

EPILEPSY AND DRIVING THE LAW AND STANDARDS OF FITNESS TO DRIVE

Many people find driving an important activity necessary for independence and getting around. The loss of a driving licence can be hard to accept, but driving rules exist to protect all those who use the roads from the risk of accidents. Each country in the world has its own laws governing a person's fitness to drive. In England, Scotland and Wales, the Driving and Vehicle Licensing Agency (DVLA) based in Swansea is legally responsible for deciding if a person is medically fit to drive. They need to know if driving licence holders have a condition (e.g., epilepsy) which may now or in the future affect their safety as a driver.

People with a history of epilepsy who apply for or renew a driving licence must satisfy and comply with strict legal regulations. The Motor Vehicle (Driving Licences) Regulations 1996 describe epilepsy as a relevant disability for the purpose of Section 92(2) of the Road Traffic Act 1988.




Epileptic seizures are considered the most frequent medical cause of collapse at the wheel. Epilepsy includes all seizure types such as tonic clonic (major convulsive) seizures, absences, myoclonic jerks, simple partial seizures and auras or warnings, even if consciousness is not noticeably impaired. It is important to note that ALL seizures count, even minor ones, no matter how a person views his or her condition. If someone with ongoing epileptic activity continues to drive, he or she will not be covered by insurance and will also be committing a legal offence. Even minor seizures can impair driving ability. If a seizure occurs after the issue of a driving licence, the licence holder must stop driving immediately, inform the DVLA and return the licence.

The sole responsibility lies with the licence holder to inform the DVLA about their epilepsy or any medical condition affecting fitness to drive. However, if a doctor is aware that someone with active epilepsy continues to drive, their commitment to patient confidentiality is over-riden by their public duty of care to inform the DVLA. Driving illegally is a criminal offence and invalidates motor insurance cover.

APPLYING FOR A DRIVING LICENCE IN THE UK AS A NEW DRIVER

An applicant needs to complete a standard application form and send it to DVLA with the appropriate fee.

There is a question on the application form which asks 'Have you now, or have you ever had epilepsy?' The answer to give is YES if

-  you have had a diagnosis of epilepsy
-  your epilepsy is well controlled with or without medication
-  you have had any seizure activity since birth – no matter how mild or minor – including one single seizure.

Another form will be sent to you from the DVLA's medical department asking for details. Further information will be required from your doctor. The DVLA has a medical advisory panel which reviews individual cases.

There are currently two main categories of driving licence.

Group 1 – ordinary driving licences

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For light vehicles (private cars, mopeds, motorcycles, vehicles up to 3.5 tonnes, and invalid carriages) an ordinary driving licence will be issued if an applicant:

- ✚ is free from any epileptic seizure while awake (with or without medication) during a period of twelve months from the date of the last seizure to the issuing of the licence OR
- ✚ can demonstrate a sleep-only epileptic seizure pattern. This pattern must be established for three years or more without a seizure occurring whilst awake AND
- ✚ is deemed not likely to be a source of danger to the public.

Electric wheelchairs are not legally defined as motor vehicles and the user is not required to have a driving licence, but for safety reasons this should be assessed by the user's medical adviser. In the case of a sleep-only seizures licence, a further seizure occurring during sleep does not need to be reported, no matter how much time has elapsed since the last sleep-only seizure.

Provided an applicant is able to satisfy the regulations, a three-year licence will normally be issued. A driving licence valid until the age of 70 years will be issued if the holder

- ✚ remains seizure-free for 7 years with or without medication
- ✚ has no other disqualifying condition, e.g., stroke, heart attack.

Group 2 – HGV/PSV licences

For large goods vehicles and passenger-carrying vehicles over 7.5 tonnes, and vehicles with nine seats or more, a licence will be issued if the applicant:

- ✚ has had no epileptic seizure in the previous 10 years AND
- ✚ has not take AED treatment during that 10 year period AND
- ✚ does not have any continuing liability to epileptic seizures, and has passed a medical examination by a medical consultant nominated by the DVLA.

