

DVLA suffers High Court defeat for revoking elderly woman's licence based on 'age alone'

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The motoring authorities could have to carry out medical tests on the elderly before removing their driving licences, after a 78-year-old woman who caused a three car pile-up won a High Court battle for the right to drive again.



Georgina Frances Hitchen, from Henley-On-Thames, Oxfordshire, had her licence revoked after she “forgot” where a junction was, causing an accident involving three cars and a tree.

But a High Court judge quashed the Driver and Vehicle Licensing Agency’s (DVLA) decision declaring that: “Age alone is not a reason to remove a licence”.

Ms Justice Simler said there had been no medical evidence to back up the DVLA’s assertion that “age-related cognitive impairment” rendered Ms Hitches unfit to drive. In fact there was clear evidence that she did not suffer from cognitive impairment.

The judge said that the DVLA had erroneously relied on Ms Hitchen's bad performance during the appraisal following her accident as proof that age-related problems made her a danger.

She ruled that a medical expert's findings had not been taken proper account of adding: “A relevant disability cannot be inferred from a driving performance alone.”

Brian Koffman, a motoring legal specialist and senior partner of Brian Koffman & Co solicitors firm, said this case will serve as a “wake-up call” to the DVLA.

“The judge has made it very clear that doing what the DVLA did was not acceptable,” he said.

“This quite clearly emphasises that their decisions shouldn’t be made on the prejudiced assumption that someone elderly who makes a mistake suffers from age related cognitive impairment. It might just be a lapse that everyone is guilty of from time to time.”

“I am sure [the DVLA] will want to review how they assess these matters in the future.”

He added: “If you are elderly, being able to drive is terrible important as it means you have the independence stand on your own two feet. You are almost in danger of becoming a prisoner in your own home without it.”

At the age of 70, all driving licences expire and in order to continue driving you need to renew your licence before your 70th birthday, and every three years from then.

The judge described how, in March 2012, Ms Hitchen was involved in an accident with three other vehicles and a tree and had reported that she “forgot the junction was there”.

Following an appraisal, in which Ms Hitchen’s performance was branded “unsatisfactory”, the DVLA revoked her licence in September 2013.

She appealed to Oxford Magistrates Court, who upheld the DVLA’s decision, saying she “lacked insight, as she considered that she was a better driver now than 20 years ago”.

However, Ms Hitchen successfully applied for judicial review, which eventually resulted in her High Court victory.

David Barton, a solicitor who specialises in motoring law, said: "I think there has been a prevailing view [at the DVLA] that if you are elderly and you make a mistake, it is indicative of a more deep seated problem and should lead to licence revocation.

"This will give heart to people who want to challenge the DVLA. It should make the DVLA think much more analytically about the facts of individual cases rather adopting a one size fits all approach."

A DVLA spokeswoman said: "We are considering the judgement and next steps carefully. Our priority continues to be road safety."