

Driving regulations and sleep apnoea

Information for patients, relatives and carers

① For more information, please contact:

York Sleep and Ventilation Service

York Community Stadium

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This leaflet was adapted for local use from a leaflet of the same name by The Newcastle Upon Tyne Hospitals NHS Foundation Trust. Used with permission.

Introduction

This leaflet explains the regulations around driving if you suffer from sleepiness caused by sleep apnoea. In English law, falling asleep at the wheel is a criminal offence, potentially leading to a prison sentence. Because obstructive sleep apnoea (OSA) often causes sleepiness, the Driver and Vehicle Licensing Agency (DVLA) are rightly concerned to prevent unnecessary accidents. It is assumed that sleepy people know they are sleepy, and therefore should not drive.

What happens if a diagnosis of obstructive sleep apnoea has been made?

If you have been diagnosed with OSA, you will be offered an appointment to start treatment. There are DVLA rules that should be followed. Obstructive sleep apnoea syndrome (OSAS) means the combination of OSA on a sleep study and resulting sleepiness. Usually, if the sleepiness is significant, then the patient will be offered continuous positive airway pressure (CPAP). If you have OSA syndrome it is your responsibility to decide whether you are safe to drive and whether you need to inform the DVLA. The specialist will help you with this decision and may advise you not to drive until treated.

What does the DVLA say?

The table on the next page outlines the current DVLA regulations:

'Excessive sleepiness' having, or likely to have, an adverse effect on driving includes:

- obstructive sleep apnoea syndrome of any severity
- any other condition or medication that may cause excessive sleepiness

You may think that the regulations are harsh, but many conditions that lead to an increased risk of accidents lead to the suspension of driving licences. These conditions can include epilepsy, heart attacks, certain forms of diabetes, etc. If you are in any doubt you may contact the DVLA directly. The contact details are at the end of this leaflet.

Excessive sleepiness – including obstructive sleep apnoea syndrome

	Group 1 car and motorcycle	Group 2 bus and lorry
Excessive sleepiness due to a medical condition including mild obstructive sleep apnoea syndrome or medication.	<p>Must not drive.</p> <p>Driving may resume only after satisfactory symptom control.</p> <p>If symptom control cannot be achieved in three months the DVLA must be notified.</p>	<p>Must not drive.</p> <p>Driving may resume only after satisfactory symptom control.</p> <p>If symptom control cannot be achieved in three months the DVLA must be notified.</p>
Excessive sleepiness due to obstructive sleep apnoea syndrome – moderate and severe.	<p>Must not drive and must notify the DVLA.</p> <p>Subsequent licensing will require:</p> <ul style="list-style-type: none"> • control of condition • sleepiness improved • treatment adherence <p>The DVLA will need medical confirmation of the above, and the driver must confirm review to be undertaken every three years at the minimum.</p>	<p>Must not drive and must notify the DVLA.</p> <p>Subsequent licensing will require:</p> <ul style="list-style-type: none"> • control of condition • sleepiness improved • treatment adherence <p>The DVLA will need medical confirmation of the above, and the driver must confirm review to be undertaken annually at the minimum.</p>
Excessive sleepiness due to suspected obstructive sleep apnoea syndrome.	<p>Must not drive.</p> <p>Driving may resume only after satisfactory symptom control.</p> <p>If symptom control cannot be achieved in three months the DVLA must be notified.</p> <p>See above when diagnosis is confirmed.</p>	<p>Must not drive.</p> <p>Driving may resume only after satisfactory symptom control.</p> <p>If symptom control cannot be achieved in three months the DVLA must be notified.</p> <p>See above when diagnosis is confirmed</p>

What happens when a patient informs the DVLA that they have OSA?

First, you will receive a form called SL1. You can now complete this form online if you wish to. This asks what the diagnosis is and whether the condition is now controlled. The second part of SL1 asks for details of the doctors involved in the diagnosis and treatment and it asks for your permission to approach them.

