



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART V

#### DRIVING INSTRUCTION

##### *Appeals*

### 131 Appeals.

- (1) A person who is aggrieved by a decision of the Registrar—
  - (a) to refuse an application for the entry of his name in the register, or
  - (b) to refuse an application for the retention of his name in the register, or
  - (c) to remove his name from the register,may by notice in writing appeal to the [<sup>F1</sup>Transport Tribunal] within the period of twenty-eight days beginning with the day on which notice of the decision was given in accordance with this Part of this Act.
- (2) A person who is aggrieved by a decision of the Registrar—
  - (a) to refuse an application for the grant of a licence under this Part of this Act, or
  - (b) to revoke such a licence,may by notice in writing appeal to the [<sup>F1</sup>Transport Tribunal] within the period of fourteen days beginning with the day on which notice of the decision was given in accordance with this Part of this Act.
- (3) On the appeal the [<sup>F2</sup>Transport Tribunal] may make such order—
  - (a) for the grant or refusal of the application or,
  - (b) for the removal or the retention of the name in the register, or the revocation or continuation of the licence,(as the case may be) as [<sup>F3</sup>they think] fit.
- (4) An order for such refusal, removal or revocation may direct that an application by the appellant—

*Status: Point in time view as at 01/07/2005.*

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- (a) for the grant of a licence under this Part of this Act, or
- (b) for his name to be entered in the register,

shall not be entertained before the expiration of such period, not exceeding four years beginning with the day on which the order is made, as may be specified in the order.

[<sup>F4</sup>(4A) If the Tribunal consider that any evidence adduced on an appeal had not been adduced to the Registrar before he gave the decision to which the appeal relates, they may (instead of making an order under subsection (3) above) remit the matter to the Registrar for him to reconsider the decision.]

[<sup>F5</sup>(4B) A person who is aggrieved by a decision of the Registrar not to give a direction under section 127(8), 128(7) or 130(6) of this Act may by notice in writing appeal to the Transport Tribunal within the period of ten days beginning with the day on which notice of the decision is given.

(4C) The Transport Tribunal shall determine the appeal by either—

- (a) giving the direction concerned, or
- (b) dismissing the appeal,

within the period of fourteen days beginning with the day on which notice of the decision is given.

(4D) Where the Registrar has decided to refuse an application for the retention of a name in the register, to remove a name from the register or to revoke a licence granted under section 129 of this Act but either—

- (a) he gave a direction under section 127(8), 128(7) or 130(6) of this Act, or
- (b) the Transport Tribunal have given such a direction on appeal,

he may by notice in writing apply to the Transport Tribunal for an order that the decision is to take effect immediately.

(4E) The Transport Tribunal shall determine the Registrar’s application by either granting or refusing the application, within the period of fourteen days beginning with the day on which it is made.

(4F) The Transport Tribunal may only grant the application if they consider that a failure to do so might prejudicially affect—

- (a) the well-being of any person to whom the person concerned may give instruction in the driving of a motor car, or
- (b) the safety of road users.]

[<sup>F6</sup>(4G) On an appeal under this section the respondent is the Registrar.]

(5) <sup>F7</sup> .....

Textual Amendments	
<b>F1</b>	Words in s. 131(1)(2) substituted (1.4.2002) by 2000 c. 38, s. 258(1)(2); S.I. 2002/658, art. 2(2), <b>Sch. Pt. 2</b>
<b>F2</b>	Words in s. 131(3) substituted (1.4.2002) by 2000 c. 38, s. 258(1)(3)(a); S.I. 2002/658, art. 2(2), <b>Sch. Pt. 2</b>
<b>F3</b>	Words in s. 131(3) substituted (1.4.2002) by 2000 c. 38, s. 258(1)(3)(b); S.I. 2002/658, art. 2(2), <b>Sch. Pt. 2</b>
<b>F4</b>	S. 131(4A) inserted (1.4.2002) by 2000 c. 38, s. 258(1)(4); S.I. 2002/658, art. 2(2), <b>Sch. Pt. 2</b>
<b>F5</b>	S. 131(4B)-(4F) inserted (1.4.2002) by 2000 c. 38, s. 259(4); S.I. 2002/658, art. 2(2), <b>Sch. Pt. 2</b>

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- F6** S. 131(4G) is inserted (1.4.2002) by virtue of 2000 c. 38, s. 260, **Sch. 29 para. 12**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**
- F7** S. 131(5) repealed (1.4.2002) by 2000 c. 38, s. 274, **Sch. 31 Pt. V(1)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(2))

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

- C1** S. 131 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

**Status:**

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