



## 9. VOLUNTARY SURRENDER OF LICENCE

The scheme cannot meet a claim based upon the surrender of a vocational entitlement. It is necessary for the DVLA to issue a notice of revocation or refusal on medical grounds

## 10. AGE LIMIT

Benefit is not payable if the revocation or refusal takes effect after the member's 60th birthday. Personal Accident and Assault benefit is available up to age 65.

## 11. DEATH

Benefit is only available on permanent loss of licence. It is not available where a member dies before revocation or refusal has been notified. The scheme is designed to provide assistance in circumstances of loss of livelihood not covered by other products such as life assurance etc.

## 12. CONTRIBUTIONS

In order to preserve eligibility to benefit it is essential that members maintain contributions whilst a claim is being assessed and also during any waiting period.

## 13. LICENCE TYPES

The scheme covers holders of PCV, LGV and ordinary licences issued by the DVLA. Licensed Hackney Cab and Tram Licences issued by local authorities are also covered. Members must register the type of licence(s) held when joining the scheme.

## REVISED CLAUSE ON 12 MONTH RULE

The 12 month rule has caused some difficulty and concern and there are an increasing number of claims that the DVLA was not notified of when the medical condition first appeared and the member ceased driving because of the belief that recovery would be sufficient to enable them to drive again. It is not possible to waive the 12 month rule under these circumstances without opening up the capacity for precedent claims which would not be capable of being properly verified. However, there are a very few occasions whereby the DVLA has, for some reason, specifically advised that they do not intend to revoke or formally refuse to renew at that time. If the condition then becomes permanent the member could have his claim turned down on the basis of the 12 month rule being breached. The relevant clause in the rules has been amended as follows.

### CLAUSE 2



In respect of the loss of any authorisation of a vocational driving category within the licence, the cover will apply only to Scheme Members who were employed professionally driving vehicles requiring those licences either

a) Immediately prior to the revocation or refusal to renew the licence;

Or

b) for a maximum period of 12 months had been unable to drive such vehicles as a result of the illness or accidental bodily injury which causes the revocation or refusal and had informed the DVLA of this change in health within that 12 month period and had received notification that the DVLA was not revoking the licence at that time but then subsequently permanently revoked the licence.



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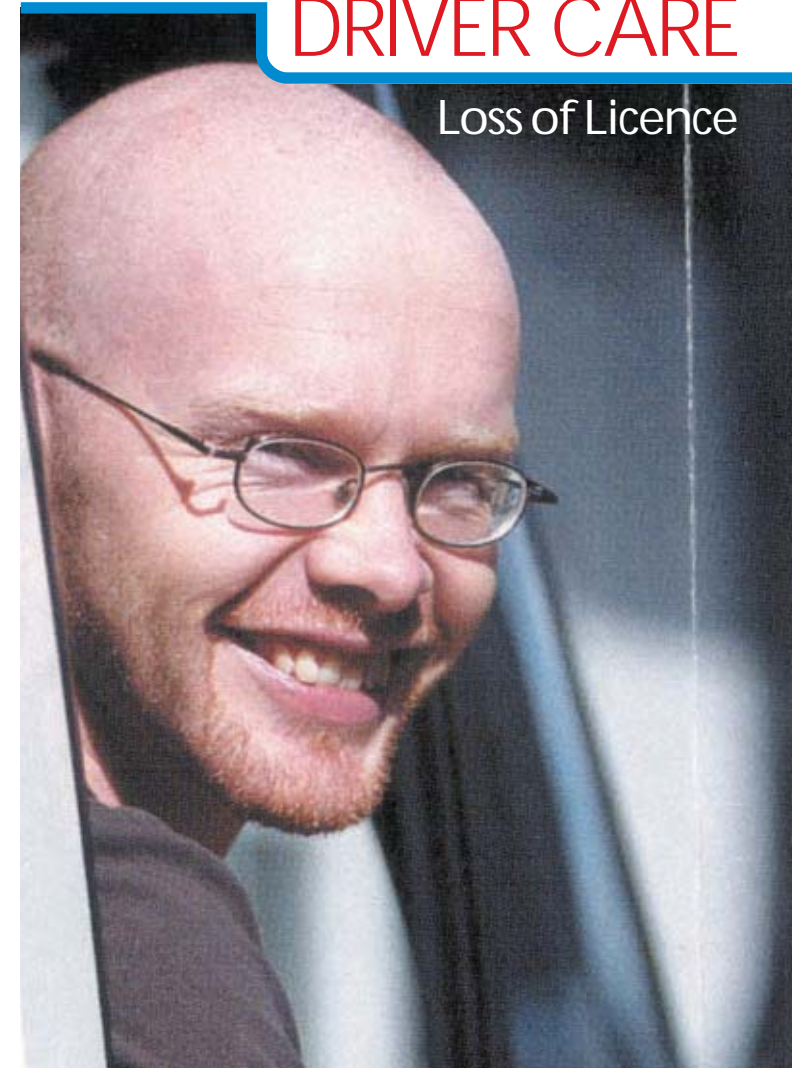
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# Unite the Union

