



Driving after Encephalitis

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Introduction

Many people see their return to driving as a measure of their recovery. However, it must be remembered that driving involves many more complex skills than simply the mechanical ability to drive a vehicle. It requires the ability to observe, sequence events, make quick judgements, plan ahead and react appropriately to complicated situations, often in busy traffic. You need to be absolutely sure you can judge speed and distance and that your perception of situations has not been affected. Concentration difficulties, memory problems, difficulties in learning and a slowed response to situations are all common after encephalitis and may affect your ability to drive. Emotional or psychological problems, such as anger, mood swings, anxiety or panic attacks, can also affect a person's ability to drive. In some cases more obvious physical or visual impairments may pose problems for a return to driving.

Roughly a quarter of all people who have had encephalitis will go on to suffer from seizures or epilepsy and this may pose significant difficulties for people who want to return to driving. DVLA has very specific guidelines regarding driving and epilepsy and these will vary depending on several things such as when you have seizures, how controlled by medication they are and when you had your last seizure.

What are the Legal Requirements?

- If no seizure(s) during the acute encephalitic illness, you may resume driving when clinical recovery is complete. If encephalitis could have in any way affected your fitness to drive then it is a legal requirement that you must inform the Drivers Medical Unit of the Driver and Vehicle Licensing Agency (DVLA).
- If you had any type of seizure during the acute stage of the illness or after then you must inform DVLA.
 - If seizure(s) were during acute febrile illness, your licence is likely to be refused or revoked for at least six months from the date of seizure(s).
 - If you had seizure(s) during or after convalescence the rule is one year off driving since the most recent seizure with medical review before restarting driving. If you satisfy these regulations, a three years license will be issued normally. Once you have been seizure free for a total of seven years and your doctor supports this fact, you can apply for a long term licence or a 10 years licence if you live in Northern Ireland.
- The law applies to any type of epileptic seizure such as absences, partial, myoclonic and tonic-clonic seizures. The law differentiate only between "awake seizures" and "sleep seizures". Thus you can apply/reapply for a licence as long as you have experienced sleep seizures only, for a period of at least three years and the DVLA is satisfied that as a driver you are not likely to be a source of danger to the public.
- If your condition or disability has become worse since your license was issued you must inform DVLA. You must tell the DVLA right away and not wait until your licence is due for renewal.

Responsibility

Although doctors are encouraged to advise people to report their illness or injury, it seems that few doctors discuss this aspect with their patients. Nevertheless, the responsibility for informing DVLA lies firmly with you, the licence holder.

You should also inform your Insurance Company of your recent illness and any associated change in circumstances, and that you have informed DVLA.

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It is illegal to drive on the highways without a valid licence and not to inform the DVLA of any illness or injury that could affect your driving. Failure to do so means you risk prosecution (a fine of up to £1000 and invalidation of your insurance).

The only exception to this is when a driver who surrendered their last licence themselves (i.e. not revoked by the medical department of DVLA), or those drivers who are applying to renew on expiry of their licence, are permitted to drive once a valid application is received by DVLA, so long as they can satisfy the medical standards of fitness and are not disqualified by the courts. This is known as section 88 entitlement (Section 88 of the Road Traffic Act).

Remember that Driving is a Privilege not a Right.

What Should I do?

If your doctor, in accordance with the medical standards of fitness has advised you that you should not drive you may wish to surrender your licence. Surrendering your licence removes the need for the DVLA to make formal medical enquiries into your fitness to drive. You can reapply for its restoration at a later date.

Alternatively you can write to DVLA, tell them what has happened to you and that you would like to return to driving.

The Medical Advisor at DVLA will write back to you asking you to fill in a medical questionnaire that allows you to provide specific details about your medical condition or disability and your permission to obtain further information and reports from the medical professionals involved in your care if this is needed.

What happens after I have told the DVLA?

