



Fitness to drive

Explains the rights that you have to drive, what information you need to tell the Driver & Vehicle Licensing Agency (DVLA) and how to appeal if your driving licence is taken away.

Please note

- This guide only covers fitness to drive from the point of view of a person with a mental health problem.
- This guide applies to England and Wales.
- This guide contains general legal information, not legal advice. We recommend you get advice from a specialist legal adviser or solicitor who will help you with your individual situation and needs. See [Useful contacts](#) for more information.
- The legal information in this guide does not apply to children unless specifically stated.

If you require this information in Word document format for compatibility with screen readers, please email: publications@mind.org.uk

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Overview

If you have a mental health problem, you may have to tell the [Driver & Vehicle Licensing Agency](#) (DVLA) about it as it might affect your ability to drive.

These rules are in place for the purposes of road safety. The DVLA has to be satisfied that drivers with medical conditions, including mental health problems, are able to safely control their vehicle and are not a risk to other road users.

Quick facts

- There are [some mental health problems](#) that you have to tell the DVLA about and others that you only have to tell the DVLA about if they [affect your ability to drive](#).
- Your doctor should tell you if you need to tell the DVLA about your mental health problem.
- [You could be fined](#) if you don't tell the DVLA about a mental health problem that affects your ability to drive.
- It is illegal to drive or attempt to drive if your ability to do so is impaired by drugs, [including prescribed medication](#).
- If the DVLA says you must stop driving, you can [appeal this decision](#), though you must do this within 6 months of your licence being refused or revoked.

Terms you need to know

Term	Meaning
Driver & Vehicle Licensing Agency (DVLA)	This is a government department that maintains registers of drivers and vehicles in Great Britain.
Group 1 licence holders	This includes people who drive motor cars and motor cycles.
Group 2 licence holders	This includes people who drive large lorries and buses.

My right to drive

- [Are there any mental health problems that automatically bar me from driving?](#)
- [Do I have to tell the DVLA about my mental health problem?](#)
- [Am I allowed to drive if I am on section 17 leave from hospital?](#)
- [Can my doctor tell the DVLA that I shouldn't drive without my permission?](#)
- [What if I don't tell the DVLA about my mental health problem?](#)

Are there any mental health problems that automatically bar me from driving?

No. The [DVLA](#) will look at each case individually. Whether or not you will be allowed to drive will depend on the effect of your mental health problem on your ability to drive.

Do I have to tell the DVLA about my mental health problem?

It depends on your diagnosis. You **must** tell the [DVLA](#) if you have a diagnosis of any of the following:

- [bipolar disorder](#)
- [paranoid schizophrenia](#)
- [psychosis](#)
- [psychotic depression](#)
- [schizoaffective disorder](#)
- [schizophrenia](#)

If you have a diagnosis of one of the following mental health problems, you only need to tell the DVLA if it **affects your ability to drive**:

- [agoraphobia](#)

- [anxiety](#)
- [depression](#)
- [eating disorder](#)
- [obsessive compulsive disorder](#)
- [personality disorder](#)
- [post-traumatic stress disorder](#)

The [DVLA website](#) has a list of medical conditions which you can use to find out what the rules are in relation to your particular mental health problem.

In addition to the mental health problems listed above, you are required to tell the DVLA if you have an alcohol problem, if you've used illegal drugs or have misused prescription drugs.

Speak to your doctor

Your doctor should tell you if you need to let the DVLA know about your mental health problem.

There is [guidance](#) for doctors to use when deciding whether you should tell the DVLA about a medical condition which affects your fitness to drive. Although this guidance is for doctors, it is helpful as it sets out the circumstances in which you will need to tell the DVLA about the above mental health problems. For example:

- **You don't need to notify the DVLA** if you experience anxiety or depression without significant memory or concentration problems, agitation, behavioural disturbance or suicidal thoughts.
- **You do need to notify the DVLA** if you experience anxiety or depression with significant memory or concentration problems, agitation, behavioural disturbance or suicidal thoughts.

