, some 10 times higher than the lowest risk 40-49 year old.<sup>4</sup>

In terms of whether older drivers are a danger to others, the report highlighted that police records show that the risk of an older driver over 70 killing a pedestrian is less than that of middle-age drivers and half that of drivers aged up to age 25. The Task Force was given ‘catastrophic claims’ data from a leading insurer in the older driver market, which showed that “some older drivers, possibly those in the over 80 group, may be disproportionately involved in crashes leading to very serious third party injuries”.<sup>5</sup>

Finally, on medical fitness to drive, the report stated that older drivers have “reduced ability to judge and adapt to speed and to read complex driving situations. Vision, reaction times and skills in executing manoeuvres decline with age”. It did find that as drivers age, self-regulation is common: older drivers can consciously make fewer journeys, avoid more demanding situations such as motorways, driving at night, peak periods, and difficult junctions. However, it raised concerns about self-declaration of medical conditions, which had been

<sup>4</sup> Older Drivers’ Taskforce, *Supporting safe driving into old age: A National Older Driver Strategy*, July 2016, p6

<sup>5</sup> *ibid.*, p6

shown in one study not to be reliable with self-declarations of cardiac problems at 5% compared with 65% by physicians.<sup>6</sup>

By comparison, recent work by Dr Charles Musselwhite of the Swansea University Centre for Innovative Ageing found that older drivers are relatively safe compared to other age groups. He also concluded that introducing more stringent testing would not weed out the most dangerous drivers: a review of countries with stricter tests for older drivers showed little difference in collision rates for older drivers, suggesting it made little long term difference to driver behaviour.<sup>7</sup>

In recent years various tools and assistance have been developed to help older drivers make informed choices about their driving and to drive safely.<sup>8</sup> Most recently, in February 2016, the Government provided grant funding to the Royal Society for the Prevention of Accidents to develop a [dedicated older drivers' website](#) to provide information to drivers and their families on driving safely.

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<sup>6</sup> *ibid.*, pg

<sup>7</sup> Swansea University press notice, "[The Drive for Life: academic challenges older driver safety myths](#)", 7 September 2016

<sup>8</sup> for an overview, see: RAC Foundation, [Driving Choices for the Older Motorist: The role of self-assessment tools](#), 24 February 2013

## 2. Licensing rules to 70 and beyond

The rules on driver licensing are set out in Part III of the [Road Traffic Act 1988](#) and the *Motor Vehicles (Driving Licences) Regulations 1999* ([SI 1999/2864](#)), both as amended.

Full driving licences are granted until the holder attains the age of 70. After 70 years of age the licence is renewable every three years.<sup>9</sup>

The possession of a licence until age 70 is in the absence of any disease or disability that disqualifies a driver from holding a licence. The rules regarding the requirements for physical fitness necessary for the grant of a driving licence are the same regardless of age.

Drivers over the age of 70 require a more stringent Group 2 medical examination in order to drive medium-sized goods vehicles or minibuses.

Driving licences valid until the holder turned 70 were introduced in 1976.<sup>10</sup> The main reason given for introducing this change seems to have been administrative. Up to that point licences had to be renewed every three years and Ministers envisaged that “there will be substantial savings, not only in form-filling for the public, but in paperwork within the central licensing system [...] if Parliament would dispense with the need for three-yearly renewals in the vast majority of cases, up to 350 staff and £1 million a year in staff costs and postage could be saved”.<sup>11</sup> The reason 70 was chosen as the age at which licences should revert to being renewed every three years appears to have been influenced by medical factors. The Minister at the time said: “... the accident rate above that age [70] does considerably increase. Also, the medical profession have advised that that is the age at which our faculties begin to get dimmer and therefore our ability to drive should be looked at again”.<sup>12</sup>

Ultimately, domestic driver licensing rules now derive from the framework set out in EU law (the ‘Driving Licence Directives’). The Third Directive ([2006/126/EC](#)), agreed in 2006, came into force on 19 January 2013.<sup>13</sup> As originally drafted, the Directive would have changed the renewals period for the over-65s to five years, rather than three. This was subsequently dropped; the relevant Article 7(3) states only that Member States may reduce the period of administrative validity for driving licences issued to those over the age of 50 in order to apply an increased frequency of medical checks or other specific measures (such as refresher courses).

It is as yet unclear what the impact of Brexit might be on driver licensing and testing: it seems likely that the UK would adopt a system compatible with that across the EU in order to retain the benefits of mutual recognition.

