



Coulthursts
The Brain Injury Solicitors

Driving after a head injury



Driving after a head injury

If you have sustained a head injury (whether minor or serious) this may impact upon your ability to drive, especially if you are suffering from any of the following:

- seizures
- dizziness
- problems with vision
- problems with hearing
- muscle weakness & lack of coordination
- fatigue
- slow thinking and reactions
- memory problems
- impulsivity and anger
- problems reading
- problems concentrating and anticipating

What should I do?

It can be confusing to know what to do in these circumstances. It is important to note that you can be fined up to £1000 if you don't tell DVLA about a medical condition that affects your driving. You may be prosecuted if you're involved in an accident as a result.

The government guidance is as follows (see www.gov.uk/health-conditions-and-driving):

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claims

You must give up your licence if any of the following are true:

- *your doctor tells you to stop driving for 3 months or more*
- *your medical condition affects your ability to drive safely and lasts for 3 months or more*
- *you do not meet the required standards for driving because of your medical condition*

There is a guide for medical professionals to follow when assessing fitness to drive. There is also a list of conditions, including these related to head injury:

- absence seizures
- brain haemorrhage
- brain injury (traumatic)
- convulsions
- dizziness
- fits
- fractured skull
- grand mal seizures
- head injury
- petit mal seizures
- seizures
- subarachnoid haemorrhage
- temporal lobe epilepsy
- vertigo



The government guidance is '**You must tell DVLA if you have a serious head injury**'. See www.gov.uk/head-injury-and-driving.

If you are unsure whether your head injury is ‘serious’, the guidance goes on to say you should ask your doctor. It is better to err on the side of caution, as there are many different ways in which people (including medical professionals) categorise head injury. Terms such as concussion, minor traumatic brain injury or diffuse brain injury could be used even if you have serious ongoing symptoms.

If you have been diagnosed with epilepsy **‘You must tell DVLA if you’ve had any epileptic seizures or blackouts. You must stop driving straight away.’** See www.gov.uk/epilepsy-and-driving.

Epilepsy

If you had epileptic seizures while awake and lost consciousness, your licence will be taken away. You can reapply if you haven’t had a seizure for at least a year.

If you had a seizure because your doctor changed or reduced your anti-epilepsy medicine, you can reapply when: the seizure was more than 6 months ago; you’ve been back on your previous medication for 6 months; you haven’t had another seizure in that time.

If you’ve had a one-off seizure while awake and lost consciousness, your licence will be taken away. You can reapply when both the following are true: you haven’t had a seizure for 6 months; and DVLA’s medical advisers decide there isn’t a high risk you’ll have another seizure. Medical advisers will base their decision on information you and your doctors send them. If they need to carry out an investigation they’ll let you know. Otherwise you can reapply after a year.

If you’ve had seizures while asleep and awake, you may still qualify for a licence if the only seizures you’ve had in the past 3 years have been while you were asleep. DVLA will let you know whether or not you qualify after you’ve filled in the form. Until you hear from them you must stop driving.

If you’ve only had seizures while asleep, you may still qualify for a licence if it’s been 12 months or more since your first seizure. DVLA will let you know whether or not you qualify after you’ve filled in the form. Until you hear from them you must stop driving.

If you've had seizures that don't affect your consciousness or driving, you may still qualify for a licence if these are the only type of seizure you've ever had and the first one was 12 months ago. DVLA will let you know whether or not you need to give up your licence after you've filled in the form. Until you hear from them you must stop driving.

The rules for bus, coach and lorry licenses are different, and how long you will lose your licence for depends on what type of seizure you have. If you've had more than one seizure, before you reapply for your licence, you must show you haven't: had an epileptic seizure for 10 years; taken any anti-epileptic medication for 10 years; got a 2% or higher risk of another seizure, according to DVLA's medical advisers. You must also have a car and motorbike licence. If you've had a one-off seizure, before you reapply for your licence, you must show: you haven't had an epileptic seizure for 5 years; you haven't taken any anti-epileptic medication for 5 years. You must also have: a car and motorbike licence; been assessed in the past 12 months by a neurologist; results from medical investigations for epilepsy that are satisfactory to DVLA's medical advisers. Medical advisers will base their decision on information you and your doctors send them. If they need to carry out an investigation they'll let you know.

How to inform DVLA

Depending upon your condition and your type of driving licence, you can either report your condition online, or there are different forms to complete. The address or fax number to which to return the forms is on them.

The most likely forms will be:

- head injury – B1 (car or motorcycle) or B1V (bus, coach or lorry)
- epilepsy/seizures – FEP1 (car or motorcycle) or FEP1V (bus, coach or lorry)
- dizziness/vertigo – DIZ1(car or motorcycle) or DIZ1V (bus, coach or lorry)

The forms will require the following details:

- your GP
- your consultant/s
- any other clinics you are attending
- your injury and treatment
- your symptoms
- your medication
- if you have been diagnosed with epilepsy or had more than one seizure, you are required to sign a declaration agreeing to follow your doctor's advice on treatment, attend appointments to monitor your condition and inform DVLA if you experience any further attacks.
- you have to sign a declaration authorising your doctors to release medical information/reports, and confirming that the contents of the form are correct.



What happens next?

You'll get a decision by letter. Your application may need further information from a healthcare professional, depending on your condition.

DVLA might:

- contact your doctor or consultant
- arrange for you to be examined
- ask you to take a driving assessment, or an eyesight or driving test

You may be able to keep driving while DVLA are considering your application, see form INF188/6 for further information - www.gov.uk/government/publications/inf1886-can-i-drive-while-my-application-is-with-dvla.



DVLA will assess your medical condition or disability and decide if:

- you need to get a new driving licence
- you can have a shorter licence - for 1, 2, 3 or 5 years
- you need to adapt your car by fitting special controls – you get an independent assessment of your adaptation needs through Driving Mobility.
- you must stop driving and give up your licence – you will be given a medical reason why you must stop driving, and be told if and when you can reapply for your licence.

Right to appeal

You can appeal to DVLA if you disagree with the decision to stop you driving, and this must be done in writing to Driver and Vehicle Licensing Agency, Drivers Medical Group, Swansea

SA99 1DF. You can also appeal the decision if you contact your local magistrate's court within 6 months.

You must be able to provide relevant information that was not 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

Renewing or reapplying for your licence

How to do this depends on if you had to give up your licence, or if you were given a short-term licence.

If you have a short-term licence, DVLA will send you a renewal letter 90 days before your 1, 2, 3 or 5-year licence is due to expire. You can renew your licence online or by post.

If you gave up your licence and stopped driving, the letter sent by the DVLA will tell you if you have to wait before you can reapply. You must check with your doctor that you are fit to drive before you reapply.

As specialist Brain Injury Solicitors, we are happy to provide further guidance on our services and information about concussion, head and brain injuries and do so without charge.

Scan the QR code below to complete a contact form for one of our legal experts will contact you.

Enquiry Form

Contact us or scan the QR code to complete a contact form for one of our specialist Brain injury Solicitors to contact you to provide further guidance and information at no obligation or cost.



Phone Number

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Email Address

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