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# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART V

#### DRIVING INSTRUCTION

VALID FROM 09/09/1996

*[<sup>F1</sup> Disabled persons: emergency control certificates, etc]*

#### Textual Amendments

**F1** Ss. 133A, 133B and cross-heading inserted (9.9.1996) by 1993 c. 31, s.3; S.I. 1996/1980, art. 2

#### **[<sup>F2</sup>133A Assessment of disabled person's ability to control a motor car in an emergency.**

- (1) This section applies to any person who, by or under any provision of this Part of this Act,—
- (a) is authorised to apply to undergo an emergency control assessment, or
  - (b) is required by the Registrar to submit himself for an emergency control assessment.
- (2) An emergency control assessment is an assessment of whether the person being assessed would be able either—
- (a) to take control of a motor car of a class covered by his disabled person's limited driving licence without any modifications, or
  - (b) to take control of a motor car of a class covered by his disabled person's limited driving licence only with appropriate modifications of such a motor car,

if an emergency arose while he was giving, in such a motor car, instruction in the driving of an appropriate motor car.

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- (3) Where a person is authorised to apply to undergo an emergency control assessment, for the application to be duly made, it must be made to the Secretary of State and must include—
  - (a) a declaration by the person making the application, in such form as the Secretary of State may require, stating every relevant disability or prospective disability from which the person is suffering or has at any time (or, if a period is prescribed by regulations, has during that period) suffered; and
  - (b) such other particulars as the Secretary of State may require.
- (4) Where a person is required to submit himself for an emergency control assessment he must furnish to the Secretary of State such particulars as the Secretary of State may require.
- (5) An emergency control assessment—
  - (a) shall be conducted by a person appointed by the Secretary of State (in this section referred to as “the assessor”); and
  - (b) shall consist of such practical tests and other means of assessment as the Secretary of State may determine.
- (6) On completing an emergency control assessment of a person, the assessor shall grant him an emergency control certificate if he is satisfied either—
  - (a) that, in the circumstances mentioned in subsection (2) above, that person would be able to take control of a motor car of a class covered by his disabled person’s limited driving licence without any modifications, or
  - (b) that, in the circumstances mentioned in subsection (2) above, that person would be able to take control of a motor car of a class covered by his disabled person’s limited driving licence only with appropriate modifications of such a motor car;but if the assessor is not so satisfied, he shall refuse to grant a certificate to that person.
- (7) An emergency control certificate granted to any person—
  - (a) shall specify the class of motor car covered by his disabled person’s limited driving licence in relation to which the assessor is satisfied as mentioned in subsection (6)(a) or (b) above, specifying, in a case falling within paragraph (b) the modifications that are appropriate; and
  - (b) may include a recommendation that that person should undergo a further emergency control assessment after the end of such period as is specified in the certificate;and shall otherwise be in such form as the Secretary of State may determine.
- (8) Different modifications for different classes of motor car may be specified under subsection (7)(a) above.
- (9) The assessor who has assessed any person under this section—
  - (a) if he grants an emergency control certificate, shall—
    - (i) give or send the certificate to that person, and
    - (ii) send a copy of the certificate to the Registrar; and
  - (b) if he refuses to grant such a certificate, shall—
    - (i) give notice in writing to that person of his decision and of the reasons for it, and

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(ii) send a copy of the notice to the Registrar.]