Example

Sandra has recently been diagnosed with [bipolar disorder](#). She relies on her car to take her children to school and to get to and from work. Sandra does not believe that having bipolar disorder affects her ability to drive. Despite this, Sandra must tell the DVLA about her diagnosis because bipolar disorder is one of the mental health problems that the DVLA must be told about.

Am I allowed to drive if I am on section 17 leave from hospital?

If you are on section 17 leave from hospital ([see our information on sectioning](#)), you will need to ask your responsible clinician whether you can drive.

Can my doctor tell the DVLA that I shouldn't drive without my permission?

It is your duty to tell the [DVLA](#) about a mental health problem which may affect your ability to drive. If you do not, your doctor can tell the DVLA without your consent. Your doctor should tell you in advance that they plan to do this and write to you after they have done so.

Example

Jacob has a diagnosis of [obsessive compulsive disorder](#). He visits his GP and explains that his symptoms have got worse.

The GP is concerned that Jacob's mental health problem may now affect his ability to drive. She tells Jacob that he must tell the DVLA about his mental health problem.

Jacob doesn't want to do this as he lives in a rural village and relies on his car to get out and about in the community.

The next time Jacob sees his doctor, she asks whether he has been in touch with the DVLA. Jacob says that he has not. The doctor warns Jacob that if he does not do so, she will have to tell the DVLA herself. He is adamant that he will not notify them.

The GP must contact the DVLA and tell them about Jacob's medical condition and her concerns about his driving. She will need to write to Jacob once she has done this to tell him she has spoken to the DVLA.

What if I don't tell the DVLA about my mental health problem?

You could be fined up to £1000. If you have not told the [DVLA](#) about a mental health problem that affects your ability to drive and you have a car accident, you might be prosecuted and your insurance might not be valid.

Telling the DVLA

- [How do I tell the DVLA about my mental health problem?](#)
- [What form do I need to fill in?](#)

How do I tell the DVLA about my mental health problem?

If you are applying for your first driving licence (including provisional) or applying to renew your licence, there is a section on the application form which asks questions about your health. You should use this part of the form to tell the [DVLA](#) about your mental health problem.

If you already have a driving licence and are diagnosed with a mental health problem which your doctor says you need to tell the DVLA about, you need to fill in a form and send this to the DVLA: see [What form do I need to fill in?](#)

You also need to tell the DVLA if the symptoms of a mental health problem that you have already told them about gets worse.

What form do I need to fill in?

You need to fill in one of the [DVLA](#)'s medical questionnaires with details of:

- your diagnosis
- any medication you are prescribed
- how the medication you take makes you feel.

If you drive a car or motorcycle you should use the M1 online form on the [gov.uk website](#) to tell the DVLA about a diagnosis of:

- [agoraphobia](#)
- [anxiety](#)
- [bipolar disorder \(manic depression\)](#)
- [depression](#)
- [eating disorder](#)
- [obsessive compulsive disorder \(OCD\)](#)
- [paranoid schizophrenia](#)
- [personality disorder](#)
- [post-traumatic stress disorder](#)
- [psychosis](#)
- [psychotic depression](#)
- [schizoaffective disorder](#)
- [schizophrenia](#)
- other related conditions

The form also has a page for you to sign to give your permission to the DVLA to obtain details of your medical condition from your doctor. It is important that you fill in this form and give the DVLA permission to obtain details from your doctor because if you do not the DVLA could revoke your licence anyway.

After I tell the DVLA

- [What will the DVLA do with the information I give them?](#)
- [Are the rules the same whatever type of licence I have?](#)
- [Can I drive while I'm waiting for the DVLA's decision?](#)
- [When do I have to surrender my licence?](#)

What will the DVLA do with the information I give them?

The information you provide will be considered by the [DVLA](#). They will aim to make a decision about whether you can drive or continue to drive within six weeks of you telling them about your mental health problem. They will write to you if it is likely to take longer than this.

