

11 Epilepsy and Driving

The Law and The 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 Scotland, England and Wales the **Driving & Vehicle Licensing Agency (DVLA)** based in Swansea is legally responsible for deciding if a person is medically fit to drive. They need to know when 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), absences, myoclonic jerks, simple partial, and auras/warnings even if consciousness is not noticeably impaired. (See Leaflet 1 'What is Epilepsy: An Introduction' for description of seizures).

It is important to note that **ALL seizures count, even minor ones**, no matter how a person views his/her condition. If someone with ongoing epileptic activity continues to drive he/she will not be covered by insurance and will also be committing a legal offence. Even minor seizures can impair driving ability.

Applying for a Driving Licence in the U.K. 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. DVLA has a medical advisory panel which reviews individual cases.

If a seizure occurs after the issue of a driving licence, the licence holder must stop driving immediately, inform DVLA and return the licence.

The sole responsibility lies with the licence holder to inform DVLA about his/her epilepsy or any other medical condition affecting fitness to drive. However, if a doctor is aware that someone with active epilepsy continues to drive, his/her commitment to patient confidentiality is over-riden by public duty of care to inform DVLA.

Driving illegally is a criminal offence and invalidates motor insurance cover.

There are currently **2** main categories of driving licence.

Group 1—ordinary driving licences

For light vehicles—private cars, mopeds, motorcycles, vehicles up to 3.5 tonnes, invalid carriages that can travel at speeds of 4mph or more, 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 12 months from the date of the last seizure to the issuing of the licence.
- or**
- can demonstrate a **sleep-only** epileptic seizure(s) pattern. This pattern must be established for 3 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 and invalid carriages, such as motorised scooters, that can travel at speeds of less than 4 mph are not legally defined as motor vehicles and the user is not required to have a driving licence, but for safety reasons anyone with epilepsy wishing to use such a vehicle should be assessed by his/her medical adviser.

Certain factors may affect the ability to drive, e.g. drug side effects, antiepileptic drug changes or withdrawal and other neurological or neuropsychiatric conditions . *See table on page 5 regarding withdrawal of antiepileptic drugs.

In the case of a **sleep-only seizure licence**, a further seizure occurring during sleep does not need to be reported, no matter how much time has lapsed since the last sleep only seizure.

Provided an applicant is able to satisfy the regulations, a 3 year licence will be normally issued.

Good news! A driving licence will be valid until the age of 70 years 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 taken antiepileptic drug 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 DVLA.

Seizures may happen for reasons other than epilepsy. Driving regulations still apply. See table on page 5 for details.

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 (for example—fork-lift trucks and farm machinery), driving may still be restricted by Employer's Liability Insurance and the Health and Safety at Work Act.

Driving anywhere outside the U.K.

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

Vehicle Insurance Cover

People with epilepsy can sometimes find it difficult to obtain competitive quotes for vehicle insurance. Epilepsy Connections may be able to provide information about insurance brokers experienced in sourcing quotes for people with medical conditions.

Appeals against a DVLA decision

If DVLA revokes a licence, it will give its decision in writing. **The licence holder must return the licence to 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 Sheriff 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 Antiepileptic Drugs (AEDs)

The DVLA medical panel recommends the licence holder should be advised **not** to drive from commencement 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 antiepileptic drug withdrawal.

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
- over-the-counter drugs, e.g. for hayfever, travel sickness etc that can cause side effects such as drowsiness
- the flicker effect of sunlight and shadows and geometric road markings that can cause visual disturbance which may provoke a seizure — good quality polarised sunglasses may help.

For advice and information, contact

Drivers Medical Group, DVLA, Swansea SA99 1TU

Tel: 0870.600.0301 Fax: 0845.850.0095 E-mail: eftd@dvla.gsi.gov.uk

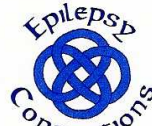
Web site: www.dvla.gov.uk

Anyone who is medically disqualified from driving is entitled to apply for a Concessionary Travel Card.

Contact Transport Scotland or Epilepsy Connections for details of how to apply.

DVLA Guidelines at a Glance	
SITUATION	REGULATION (Group 1)
Newly diagnosed epilepsy	Driving ban until 1 year after last seizure.
Recurrent blackouts of uncertain cause	Driving ban until 1 year after last blackout.
Single blackout of uncertain cause with epileptic features, e.g. tongue biting	Driving ban for 1 year.
Blackout of uncertain cause with no epileptic features	Driving ban for 6 months.
Single provoked seizure	Driving ban is discretionary, sometimes until 6 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 1 year after last seizure. A medical report and urine toxicology may be required.
Recurring seizures whilst awake	Driving ban for 1 year after last seizure.
Recurring seizures whilst asleep	If seizures have only occurred in sleep, licence may be returned after 3 years, even if seizures are still occurring.
Withdrawal of antiepileptic drugs in a person who is seizure free	No driving until 6 months after completion of drug withdrawal. This is DVLA advice, not a regulation.

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Supporting people with epilepsy

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