If however further information is required then the medical adviser may:

- Contact your own Dr/Consultant
- Arrange for you to be examined by a locally appointed medical officer or local consultant
- Ask you to undergo a driving assessment, eyesight or driving test

Whilst the DVLA is considering your case (which may take many months) you should not return to driving without consulting your GP and taking advice about any return to driving from him.

The DVLA will consider your case and will probably make one of the following suggestions:

- Your licence will be withdrawn and you will be advised when you can reapply.
- Your licence is valid for a certain length of time such as 1, 2, 3 years, after which it will be reviewed again.
- You are issued with a Disability Assessment Licence that states special control needs to be fitted to the vehicles you drive so you overcome the effects of a physical disability
- You are allowed to keep your full licence as it stands.

Remember that if you develop any new illness or disability then you must inform DVLA and go through this process again.

The DVLA should inform the medical practitioner/GP of its decision on their patient's 'fitness to drive'.

How long will it all take?

If the DVLA can make a decision based on the information you originally provided, they aim to make a decision on 88% of cases within 15 working days.

If the DVLA need more information about your medical condition they aim to make a decision on 85% of cases within 90 working days.

What if I don't agree?

If your driving licence is revoked or refused by the medical adviser at DVLA you will be:

- Provided with a medical explanation of why this decision was taken.
- Sent a notice that will explain your right of appeal to a Magistrates Court if you live in England or Wales or to a Sheriff's Court if you live in Scotland.

To appeal to a Magistrates Court you have six months from the date of the decision in England and Wales and three months in Northern Ireland. To appeal to a Sheriff Court you have 21 days from the date of the decision.

Alternatively seek the advice of your local Citizen's Advice Bureau.

Driving Ability Assessments

If you feel you have some problems that may hinder your return to driving, if you want to see if you are still safe to drive, or if you or your family feel that you may not be aware of all your problems then it would be a good idea to have an assessment of your driving. This can help you decide whether you wish to continue driving or whether and when to reapply if your licence has been withdrawn.

There are many centres around the country that can offer assessments and a list is at the end of this factsheet. There is usually a team of medical professionals who will complete reports for different aspects of the assessment. The assessment may involve driving a suitable car on a driver training circuit or on local roads. The report will help you evaluate:

- Your eligibility to hold a full or provisional licence on medical grounds
- The possible impact of any visual or cognitive problems on your driving.
- The car adaptations you would need to compensate for any physical disabilities.

They also offer advice with regard to getting in and out of a vehicle and with regard to loading and transporting a wheelchair or a scooter in a motor vehicle.

You will need to contact your local centre to you to see if they can provide the sort of assessment you need. If not they will advise you who might be able to help you further.

Your GP could refer you or you can contact them directly.

What if I don't yet drive but want to learn now?

It is a legal requirement that you include information on your illness when you apply for your provisional driving licence. Again, it may be a good idea to have a driving assessment as mentioned above before you embark on costly lessons.

What about driving Large Goods Vehicles (LGV's), Public Service Vehicles (PSV's) or other Group 2 licence holders?

You must follow the same procedures as above. Remember that the standards of health and ability are higher for professional drivers than for private license holders.

The DVLA advises us that because a liability to seizures is a legal bar to holding a Group 2 licence, drivers who have suffered from seizures during viral encephalitis are considered unfit for Group 2 driving until 10 years freedom from seizures without anticonvulsant medication can be demonstrated following the acute illness. If no seizures, you may resume driving when clinical recovery is complete and there are no residual disabling symptoms.

My doctor doesn't know how to help me?

The medical standards of fitness to drive are available to all medical practitioners. Any doctor can discuss the subject of fitness to drive by contacting a Medical Advisor at DVLA.

If GPs have concerns that one of their patients is not following the advice given, they can break the health professional's code of confidentiality because they would be acting in the best interest of the person and other road users.