<sup>9</sup> section 99(1)(a) of the 1988 Act

<sup>10</sup> the proposal was originally included in the *Road Traffic Bill 1973-74*, which fell before the February 1974 General Election, it was included in a similar Bill introduced the following session

<sup>11</sup> [HL Deb 15 November 1973, c825](#)

<sup>12</sup> [HL Deb 3 December 1973, c406](#)

<sup>13</sup> implemented in the UK via the *Motor Vehicles (Driving Licences) (Amendment) Regulations 2012* ([SI 2012/977](#))

## 8 Older drivers

For well over a decade now there has been no fee for renewing your licence from the age of 70. A fee of £6 was introduced from 1 February 1992 for financial reasons.<sup>14</sup> It reached a peak of £8.50 in 1999.<sup>15</sup> The fee was abolished from 21 November 2003 after the Labour Government allowed cross-subsidisation (cost-pooling) between vehicle and driver licensing to cover licensing costs.<sup>16</sup>

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<sup>14</sup>Department of Transport, *Consultation Document on revised Driving Licence Fees*, 30 April 1991; and: *Motor Vehicles (Driving Licences) (Amendment) (No 3) Regulations 1991* ([SI 1991/2493](#))

<sup>15</sup> *Motor Vehicles (Driving Licences) (Amendment) Regulations 1999* ([SI 1999/72](#))

<sup>16</sup> *Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003* ([SI 2003/2994](#))

## 3. Medical rules for fitness to drive

Annex III of the Third European Driving Licence Directive ([Directive 2006/126/EC](#)), Part III of the [Road Traffic Act 1988](#) and Part VI of the [Motor Vehicles \(Driving Licences\) Regulations 1999 \(SI 1999/2864\)](#), as amended, both as amended, provide the legal framework for standards of physical and mental fitness to drive a vehicle.

The rules as they apply to the range of conditions and illnesses are set out in the DVLA's guide on assessing fitness to drive. The guidelines therein "represent the interpretation and application of the law in relation to fitness to drive following advice from the Secretary of State's Honorary Medical Advisory Panels. The Panels consist of doctors eminent in the respective fields of Cardiology, Neurology, Diabetes, Vision, Alcohol/Substance Abuse and Psychiatry, together with lay members".<sup>17</sup> The Panels meet twice yearly and the standards are reviewed and updated. The current version dates from May 2016.

Under section 99 of the 1988 Act the Secretary of State may limit the duration of a licence granted to a person suffering from a relevant or prospective disability to between one and three years. Under section 94 an existing licence holder is required to inform the Secretary of State if (s)he begins to suffer from a relevant or prospective disability, or if an existing condition deteriorates. The DVLA also acts on third party tip offs from health care professionals as to whether someone might be falling short of the required standard: in 2010, the DVLA carried out investigations into 10,740 drivers' records as a result of receiving third party notifications.<sup>18</sup>

Drivers who have their driving entitlement revoked or refused on medical grounds have the right to appeal to the Magistrate's Court under section 100 of the 1988 Act.

### 3.1 Assessment

There have recently been concerns about how DVLA carries out its duties with regards to assessing fitness to drive.

In October 2016 the Parliamentary and Health Service Ombudsman (PHSO) published a report into failings by the DVLA in assessing people's fitness to drive.<sup>19</sup> The report was not specific to older people but as many older people may well have medical conditions which need to be assessed they would be affected disproportionately. *The Times* reported:

Healthy pensioners are being forced off the road for up to three years because of fundamental flaws in the system used to assess motorists' fitness to drive, an investigation has found. Up to 75,000 drivers a year are facing "significant levels of unnecessary inconvenience and distress" after being failed by medical

Further details on the medical rules for fitness to drive can be found in HC Library briefing paper [SN387](#).

<sup>17</sup> DVLA, [Assessing fitness to drive: a guide for medical professionals](#), May 2016, p3

<sup>18</sup> [HC Deb 20 October 2011, c1064W](#)

<sup>19</sup> PHSO press notice, "[New report shines a light on major failings by the DVLA in assessing people's fitness to drive](#)", 19 October 2016

assessments carried out by the Driver and Vehicle Licensing Agency (DVLA). [...The] ombudsman warned that the system used to assess older drivers and those with impairments was marked by a flawed and inconsistent decision-making process. In a series of damning conclusions published today it found that the DVLA often failed to provide any evidence about how it reached decisions to revoke licences and routinely ignored advice from GPs. The report said that some medical panels relied on evidence that was 20 years out of date or was relevant to road safety standards in Canada.<sup>20</sup>

While DVLA did not respond to the report directly, the *Motoring Services Strategy*, published in May 2016, had previously set out how DVLA intends to reform medical assessments of fitness to drive:

Anyone getting behind the wheel of a vehicle should be fit to drive. Physical and mental ailments, even if not chronic, can be dangerous when a person is driving. Decisions on fitness to drive are made by the DVLA's Drivers Medical Group (DMG), which handles around 600,000 cases a year. Some consultation respondents were dissatisfied with their experience with the DMG service. The DVLA is concentrating efforts on improving the services it offers to medical customers. This includes recruiting more medical and administrative staff, reviewing how it deals with complex cases and improving communication with customers. As our Road Safety Statement makes clear, the Government is committed to ensuring that the medical assessment and licensing regime for drivers keeps pace with current life expectancy and health trends.