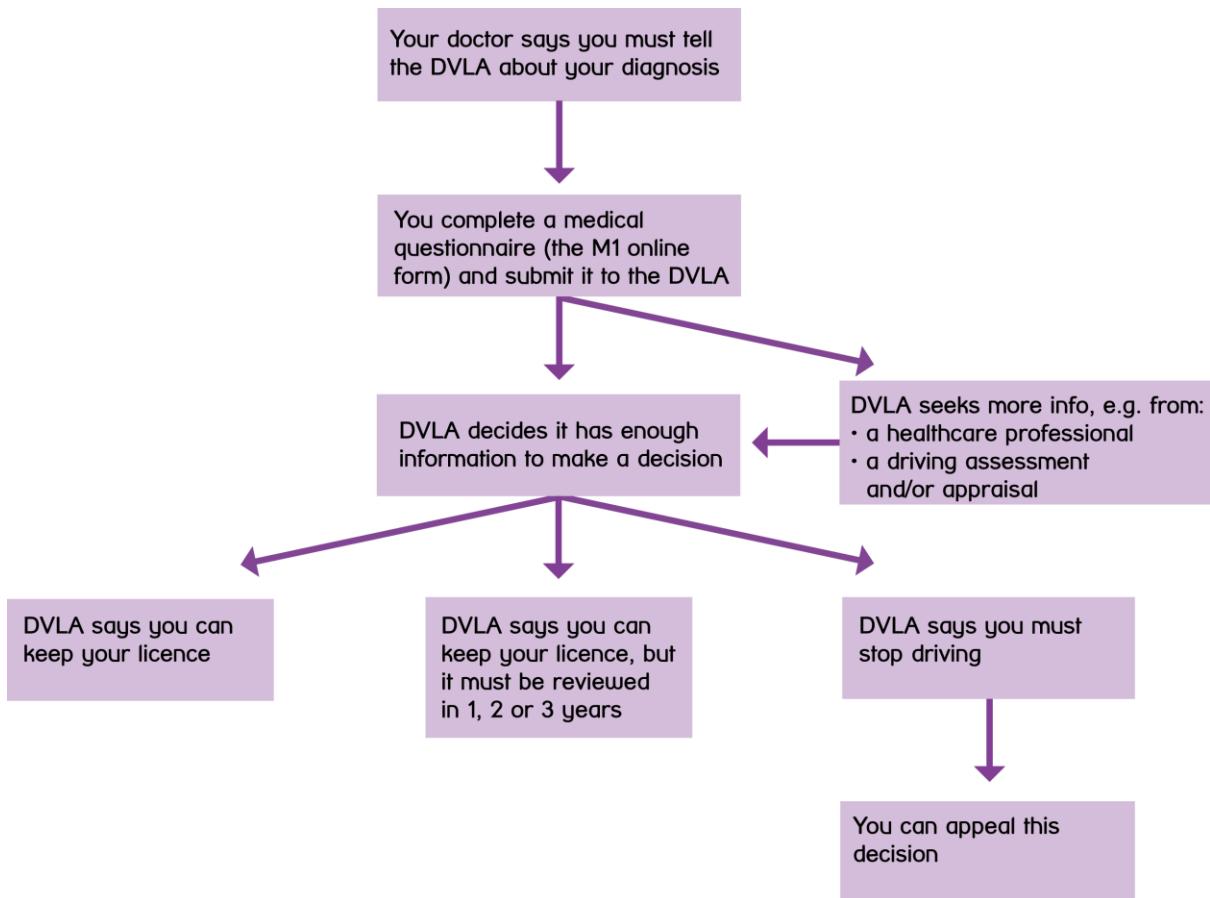
In some situations, the DVLA may need more information before making a decision. The DVLA might want to:

- **Contact a healthcare professional for more information**, such as your doctor, an independent medical specialist, or an optician or optometrist.
- **Ask you to take a driving assessment or driving test**, which is like a mini driving test. The DVLA tends to only ask people to go for a driving assessment if they have a physical disability – for example, a visual impairment – so it is unlikely you will be asked to do one of these.