Seizures may happen for reasons other than epilepsy. Driving regulations still apply. See the table at the end of this leaflet for details.

OTHER DRIVING INFORMATION

Taxi driving licences

These are either Hackney Carriage or Private Hire licences. Holders of valid driving licences may apply for taxi driving licences from the Vehicle Licensing and Enforcement Department of their local council. Each council sets its own criteria and some may impose extra health requirements.

Driving on private land

Driving regulations do not apply to driving on private land. However, if a job involves driving on private land (e.g. driving fork-lift trucks or farm machinery), driving may still be restricted by Employer's Liability Insurance and the Health and Safety at Work Act.

Driving anywhere outside the UK

Driving regulations vary widely from country to country. In making travel plans, check the local law in relation to epilepsy and driving.

Motor insurance cover

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The Disability Discrimination Act states that insurers should not weight a premium on people with a history of epilepsy. In practice, some people may find difficulty in obtaining a fair quote. Epilepsy Action may be able to help with information about reputable insurers.

Appeals against a DVLA decision

If the DVLA revokes a licence, it will give its decision in writing. The licence holder must return the licence to the DVLA. It may be sensible to take a photocopy before returning the original licence by registered post.

An appeal against a revoked licence can be lodged with the local Court within 21 days of the date of the notice revoking the licence.

There is no need to take another driving test if the licence is renewed after a period of withdrawal. However, a few refresher lessons may help to restore self-confidence and ensure safe driving skills.

Withdrawal of AEDs

The DVLA medical panel recommends the licence holder should be advised not to drive from the beginning of the period of withdrawal and for a period of 6 months after stopping medication. This is due to the potential risk of seizures occurring during AED withdrawal. See also the table at the end of this leaflet.

Important note

If medication is omitted or forgotten and an epileptic seizure occurs, the licence holder must comply with the epilepsy driving regulations.

SAFE DRIVING – SENSIBLE PRECAUTIONS

Ability to drive safely may be adversely affected by the following factors:

- ✚ tiredness
- ✚ illness
- ✚ alcohol
- ✚ feeling hungry
- ✚ driving for long hours without taking regular breaks
- ✚ driving without medical advice if medication has been changed, withdrawn or doses missed
- ✚ side effects of AEDs
- ✚ changes in AED dose or missed doses
- ✚ withdrawal from AEDs
- ✚ over-the-counter drugs, e.g., for hay fever, travel sickness, and others that can cause side effects such as drowsiness
- ✚ the flicker effect of sunlight and shadows, or geometric road markings that can cause visual disturbance which may provoke a seizure – good quality polarised sunglasses may help
- ✚ other neurological or neuropsychiatric conditions.

DVLA GUIDELINES AT A GLANCE

SITUATION	REGULATION (Group 1 licences)
Newly diagnosed epilepsy	Driving ban until one year after last seizure
Recurrent blackouts of uncertain cause	Driving ban until one year after last seizure
Single blackout of uncertain cause with epileptic features, e.g., tongue biting	Driving ban for one year
Blackout of uncertain cause with no epileptic features	Driving ban for six months

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Single provoked seizure	Driving ban is discretionary, sometimes until six months after the seizure, providing the cause has been removed, and unless alcohol or illicit drugs were implicated
Single provoked seizure related to alcohol or drugs	Driving ban until one year after last seizure. A medical report and urine toxicology may be required
Recurring seizures whilst awake	Driving ban for one year after last seizure
Recurring seizures whilst asleep	If seizures have only occurred in sleep, licence may be returned after three years, even if seizures are still occurring
Withdrawal of AEDs in a person who is seizure free	No driving until six months after completion of drug withdrawal. This is DVLA advice, not a regulation.

For advice and information, contact
Drivers Medical Group
Driver and Vehicle Licencing Agency
Swansea SA99 1TU

Tel: 0870 600 0301

Fax: 0845 850 0095

Email: eftd@dvla.gsi.gov.uk

WWW : <http://www.dvla.gov.uk>

Anyone who is medically disqualified from driving is entitled to apply for a concessionary travel card. Contact your local Passenger Transport Executive for details of how to apply.

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