

Maidstone and
Tunbridge Wells



NHS Trust

 0845 155 1000

Driving regulations and Obstructive Sleep Apnoea (OSA)

Background

In English law, you are responsible for your own vigilance whilst driving. It is therefore, a criminal offense to fall asleep whilst driving. This criminal offence could lead to a prison sentence. The reasons behind your sleepiness make no difference. This law applies if you are sleepy because your new born baby has kept you up, or if you have a medical condition.

The law assumes that you know when you are sleepy, and therefore that you can choose not to drive, when you are feeling sleepy.

The DVLA is concerned about sleep apnoea because this condition often causes sleepiness, and it is the DVLA's responsibility to prevent unnecessary accidents.

If a diagnosis of sleep apnoea syndrome then there are rules set out by the DVLA that should be followed. Sleep apnoea syndrome means that there is evidence from a sleep study of changes in your breathing at night and daytime sleepiness. Usually if the two are significant, the patient will be offered a device called CPAP. The DVLA expect that those with a diagnosis of Sleep Apnoea to not drive until their treatment with CPAP has been started.

If you are not sleepy and there is no significant evidence on a sleep study, then there is no need to inform the DVLA.

What the DVLA says:

The DVLA wording applies to ALL sleep problems causing excessive awake time sleepiness

Group 1 (cars) or Group (Lorries, Buses etc) The DVLA must be informed. It is the legal responsibility of the licence holder to inform the DVLA. Failure to do so is a criminal offence.

For Group 1, driving must cease if the sleep disorder is continuing to cause excessive awake time sleepiness. Driving will be permitted when satisfactory control of symptoms is achieved.

For Group 2, driving must cease if the sleep disorder is continuing to cause excessive awake time sleepiness. Driving will be permitted when satisfactory control of symptoms is achieved and confirmed by specialist opinion.

This may appear harsh, but there are many medical conditions that lead to the suspension of driving licences, for example epilepsy, heart attack, certain forms of diabetes.

What happens if you inform the DVLA that you have sleep apnoea?

First you will receive a form called SL1. This asks what the diagnosis is, the date of the diagnosis, whether the condition is now controlled, whether you are now free from excessive drowsiness occurring at inappropriate situations. It requests details of treatment and whether the condition has ever caused you to see a specialist, as well as requesting permission to approach the specialist.

If there is a diagnosis of sleep apnoea syndrome and you cannot say that you are free from excessive drowsiness occurring at inappropriate situations, then the licence will be revoked and will not be returned until successful treatment has begun. If treatment has already started successfully, then there is no problem.

What happens next:

Following the return of the SL1 to the DVLA, they send form SL2 to your specialist. This asks the specialist to confirm the diagnosis and treatment, whether there are any other conditions causing sleepiness, whether the patient continues to experience irresistible drowsiness in appropriate situations, and finally whether there are any other conditions that may affect fitness to drive. If the form is sent back saying everything is satisfactory, then the DVLA will allow you to continue to drive.

What about my car insurance?

In the small print of any car insurance policy, there will be a statement that you must inform the company of any circumstances that might alter the terms of the insurance, often specifically stating health related issues. A diagnosis of sleep apnoea syndrome counts as such a circumstance.

If you suffer from sleepiness due to sleep apnoea, we therefore advise you to advise your insurance company, otherwise your insurance may be invalid.

Further information and advice can be obtained from:

List any appropriate support groups / telephone / web / email addresses.

NHS Direct

 0845 46 47

NHS Direct online

www.nhsdirect.nhs.uk

British Lung Foundation:

www.lunguk.org

Association for Respiratory Technology and physiology (ARTP)


www.artp.org.uk

MTW NHS Trust is committed to making its patient information accessible in a range of languages and formats. If you need this leaflet in another language or format please ask one of your clinical care team or the PALS Team. We will do our best to arrange this for you.

Patient Advice and Liaison Service (PALS)

If you would like to comment on Trust services, have concerns or need information, you can contact the Patient Advice and Liaison Service (PALS). PALS will listen to your views and using a wide range of contacts and resources, help find ways of resolving any queries or difficulties. The PALS Team can be contacted at Maidstone or Kent and Sussex Hospitals, Monday to Friday 10.00am to 4.00pm.

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