Motability

If you need to buy or lease a vehicle or have an existing or new vehicle adapted and you cannot afford it, please contact the Motability Scheme, who may be able to help you. www.motability.co.uk

Driving Assessment Centres

Regional Driving Assessment Centre, Unit 11, Network Park, Duddeston Mill Road, Birmingham, B8 1AU, 08453371540, info@rdac.co.uk

Cornwall Mobility Centre, Tehidy House, Royal Cornwall Hospital, Truro, Cornwall, TR1 3LJ. Tel: 01872 254920, mobility@rcht.cornwall.nhs.uk

DART Driving Assessment and Advice Centre, Cobtree Ward, Preston Hall Hospital, London Road, Aylesford, Kent, ME20 7NJ, 01622795719, Julie.chatburn@nhs.net

Derby Regional Mobility Centre, Kingsway Hospital, Kingsway, Derby, DE22 3LZ. Tel: 01332 371929, driving@derbyhospitals.nhs.uk

Scottish Driving Assessment Service, Astley Ainslie Hospital, 133 Grange Loan, Edinburgh EH9 2HL. Tel: 0131 537 9192, marlene.mackenzie@lpct.scot.nhs.uk

Kilverstone Mobility Assessment Centre, 2 Napier Place, Thetford, Norfolk, IP24 3RL. Tel: 01842 753029, mail@kmacmobil.org.uk

Mobility Service of the Disabled Living Centre, The Vassall Centre, Gill Avenue, Fishponds, Bristol, BS16 2QQ. Tel: 0117 965 9353, mobserv@thisisliving.ork.uk

North East Drive Mobility, Walkergate park, Centre for Neuro-rehabilitation and Neuro-psychiatry, Benfield Road, Newcastle upon Tyne, 01912875090, northeast.drivemobility@ntw.nhs.uk

North Wales Mobility and Driving Assessment Service, Disability Resources Centre, Glan Clywd Hospital, Bodelwyddan, Denbighshire, LL18 5UJ. Tel: 01745 584858, alexbarr@btconnect.com

Northern Ireland Mobility Centre, Disability Action, Portside Business Park, 189 Airport Road, Belfast, BT3 9ED, Tel: 02890 297877, mobilitycentre@disabilityaction.org

Oxford Mobility Centre, Oxford Centre for Enablement, Windmill Road, Headington, Oxford OX3 7LD. Tel: 01216 278228 (all enquiries are being handled by the Birmingham centre)

Queen Elizabeth's Foundation Mobility Centre (formerly Banstead Mobility Centre), Damson Way, Fountain Drive, Carshalton, Surrey, SM5 4NR. Tel: 020 8770 1151, info@mobility-ge.org

South Wales Mobility and Driving Assessment Centre, Rookwood Hospital, Fairwater Road, Llandaff, Cardiff, CF5 2YN. Tel: 029 2055 5130, helen@wddac.co.uk

Southampton Mobility Centre, Unit 211, Solent Business Centre, Millbrook Road West, Millbrook, SO15 0HW, 02380512222, admin@sotoncentre.co.uk

The William Merritt Disabled Living Centre and Mobility Service, St Mary's Hospital, Green Hill Road, Armley, Leeds, LS12 3QE. Tel: 0113 305 5288, mobility.service@nhs.net

Welwyn Garden City, Hertfordshire Action on Disability Mobility Centre, The Woodside Centre, The Commons, Welwyn Garden City, Hertfordshire, 01707324581, drving@hadnet.org.uk

Wrightington Mobility Centre, Wrightington Hospital, Hall Lane, Appley Bridge, Wigan, Lancashire, WN6 9EP. Tel: 01257 256409, mobility.centre@alwpct.nhs.uk

How to contact DVLA

DVLA for England, Scotland and Wales

Post: Drivers Medical Group, DVLA, Swansea, SA99 1TU

Fax : 08458500095

Email: eafd@dvla.gsi.gov.uk

Phone: 08706000301 (Monday to Friday 8.00-17.30, Saturday 8.00-13.00)

01792766366 (textphone if you have hearing or speech difficulties)

DVA for Northern Ireland

Post: County Hall, Castlerock Road, Coleraine, CO, Londonderry, BT51 3TB

Fax: 02870341398

Telephone: 08454024000/ Minicom 02870341380

Email: dvani@doeni.gov.uk

When you contact DVLA/DVA please remember to have ready your medical case number, driver number, full name, date of birth and a reference number if applicable.