Decisions by DMG on fitness to drive can, for the majority of cases, be made quickly once information is provided by the customer or their GP. DVLA will develop a web application which will enable customers to provide details online. This will help to ensure that customers provide DVLA with the correct information, and reduce the amount of information that has to be input more than once. At the same time, where it is necessary for DMG to contact customers or medical practitioners, it will adopt a more tailored approach to these communications.

It is important that, where DVLA is called on to make a decision on an individual's fitness to drive, it should have complete and accurate information. However, there is a balance to be struck between making these decisions as quickly as possible and ensuring that they are based upon the appropriate information.

People can be slow to recognise any gradual decline in their driving abilities. It may take the intervention of others to induce them to see how their driving has changed. The General Medical Council (GMC) has guidance for doctors on reporting concerns to DVLA, and has recently consulted on updating and strengthening this guidance. We believe that this revised GMC guidance, when issued, will be the best way to address the problem.

DVLA will continue to work with the GMC and other professional bodies to improve awareness of medical conditions and driving. It will also consider how members of the public might be encouraged to raise potential problems with their GP.<sup>21</sup>

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<sup>20</sup> "Older drivers are kept off the road by DVLA errors", *The Times*, 20 October 2016

<sup>21</sup> DVLA, [Safe, secure, sustainable: the motoring services agencies](#), 12 May 2016, paras 2.27-2.31

## 4. Is the Government planning to change the law?

For at least the last ten years there have been stories in the media about possible changes to the licensing and/or testing requirements for older drivers. However, despite the speculation, there have been no recent changes to the requirements for older drivers.

For example, there were rumours of a policy change in this area under the previous Labour Government – in early 2006 there were reports that the DVLA was considering a public consultation on proposals to require drivers over the age of 75 to take a ‘fitness to drive’ test every five years.<sup>22</sup> In the end, Labour’s April 2009 consultation on its road safety strategy to 2020 contained proposals on the reform of driver licensing and other aspects of road safety but nothing on older drivers.<sup>23</sup>

More recently, the Conservative Government’s road safety statement, published in December 2015, said that it “wants to support older drivers and help them to remain safe” and that it would “consider carefully any recommendations made” by the Older Drivers Task Force.<sup>24</sup> It also stated that in the longer term it would “ensure that the medical assessment and licensing regime for older drivers keeps pace of current life expectancy and health trends”.<sup>25</sup>

### 4.1 Licence renewal age

In February 2014 the Government published a review of the DVLA which recommended that “the department should ... consider whether the existing requirement to renew a driving licence at age 70 is still appropriate. A number of European countries renew driving licences at age 80 or have no limit at all. Early analysis of information held by DVLA suggests this could be introduced with little or no impact on road safety”.<sup>26</sup>

The Older Drivers Task Force, which reported in July 2016, recommended that “the automatic requirement for drivers to notify the DVLA at age 70 of any medical condition that may affect safe driving should be raised to 75”.<sup>27</sup> In his foreword to the report the Minister, Andrew Jones, said that the Government would “consider the recommendations carefully”.<sup>28</sup> It has yet to make any further comment.

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<sup>22</sup> e.g. “Over-75s face new driving challenge”, *The Times*, 8 February 2006

<sup>23</sup> DfT, [A Safer Way: consultation on making Britain’s roads the safest in the world](#), April 2009

<sup>24</sup> DfT, [Working Together to Build a Safer Road System: British Road Safety Statement](#), Cm 9175, 21 December 2015, para 1.24

<sup>25</sup> *ibid.*, Annex A, p31

<sup>26</sup> DfT, [A Review of the DVLA](#), February 2014, p25

<sup>27</sup> *op cit.*, [Supporting safe driving into old age: A National Older Driver Strategy](#), p9

<sup>28</sup> *ibid.*, p2

## 4.2 Compulsory retesting

One of the concerns of older drivers and those who campaign on their behalf is that the Government might change the law to require them to undertake retesting after the age of 70.

The Older Drivers Task Force did not discuss this point. However, it did recommend that the DVLA should require evidence of an eyesight test at age 75 and encourage vision checks every two years, particularly from age 60; and that as a priority, the Government should support an evaluation of driving appraisal courses offered by the public sector and those in the private sector who wish to participate. The report said: “Driver appraisal schemes hold enormous promise for the future. Unthreatening, voluntary courses run by trusted organisations have the potential to become a new (and enjoyable) social norm which any responsible older driver would wish to take to refresh skills and knowledge to support their safe driving into old age”.<sup>29</sup>

Most recently in response to a Parliamentary Question on 1 December 2016 the Roads Minister, Andrew Jones, said:

The current driver licensing arrangements take into account the risks that an individual poses to road safety and are designed to be fair and proportionate to all drivers who remain fit and competent to drive, regardless of age. The current arrangements generally work well and balance road safety considerations with personal mobility.<sup>30</sup>

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<sup>29</sup> *ibid.*, pp9-10

<sup>30</sup> [Driving: Licensing: Written question – 55050](#), 1 December 2016

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