

**"(f) has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning"**

35. A person with a learning disability has a reduced ability to understand new or complex information, a difficulty in learning new skills, and may be unable to cope independently. These disabilities must have started before adulthood and have a lasting effect on development. The person should be able to qualify for specialist services and he or she may have had special educational provision.

36. The Department of Health adopted the term "learning disability" in 1992. It has the same meaning as its predecessor "mental handicap" but it is seen as more acceptable, particularly in reducing the confusion with mental illness.

37. In determining eligibility in a case where there has been no previous contact with specialist services a local authority should normally seek independent medical advice, or check any register of people with learning disabilities which might be held by the Social Services Department of the applicant's local council.

**"(g) would, if he applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol."**

38. Under Section 92 of the Road Traffic Act 1988 the Secretary of State may refuse to issue a driving licence on the grounds of the applicant's medical fitness. Those who are currently barred from holding a licence are people with:

- i. epilepsy (unless it is of a type which does not pose a danger - see below);
- ii. severe mental disorder
- iii. liability to sudden attacks of giddiness or fainting (whether as a result of cardiac disorder or otherwise)
- iv. inability to read a registration plate in good light at 20.5 metres (with lenses if worn)
- v. other disabilities which are likely to cause the driving of vehicles by them to be a source of danger to the public

[NB: It will be seen that specific reference is made to people **who persistently misuse drugs or alcohol**. Those people are not covered by the definition of 'disabled person' under the Act and are thus not entitled to the statutory minimum.]

39. It is not a condition of entitlement under this category that the disabled person should apply for and be refused a driving licence (which would be unduly burdensome for everyone involved). For people with any of the disabilities (ii) - (iv) listed above the local authority can be confident that a licence would be refused and should therefore be able to issue the travel pass automatically. For (i) epilepsy - the bar is not automatic and depends on the circumstances:

40. The Motor Vehicles (Driving Licences) Regulations 1999 permit the grant of a driving licence to a person with epilepsy if that person:

- (a) has not had an epileptic attack whilst awake for a year or more, or
  - (b) has a history of attacks whilst asleep, and only whilst asleep, over the past three years or more,
- provided that the driving of a vehicle by that person is not likely to cause danger to the public.

41. Other groups not covered by the Regulations include: