

42. Licensing of drivers

- (1) An application for a driver's licence shall be lodged with the Director General in a form approved by the Director General and shall specify the class of motor vehicle for which the appropriate licence is sought.
- (2) Subject to the succeeding provisions of this Part, the Director General shall, on the application of any person, on payment of the prescribed fee and on being satisfied that the applicant —
 - (a) has attained the minimum age of 17 years, or, in relation to a particular class of motor vehicle, any other age prescribed in the regulations for the purposes of this section, unless in the opinion of the Director General the denial of a licence to a person of a lesser age would occasion undue hardship;
 - (b) has, if under the age of 18 years, obtained the consent in writing of a parent or guardian to hold the class of licence applied for, or, where the applicant has no parent or guardian in the State, of his employer, to hold the class of licence applied for if considered essential for the purposes of his employment;
 - (c) has demonstrated his ability to control the class of motor vehicle for which the appropriate driver's licence is sought and satisfied any other requirements prescribed by the regulations; and
 - (d) has a reasonable knowledge of the traffic laws of the State and of safe driving techniques,

issue to the applicant a driver's licence appropriate to the class of vehicle for which it is sought.

- (3) The Director General may —
 - (a) in satisfaction of the requirement under subsection (2)(c) that the applicant demonstrate an ability to control the class of vehicle for which the licence is sought, accept evidence other than that obtained from a driving test;
 - (b) in a particular case, waive any requirements prescribed by the regulations; and
 - (c) in satisfaction of any requirement imposed by or under subsection (2)(c), accept evidence from a body authorised by the Director General for that purpose.
- (4) Regulations may require the holder of a driver's licence to submit, as required by the regulations, to a medical practitioner approved by the Director General for examination as to the person's mental or physical fitness to drive.

[(5), (6) repealed]

- (7) The Director General shall not issue a driver's licence to a person mentioned in section 51(2), (3) or (3a), until that person has again complied with the requirements of subsection (2), and shall then issue the licence on probation only, unless the person has then —
 - (a) attained the age of 19 years; and
 - (b) been the holder of a valid driver's licence issued on probation for a period of, or periods amounting in the aggregate to, 2 years.

- (8) The Director General shall not issue a driver's licence to a person whose licence has been cancelled by force of section 75(2a) or (2b) until that person has again complied with the requirements of subsection (2).

[Section 42 amended by No. 89 of 1978 s. 7; No. 42 of 1980 s. 5; No. 105 of 1981 s. 19; No. 95 of 1984 s. 3; No. 57 of 1988 s. 4; No. 76 of 1996 s. 8 and 20(3); No. 39 of 2000 s. 18.]