

Driving after encephalitis

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Note: This factsheet is about driving laws in the UK—group 1 driving licence.

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1. 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 ability to perceive hazard 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.

Some people who have had encephalitis develop seizures or epilepsy and this may pose significant difficulties for those who want to return to driving. The Driving and Vehicle Licensing Agency (DVLA) has very specific guidelines regarding driving and epilepsy which vary depending on several things such as when you have seizures, how

controlled by medication they are and when you had your last seizure. You can find out more about these guidelines on the following link www.gov.uk/epilepsy-and-driving

2. Telling the DVLA about your condition

The DVLA requires that you must inform them if you have had encephalitis. On the DVLA website, encephalitis is listed under letter B (**Brain abscess, cyst or encephalitis**). To tell the DVLA you must fill in a questionnaire which you can download from the DVLA website (www.gov.uk/health-conditions-and-driving) and send it to the DVLA.

The responsibility for informing the DVLA lies firmly with you, the licence holder. Doctors are encouraged to advise people that their condition may affect their ability to drive and that it is their responsibility to report their illness or injury. If the patient refuses to accept the diagnosis or the effects the illness has on their ability to drive, the doctors should suggest the patient has a second opinion and help arrange for that. If the patient does not stop driving despite the doctor's efforts to persuade them not to drive, then the doctor should contact the DVLA medical officer immediately and disclose any medical evidence in confidence.

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

Remember that driving is a privilege, not a right.

3. The DVLA's decision

After you have told the DVLA, their medical adviser decides what happens with your licence. If no information is required, the DVLA aims to make a decision within six weeks. If further information is required, the adviser may contact your doctor (if you have given your consent in the questionnaire), arrange for you to be examined by a local specialist or consultant or arrange for you to undergo a driving assessment, eyesight or a driving test.

Ask your GP if it is safe for you to drive while you wait for a decision from DVLA. The DVLA decision may state that:

- You are able to retain your licence or you will be issued with a new driving licence.
- You may be issued with a provisional licence and asked to undergo a review of your medical fitness in the future.
- You may be issued with a licence that indicates that special controls need to be fitted to your vehicle; in this case you can get an independent assessment of your adaptation needs through **Driving Mobility** (see section 10 for links to their website).
- You may be told to stop driving if medical enquiries confirm you are not fit to drive. You must be given a medical reason of why you must stop driving and told if and when you can reapply. You have the right to appeal against this decision.

4. Surrendering your licence

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.

5. Renewing or reapplying for your driving licence

You must renew your driving licence if you have been issued with a short period driving licence. The DVLA will send you a renewal application 90 days before the licence is due to expire.

After surrendering or having revoked your licence by DVLA you should reapply for your licence eight weeks before the end of the period of time your licence was revoked for. Check with your doctor that you can meet the medical standards of fitness to drive before you re-apply. You need to fill in a D1 form and a medical questionnaire relevant to your condition. You can get the form from DVLA website or Post Office.

There are different rules for when you can drive again depending on if your licence was voluntarily surrendered, or if it was revoked or refused for medical reasons (please check with the DVLA and your doctor).

6. What if I don't agree with DVLA decision?

You can ask the DVLA to review their decision when you think:

- You have a wrong diagnosis.
- There is a misunderstanding of your case.
- There has been an administrative error.

If your request for a review wasn't successful, you may decide to make a formal appeal. The DVLA should send you details of the appeals process at the time of the licence decision.

If you live in England and Wales you need to appeal to the local Magistrates Courts six months from the date of DVLA's decision. If you live in Northern Ireland you need to appeal to your local clerk of petty sessions, three months from the date of the decision. If you live in Scotland you need to appeal to the Sheriff Court, 21 days from the date of the decision.

7. Epilepsy and driving

Epilepsy is a condition that you need to tell the DVLA about it. If you have seizures, the DVLA recommends that you stop driving, tell the DVLA and surrender your driving licence.

If you have **awake seizures with losing consciousness**, your licence will be taken away. You can reapply if you haven't had a seizure for at least a year.

If you have **awake seizures without losing consciousness** the DVLA needs a full description of these seizures before making a decision. They may allow you to drive if you experienced only these types of seizures in the last 12 months and you haven't ever had any other type of seizures. But you must wait for their decision before you resume driving.

If you had **asleep seizures** only, you may still qualify for a licence if it's been 12 months or more since your first seizure. Until you hear from the DVLA you must stop driving. If you had awake seizures in the past, but for the past three years you had only asleep seizures, you may be allowed to drive.

If you experience **both asleep and awake seizures** the law for awake seizures applies.

If you have only suffered from a **one-off seizure while awake and lost consciousness**, you will qualify for a driving licence if you have been free from further attacks for a six month period, provided there are no further clinical

factors or investigations that may suggest an unacceptably high risk of a further seizure occurring and the DVLA is satisfied that as a driver you are not likely to be a source of danger to the public.

If you live in England, Wales and Scotland and you are **withdrawing** your anti-epileptic drugs the DVLA recommends that for your safety and that of others, you should stop driving during the period of drug withdrawal and for six months after that. You don't need to inform the DVLA or return your licence. If you are **changing** your medication your doctor should advise you for how long you may need to stop driving. You don't need to inform the DVLA or return your licence.

If you live in Northern Ireland and are withdrawing/changing your anti-epileptic drugs you must stop driving and inform the DVA. Six months after withdrawal/change-over is complete you should apply to the DVA for a medical form. The DVA will advise if you can start driving again.

If your seizure occurs as a result of a physician-directed **change of/or reduction** of antiepileptic medication, 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

You don't need to stop driving if you already have a licence based on having asleep seizures only, or on having only seizures which involve no loss of consciousness, and you have another seizure of the same type.

In all cases, you should also be able to follow the doctor's advice about treatments and checks-ups. The DVLA should be satisfied that as a driver you are not likely to be a source of danger to the public.

If you **surrendered your licence** because of seizures (as opposed to revoked), you may be able to start driving again as soon as you meet the epilepsy driving rules, while you're waiting to receive your new licence. This would be possible if both:

- The driving agency has received your application
- There are no other medical or legal reasons why you should not be driving.

If your driving licence was **revoked** you'll have to wait until all medical enquiries are complete. You will also need to have your driving licence back before you can start driving again.

Licences are usually for one, two or three years, with three years being the most common. Once you have been seizure free for a total of 5 years and your doctor supports this fact you can apply for a long-term licence (till age 70) in England, Scotland and Wales. In North Ireland you can apply for a 5 year licence.

Epilepsy Action has a dedicated section on their website with detailed information regarding epilepsy and driving (see section 10 for contact details).

8. Driving ability assessments

If you feel you have some problems that may hinder your return to driving and 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. 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 into a motor vehicle. You will need to contact your local centre 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.

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 (See section 10 for their contact details).

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

It is a legal requirement that you include information about 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.

10. Further Information

The DVLA for England, Scotland and Wales

Drivers Medical Enquiries: DVLA, Swansea, SA99 1TU

Telephone: 0300 790 6806

The DVA for Northern Ireland

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

Telephone: 0845 402 4000

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

Epilepsy Action

Website: www.epilepsy.org.uk Helpline: 0808 800 5050

Driving Mobility

Website: www.drivingmobility.org.uk

Motability Scheme

Website <http://www.motability.co.uk> or phone 0300 456 4566

FS032V5 Driving after encephalitis

Date created: March 2002 /Last updated: June 2024 / Review date: June 2027

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Registered Charity England and Wales No: 1087843; Registered Charity in Scotland No: SC048210

Charitable Company registered in England and Wales No: 04189027