## Guidance Notes DRIVER CARE



# DRIVERCARE

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The following notes have been prepared to give assistance to Regional Officers, Staff, Branch

Secretaries and Shop Stewards when assisting members with Drivercare enquiries.



available that the condition is permanent. The period is determined by reference to the DVLA medical guidelines and is a maximum of 24 months. The revocation letter from the DVLA may not always indicate a re-application may be made and unfortunately, GPs may not always be fully conversant with the guidelines. However the DVLA guidelines are the sole determinant of whether a waiting period will be applied.

## 1. BASIS OF SCHEME

The purpose of the scheme is to provide loss of licence cover to members who lose their means of livelihood as a result of having their professional driving licence permanently revoked for medical reasons. To ensure the scheme meets this objective a number of rules are incorporated to prevent the scheme having to bear the cost of meeting claims which do not fall into that definition.

## 2. QUALIFYING PERIOD

Members are required to have been in membership and paid subscriptions for 39 weeks before becoming eligible for loss of licence benefit.

## 3. PRE-EXISTING CONDITION

Members will not be eligible for benefit if the condition that leads to the revocation first arose before joining the scheme. (This limit does not apply to members of the distress scheme prior to July 1997).

## 4. DUTY TO INFORM DVLA

All drivers are under a duty to inform the DVLA of any change in their health that may affect their ability to drive safely. This applies whether or not the condition is believed to be temporary or whether or not the member has been terminated by the employer on the grounds of ill health. Failure to notify the DVLA may well result in scheme conditions not being met and a claim therefore being unsuccessful.

## 5. WAITING PERIOD

If the DVLA medical guidelines permit re-application after further treatment of the condition, or a period of recovery, a waiting period is applied to the claim. The claim will be reconsidered at the end of the waiting period or if additional medical evidence becomes

## 6. USE OF LICENCE WITHIN 12 MONTHS REQUIREMENT

Benefit cannot be paid if the member has not driven professionally for more than 12 months before the date of the revocation. However if the DVLA have been informed of the change of health in the 12 month period and have advised that they do not intend to revoke the licence at that time, then the claim will be considered if the licence is subsequently permanently revoked. The 12 month rule applies whether or not the condition and therefore the revocation was originally assessed as permanent or temporary. Members should not avoid informing the DVLA on the basis that their condition is temporary because if it subsequently proves to be permanent this cannot be accepted as a waiver of the 12 month rule.



## 7. NOT USING LICENCE

The benefit is provided for members who are actively using their licence in the course of earning their livelihood. There is no entitlement to benefit if the member was not using the licence in a professional capacity prior to the revocation or the manifestation of the medical condition which caused the revocation.

## 8. LICENCE EXPIRY

If a licence expires during a period of ill health the member is required to notify the DVLA of the change in the normal way. As in 6 above, the 12 month rule cannot be waived on the basis of the initial view that the condition is temporary and that notification was not necessary at that time.