If there is a diagnosis of OSAS and you cannot say you are free of “excessive drowsiness”, then the licence will be revoked. Your licence will then be returned once successful treatment has begun.

Following the return of SL1 to the DVLA, the sleep unit may get SL2, particularly for group 2 licence holders. This asks the consultant what the diagnosis is, what treatment has been given, whether the patient is complying with the treatment, whether there are other conditions causing sleepiness, whether the patient continues to experience “irresistible drowsiness”, and finally, whether there are any other conditions that might affect fitness to drive. If everything is satisfactory then this will mean that the DVLA is happy for you to continue driving.

You will also have the option of surrendering the licence from the outset. This may provide an advantage when it comes to reapplying for a licence at a later date. If a licence has been surrendered as opposed to revoked, on reapplication for the licence there is the potential for cover to drive under section 88 whilst awaiting the outcome of the DVLA inquiry. However, if your licence has been revoked by the DVLA, you would have to wait until a licence is reissued before returning to driving (and the DVLA medical inquiry may take a long time).

What about car insurance?

For many insurance companies, failure to notify the DVLA of a medical condition would invalidate the insurance. In the small print of car insurance policies there will be a statement that the insured must also inform the insurance company of any circumstances that might alter the terms of the insurance, often specifically stating health-related issues. A diagnosis of OSAS would qualify.

Essentially an insurance company could use the fact that someone had not informed them of their diagnosis of OSAS to refuse to pay up after an accident. If you are involved in an accident, even if the cause had nothing to do with sleepiness, the police are entitled to ask for medical information. If it turned out that OSAS had been diagnosed, and not yet treated, then it might be very difficult both to prove you were not the guilty party and difficult to get the insurance company to pay. You should inform your insurance company at the same time as you inform the DVLA.

Contact details

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York Community Stadium

Kathryn Avenue Drive, Huntington, York YO32 9AF

Tel: **01904 726450** (Monday to Friday, 9.00am to 3.00pm)

sleepservice@york.nhs.uk

For further information

Drivers Medical Group,

DVLA,

Swansea,

SA99 1TU

Tel: 03007906806 (car, motorcycle),

Tel: 03007906807 (bus, coach, lorry)

(8.15am to 4.30pm, Monday to Friday)

Directgov. Obstructive Sleep Apnoea and Driving:

http://www.direct.gov.uk/en/Motoring/DriverLicensing/MedicalRulesForDrivers/MedicalAhttp://www.direct.gov.uk/en/Motoring/DriverLicensing/MedicalRulesForDrivers/MedicalA-Z/DG_189498Z/DG_189498

Tiredness can kill – Advice for drivers INF 159

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503534/INF15_9_150216.pdf

Tell us what you think of this leaflet

We hope that you found this leaflet helpful. If you would like to tell us what you think, please contact: York Sleep and Ventilation Service, York Community Stadium, Kathryn Avenue Drive, Huntington, York, YO32 9AF, Tel: 01904 726450, email: sleepservice@york.nhs.uk

Patient Advice and Liaison Service (PALS)

PALS offers impartial advice and assistance to patients, their relatives, friends and carers. We can listen to feedback (positive or negative), answer questions and help resolve any concerns about Trust services.

PALS can be contacted on 01904 726262, or email pals@york.nhs.uk.

An answer phone is available out of hours.

Teaching, training and research

Our Trust is committed to teaching, training and research to support the development of health and healthcare in our community. Healthcare students may observe consultations for this purpose. You can opt out if you do not want students to observe. We may also ask you if you would like to be involved in our research.

Leaflets in alternative languages or formats

Please telephone or email if you require this information in a different language or format, for example Braille, large print or audio.

如果你要求本資 不同的 或 式提供 , 電或發電

Jeżeli niniejsze informacje potrzebne są w innym języku lub formacie, należy zadzwonić lub wysłać wiadomość e-mail

Bu bilgileri değişik bir lisanda ya da formatta istiyorsanız lütfen telefon ediniz ya da e-posta gönderiniz

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