



Road Traffic Act 1972

1972 CHAPTER 20

PART V

DRIVING INSTRUCTION

133 Examinations and tests of ability to give driving instruction

- (1) Regulations may make provision with respect to the nature of examinations of the ability of persons to give instruction in the driving of motor cars and tests of continued ability and fitness to give such instruction, to evidence of the results thereof and generally with respect thereto, and, in particular, but without prejudice to the generality of the foregoing, may provide—
- (a) for such an examination to consist in part of a written examination and in part of a practical test of ability and fitness to drive and to instruct;
 - (b) for requiring a person submitting himself to any such practical test as aforesaid to provide a vehicle for the purposes of the test, being a vehicle in respect of which such conditions as may be specified in regulations are complied with;
 - (c) for requiring a person applying to submit himself for such an examination, or any part of such an examination, to pay to the Registrar such fee as may be specified in the regulations in relation to that examination or part;
 - (d) for preventing a person who, on any day, submits himself for such an examination and fails to pass it from being eligible to submit himself to another such examination before the expiration of the period of three months beginning with that day, or, if the regulations provide for an examination to consist of two such parts as are mentioned in paragraph (a) above, preventing a person who submits himself on any day for one of those parts, and fails to pass that part, from being eligible to submit himself again for that part before the expiration of the period of three months beginning with that day;
 - (e) for requiring a person who desires to submit himself for such an examination to supply the Registrar with such particulars as the Secretary of State may determine.
- (2) A magistrates' court acting for the petty sessions area in which a person who has submitted himself for an examination of ability to give instruction in the driving of

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motor cars resides or, if he resides in Scotland, the sheriff within whose jurisdiction he resides, shall have power on the application of that person to determine whether the examination was properly conducted in accordance with the regulations, and, if the regulations provide for the examination to consist of two parts, whether either of those parts was so conducted; and, if it appears to the court or sheriff that the examination, or, as the case may be, part, was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another examination, or, as the case may be, to submit himself again for that part, before the expiration of the period of three months mentioned in subsection (1)(d) above in relation to the examination or, as the case may be, part, and may order that any fee payable by the applicant in respect of the examination or part shall not be paid, and if it has been paid, shall be repaid.

- (3) No appeal shall lie under section 132 of this Act in respect of any matter in respect of which an application may be made to a magistrates' court or a sheriff under subsection (2) above.