#### Textual Amendments

**F2** Ss. 133A, 133B and cross-heading inserted (9.9.1996) by 1993 c. 31, s. 3; S.I. 1996/1980, art. 2

#### Modifications etc. (not altering text)

**C1** S. 133A excluded (23.6.1999) by S.I. 1999/1736, art. 8(1)(b)(2)(b)

### [<sup>F3</sup>133B Further assessments.

- (1) A person who has undergone an emergency control assessment may not apply to undergo a further assessment until after the end of—
  - (a) the period of six months beginning with the date of his most recent previous assessment, or
  - (b) such other period as may be prescribed by regulations,unless, by virtue of section 125B(6)(a) of this Act or subsection (2) below, he is required by the Registrar to submit himself for a further assessment.
- (2) A person whose name is not on the register but who holds a current emergency control certificate shall, if at any time required to do so by the Registrar, submit himself for a further emergency control assessment on the day (within such period as may be prescribed by regulations) and at the place specified by the Registrar.
- (3) In considering whether to exercise, in respect of any person, his power under subsection (2) above, the Registrar shall have regard to any recommendation included in that person's current emergency control certificate as to the period after the end of which he should undergo a further emergency control assessment.
- (4) A person who—
  - (a) holds a current emergency control certificate, but
  - (b) wishes to undergo a further emergency control assessment with a view to establishing his ability to control any class of motor car not specified in his current certificate,may, with the consent of the Registrar and subject to subsection (1) above, apply to undergo a further assessment; but a person applying to undergo a further assessment under this subsection shall not be required to make the declaration required by section 133A(3)(a) of this Act.
- (5) An application made under subsection (4) above for the consent of the Registrar shall be made in such manner and be accompanied by such particulars as the Registrar may require.
- (6) If, as a result of undergoing a further emergency control assessment, a person is granted a fresh emergency control certificate the grant of that certificate shall, with effect from the date on which it is notified as taking effect, revoke the previous certificate.
- (7) If, in the case of an emergency control assessment conducted in respect of a person who holds a current emergency control certificate, the assessor is not satisfied as to either of the matters specified in paragraphs (a) and (b) of section 133A(6), he shall revoke the certificate.

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- (8) Where a person’s emergency control certificate is revoked under subsection (7) above the assessor shall—
- (a) serve notice in writing on him specifying—
    - (i) the grounds for the revocation, and
    - (ii) the date, not being earlier than the date of service of the notice, on which the revocation is to take effect, and
  - (b) send a copy of the notice to the Registrar.
- (9) In this section “assessor” has the same meaning as in section 133A of this Act.]

#### Textual Amendments

**F3** Ss. 133A, 133B and cross-heading inserted (9.9.1996) by 1993 c. 31, s. 3; S.I. 1996/1980, art. 2

#### Modifications etc. (not altering text)

**C2** S. 133B excluded (23.6.1999) by S.I. 1999/1736, art. 8(1)(b)(2)(b)

#### [<sup>F4</sup>133C Duty to disclose further disability.

- (1) This section applies to—
- (a) registered disabled instructors, and
  - (b) persons who hold licences under section 129 of this Act granted by virtue of subsection (2)(b) of that section.
- (2) If at any time a person to whom this section applies becomes aware—
- (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Secretary of State under section 125A(3) or 133A(3) or (4) of this Act, or
  - (b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since his current emergency control certificate was granted,
- he must forthwith notify the Registrar in writing of the nature and extent of his disability.
- (3) Subsection (2) above does not require a person to notify the Registrar if—
- (a) the disability is one from which he has not previously suffered, and
  - (b) he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of three months beginning with the date on which he first becomes aware that he suffers from it.
- (4) A person who fails without reasonable excuse to notify the Registrar as required by subsection (2) above is guilty of an offence.]

#### Textual Amendments

**F4** S. 133C inserted (9.9.1996) by 1993 c. 31, s.4; S.I. 1996/1980, art. 2

#### Modifications etc. (not altering text)

**C3** S.133C excluded (23.6.1999) by S.I. 1999/1736, art. 8(1)(b)(2)(b)

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**[<sup>F5</sup>133D Offences relating to giving by disabled person of paid driving instruction.**

- (1) This section applies to—
  - (a) registered disabled instructors, and
  - (b) persons who hold licences under section 129 of this Act granted by virtue of subsection (2)(b) of that section.
- (2) No person to whom this section applies shall give paid instruction in the driving of a motor car unless he is the holder of a current emergency control certificate.
- (3) No person to whom this section applies shall give, in any unauthorised motor car, paid instruction in the driving of a motor car.
- (4) Where instruction is given in contravention of this section—
  - (a) the person by whom it is given, and
  - (b) if that person is employed by another to give that instruction, that other, as well as that person,is guilty of an offence.
- (5) In subsection (3) above “unauthorised motor car”, in relation to any person, means a motor car other than one which falls within the class of motor car specified in his current emergency control certificate and, where modifications are specified in that certificate, is modified in accordance with the specification.]

**Textual Amendments**

**F5** S. 133D inserted (9.9.1996) by 1993 c. 31, s. 5 ; S.I. 1996/1980, art. 2

**Modifications etc. (not altering text)**

**C4** S. 133D excluded (23.6.1999) by S.I. 1999/1736, art. 8(1)(b)(2)(b)

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