Other Useful Organisations

British Epilepsy Association, New Anstey House, Gate Way Drive, Yeadon, Leeds, LS19 7XY. Helpline: 0808 800 5050.

National Society for Epilepsy, Chesham Lane, Chalfont St Peter, Buckinghamshire, SL9 0RJ. Helpline: 01494 601400

Epilepsy Association of Scotland, 48 Govan Road, Glasgow, G51 1JL. Helpline: 0141 427 5225

Epilepsy Wales, 15 Chester Street, St Asaph, Denbighshire, LL17 0RE. Helpline: 08457 413774

Resources:

“At a glance guide to the current medical standards of fitness to drive” available online at www.dvla.gov.uk/medical

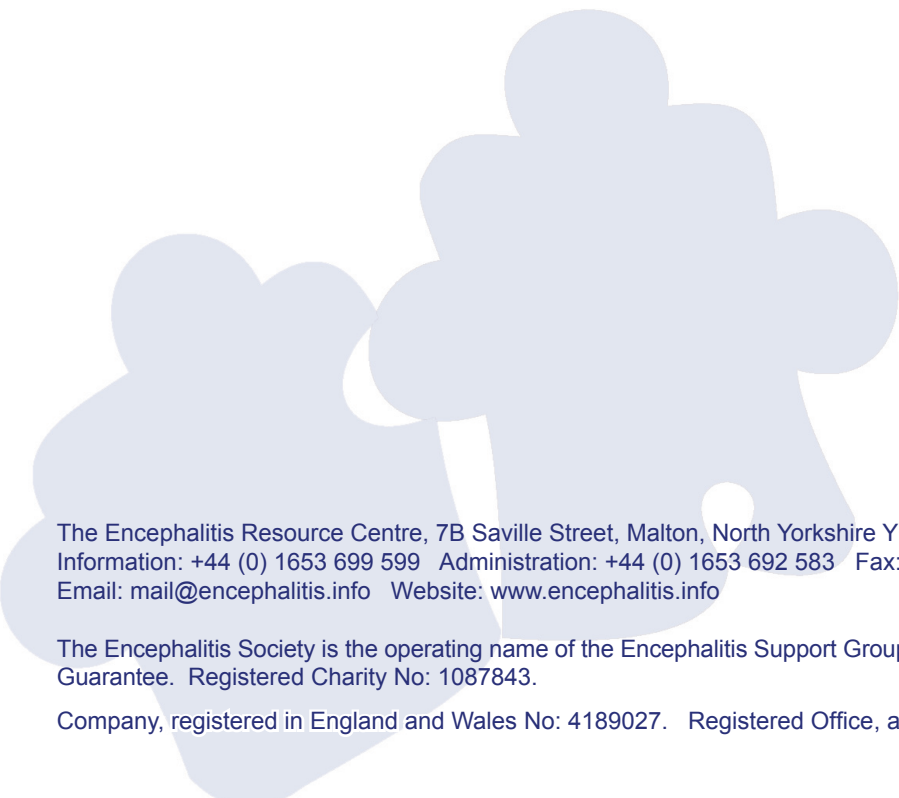
“Customer service guide for drivers with medical conditions” online at www.dvla.gov.uk/medical

Mandy Hassal, “Driving after a brain injury: Rules and Assessment” in British Journal of Neuroscience Nursing, vol 4, no 4, April 2008

Motoring Rules, Directgov, available online at www.direct.gov.uk/en/Motoring

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