Once the DVLA has all the information it needs, you will receive a letter from the DVLA telling you whether:

- You can keep your driving licence, or have a new one.
- You can have a driving licence for a shorter amount of time – for example, for 1, 2 or 3 years. If this happens, your fitness to drive will be reviewed when that period comes to an end.
- You must stop driving.

The process looks like this:



It is important to remember that your situation will be looked at by the DVLA individually – just because you have a particular diagnosis or take a particular medication doesn't mean you won't be allowed to drive.

Are the rules the same whatever type of licence I have?

No. The medical standards for [Group 2 licence holders](#) are much higher than for [Group 1 licence holders](#) due to the size and weight of the vehicles being driven, and the amount of time drivers spend on the road behind the wheel.

Can I drive while I'm waiting for the DVLA's decision?

This will be up to your doctor. If your doctor tells you that you need to tell the [DVLA](#) about your mental health problem, you will need to ask him or her whether you can carry on driving while the DVLA makes its decision. Usually the DVLA will not revoke your licence until all the medical information has been provided, although in some exceptional cases it can revoke your licence immediately if it is in the interests of road safety to do so.

When do I have to surrender my licence?

If you are advised by your doctor to stop driving or if you decide yourself that you shouldn't drive, you must surrender your driving licence to the DVLA. To surrender your

licence, you need to fill in a declaration of surrender for medical reasons from the [Gov.uk website](#) and send this to the DVLA with your licence.

You will need to apply for a new licence if you want to start driving again after surrendering your licence.

Is it better to surrender your licence voluntarily?

There are advantages to surrendering your licence voluntarily, as it may mean that you can start driving again sooner:

- If your licence was refused or revoked for medical reasons, you have to wait for the DVLA to say that you can start driving again.
- If you surrendered your driving licence, once your doctor tells you that you are fit to drive again, you can start driving as soon as the DVLA has received your application for a new licence, as long as [certain conditions apply](#).

Medication and driving

- [Can I drive if I'm taking prescribed medication for my mental health problem?](#)
- [If I am taking prescribed medication that affects my ability to drive, but I don't intend to drive, do I still have to notify the DVLA?](#)

Can I drive if I'm taking prescribed medication for my mental health problem?

It depends what effect the medication has on your ability to drive. It is illegal to drive or attempt to drive if your ability to do so is impaired by drugs, including prescribed medication. You should ask the doctor who prescribed your medication whether it is likely to affect your ability to drive.

If you are taking your medicine as directed by your doctor and your driving is not impaired then you are not breaking the law. Check the leaflet that comes with your medicine for information on how it might affect your driving. You may wish to avoid driving while taking this medicine until you know how it affects you.

It is also an offence to drive, attempt to drive, or to be in charge of a motor vehicle with a specified controlled drug in the body above a certain limit.

Some of the drugs affected by this offence are prescribed for mental health problems – for example:

- [diazepam](#)
- [lorazepam](#)
- [oxazepam](#)
- [temazepam](#)
- clonazepam (a [benzodiazepine tranquilliser](#) used in epilepsy)

How this law might affect you

The police have powers to test and arrest drivers who are suspected of driving having taken any of these drugs in excess of the specified levels. You will only commit the offence if, when you drive, the amount of the drug in your blood exceeds a certain limit.

The Department of Transport has published [guidance for healthcare professionals](#) which emphasises that a person who is prescribed any of the above listed drugs is unlikely to be in breach of the new law as the specified dosage is higher than that which is usually prescribed.

Medical defence

Even if the amount of the drug in your blood does exceed the specified limit, you will be able to raise a medical defence to the new offence as long as:

- you are taking your medication in accordance with instructions given by the doctor who prescribed it and/or the information in the leaflet accompanying the medication
- you have not been told that you mustn't drive whilst taking the medication, and
- your driving is not impaired

The guidance suggests that, if you are taking any of the above prescribed drugs, you might want to carry evidence that it is prescription medication with you while driving so that you can show this to the police if stopped - for example, a copy of your prescription or the medicine packet.

