



Driving Instruction (Suspension and Exemption Powers) Act 2009

2009 CHAPTER 17

Suspension of registration

2 Compensation in respect of suspension

After section 128ZA of the [Road Traffic Act 1988 \(c. 52\)](#) (as inserted or to be inserted by section 1(1) above) insert—

“128ZB Compensation in respect of suspension

- (1) The Secretary of State must by regulations make a scheme for the making of payments by the Secretary of State to persons in respect of one or more of the following—
 - (a) income losses incurred by them as a result of their registrations being suspended by virtue of section 128ZA,
 - (b) non-income losses so incurred, and
 - (c) any other matters which relate to such a suspension and are provided for in the scheme.
- (2) No payments may be made under a scheme in respect of a person’s suspension unless—
 - (a) the suspension is terminated because the Registrar decides not to refuse the application for an extension of the person’s registration or (as the case may be) decides not to terminate the person’s registration,
 - (b) an appeal is successfully concluded against the decision of the Registrar to refuse the application for an extension of the person’s registration or (as the case may be) to terminate the person’s registration (whether or not the Registrar’s decision has taken effect), or
 - (c) any other circumstances provided for in the scheme apply.

- (3) Where the decision of the Registrar to refuse the application for an extension of the person's registration or (as the case may be) to terminate the person's registration has taken effect before an appeal against it is successfully concluded, any payments under a scheme may relate only to the suspension.
- (4) A scheme may, in particular, specify—
- (a) the description or descriptions of income losses, or
 - (b) the description or descriptions of non-income losses,
- in respect of which payments are to be made but need not provide for the making of payments in respect of all income losses or all non-income losses or for the making of payments which correspond to the full amount of any income losses or non-income losses.
- (5) A scheme may also, in particular—
- (a) specify the basis or bases of valuation for determining losses or the person who is to decide their valuation,
 - (b) specify the amounts of payments to be made or the basis or bases on which such amounts are to be calculated,
 - (c) provide for the procedure to be followed (including when claims may be made and the provision of information) in respect of claims under the scheme and for the determination of such claims.
- (6) A person who is aggrieved by a decision of the Secretary of State as to the person's entitlement to payments under a scheme or the amounts of any such payments may appeal to the First-tier Tribunal.
- (7) On an appeal, the First-tier Tribunal may make such order as it considers appropriate.
- (8) If the Tribunal considers that any evidence adduced on an appeal had not been adduced to the Secretary of State before the making of the decision to which the appeal relates, the Tribunal may (instead of making an order under subsection (7)) remit the matter to the Secretary of State for the Secretary of State to reconsider the decision.
- (9) In this section—
- “income losses” means losses of income, and
 - “non-income losses” means losses other than income losses.”