If you are prescribed one of the drugs affected by this law, you should ask your doctor whether it will be safe for you to drive.

Read more about the offence on the [gov.uk website](#).

If I am taking prescribed medication that affects my ability to drive, but I don't intend to drive, do I still have to notify the DVLA?

Yes, because if you hold a licence, you could choose to drive.

Can I appeal if the DVLA won't let me drive?

If you are told that you must stop driving, the [DVLA](#) must:

- explain why it has made this decision
- tell you if and when you can reapply for a driving licence
- tell you about your right to appeal against its decision.

If you disagree with the decision to stop you driving you can write to the DVLA at:

DM Business Support
D7
DVLA
SA99 1ZZ

You must be able to provide relevant information that wasn't included in the original assessment.

You must also include:

- proof that you meet the required standards for driving (these are explained in the decision letter DVLA sent you)
- the reference number from your decision letter.

If you want to appeal the decision, you will need to make a written application to your local Magistrates Court within 6 months of your licence being refused or revoked. You will need evidence, including medical evidence, to support your argument that the DVLA made the wrong decision and that you are fit to drive.

It is a good idea to [get legal advice from a solicitor](#) who specialises in motoring/driving offences before doing this to find out whether you have a good case.

Legal aid

There is no legal aid available to appeal the DVLA's decision, so you will have to pay for any legal assistance. If you lose you might also have to pay the DVLA's legal costs, so the process can be expensive.

Useful contacts

Driver and Vehicle Licensing Agency (DVLA)

Drivers Medical Enquiries
DVLA
Swansea
SA99 1TU
0300 790 6806 (Monday to Friday, 8am to 5.30 pm, Saturday, 8am to 1pm)
gov.uk/government/organisations/driver-and-vehicle-licensing-agency

The DVLA maintains registers of drivers and vehicles in Great Britain.

You can read their [guide to the current medical standards of fitness to drive](#). This guide is used by doctors to decide whether a person should tell the DVLA about a medical condition which affects their fitness to drive.

The DVLA also has a useful [customer service guide for drivers with a medical condition](#).

You can contact the Drivers Medical Enquiries Team for information on:

- the rules relating to fitness to drive
- the forms you need to complete to tell the DVLA about your mental health problem
- the process involved in assessing your fitness to drive.

Useful contacts

Mind's services

- **Helplines** – all our helplines provide information and support by phone and email. Our Blue Light Infoline is just for emergency service staff, volunteers and their families.
 - Mind's Infoline – 0300 123 3393, info@mind.org.uk
 - Mind's Legal Line – 0300 466 6463, legal@mind.org.uk
 - Blue Light Infoline – 0300 303 5999, bluelightinfo@mind.org.uk
- **Local Minds** – there are over 140 local Minds across England and Wales which provide services such as [talking treatments](#), [peer support](#), and [advocacy](#). [Find your local Mind here](#), and contact them directly to see how they can help.
- **Elefriends** is a supportive online community for anyone experiencing a mental health problem. See our [Elefriends page](#) for details.

The Law Society

020 7242 1222 (England)

029 2064 5254 (Wales)

lawsociety.org.uk

The Law Society provides details of solicitors you can get in touch with for specialist legal advice.

Where can I get support?

Local Mind

Local Minds support over 280,000 people across England and Wales. Their services include supported housing, crisis helplines, drop-in centres, employment and training schemes, counselling and befriending. They may be able to help you find advocacy services in your area.

Find your local Mind [here](#).

Find an advocate

An advocate is a person who can both listen to you and speak for you in times of need. Having an advocate can be helpful in situations where you are finding it difficult to make your views known, or to make people listen to them and take them into account.

For information on advocacy services and groups in your area, you could start by contacting the [Mind Legal Line](#) and your [local Mind](#).

Read more about how [advocacy](#) might help you.

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To be revised in 2020.

References are available on request.