



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART V

#### DRIVING INSTRUCTION

##### *Instructors to be registered or licensed*

#### **123 Driving instruction for payment to be given only by registered or licensed persons.**

- (1) No paid instruction in the driving of a motor car shall be given unless—
  - (a) the name of the person giving the instruction is in [<sup>F1</sup>Part 1 of] the register of approved instructors established in pursuance of section 23 of the <sup>M1</sup>Road Traffic Act 1962 (in this Part of this Act referred to as “the register”) [<sup>F2</sup>and the registration is not suspended], <sup>F3</sup>...
  - [<sup>F4</sup>(aa) the name of the person giving the instruction is in Part 2 of the register, the registration is not suspended and the instruction is being given in accordance with a right conferred by Part 2 of the European Union (Recognition of Professional Qualifications) Regulations 2015 ([S.I. 2015/2059](#)), or]
  - (b) the person giving the instruction is the holder of a current licence granted under this Part of this Act authorising him to give such instruction.
- (2) No paid instruction in the driving of a motor car shall be given unless there is fixed to and exhibited on that motor car in such manner as may be prescribed by regulations either—
  - (a) a certificate in such form as may be so prescribed that the name of the person giving the instruction is in the register, or
  - (b) a current licence granted under this Part of this Act authorising the person giving the instruction to give such instruction.
- (3) For the purposes of subsections (1) and (2) above, instruction is paid instruction if payment of money or money’s worth is, or is to be, made by or in respect of the person

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to whom the instruction is given for the giving of the instruction and for the purposes of this subsection instruction which is given—

- (a) free of charge to a person who is not the holder of a current licence to drive a motor vehicle granted under Part III of this Act (other than a provisional licence),
  - (b) by, or in pursuance of arrangements made by, a person carrying on business in the supply of motor cars, and
  - (c) in connection with the supply of a motor car in the course of that business,
- shall be deemed to be given for payment of money by the person to whom the instruction is given.

- (4) Where instruction is given in contravention of subsection (1) above—
- (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 proceedings against a person for an offence under subsection (4) above it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that his name or, as the case may be, that of the person employed by him, was not in the register at the material time <sup>[F5]</sup>, or (as the case may be) that the registration was at that time suspended].
- (6) If instruction is given in contravention of subsection (2) above, the person by whom it is given is guilty of an offence.

<sup>[F6]</sup>(6A) A person is not guilty of an offence under subsection (6) if—

- (a) the person proves that the instruction was given in accordance with a right conferred on the person by Part 2 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059), and
- (b) the person had not received the certificate mentioned in subsection (2)(a).]

(7) Any reference in this Part of this Act to a current licence <sup>[F7]</sup>or certificate] is a reference to a licence <sup>[F7]</sup>or certificate] which has not expired and has not been cancelled, revoked or suspended.

<sup>[F8]</sup>(8) In this Part of this Act—

“paid instruction”, in relation to instruction in the driving of a motor car, shall be construed in accordance with subsection (3) above; and  
“provisional licence” has the same meaning as in Part III of this Act.]

#### Textual Amendments

- F1** Words in s. 123(1)(a) inserted (9.12.2016 until the commencement of 2006 c. 49, **Sch. 6**) by [The Driving and Motorcycle Riding Instructors \(Recognition of European Professional Qualifications\) Regulations 2016 \(S.I. 2016/1089\)](#), regs. 1, **2(2)(a)** (which amendment falls due to the omission of the affecting provision (1.12.2023) by virtue of S.I. 2023/1286, reg. 1, **Sch. 4 para. 7(2)(a)**)
- F2** Words in s. 123(1)(a) inserted (6.7.2012) by [Driving Instruction \(Suspension and Exemption Powers\) Act 2009 \(c. 17\)](#), s. 7(3), **Sch. 1 para. 2(2)**; S.I. 2012/1356, art. 4(b)
- F3** Word in s. 123(1)(a) omitted (9.12.2016 until the commencement of 2006 c. 49, **Sch. 6**) by virtue of [The Driving and Motorcycle Riding Instructors \(Recognition of European Professional Qualifications\) Regulations 2016 \(S.I. 2016/1089\)](#), regs. 1, **2(2)(b)** (which amendment falls due to the omission of the affecting provision (1.12.2023) by virtue of S.I. 2023/1286, reg. 1, **Sch. 4 para. 7(2)(a)**)

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- F4** S. 123(1)(aa) inserted (9.12.2016 until the commencement of 2006 c. 49, **Sch. 6**) by The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016 (S.I. 2016/1089), regs. 1, **2(2)(c)** (which amendment falls due to the omission of the affecting provision (1.12.2023) by virtue of S.I. 2023/1286, reg. 1, **Sch. 4 para. 7(2)(a)**)
- F5** Words in s. 123(5) inserted (6.7.2012) by Driving Instruction (Suspension and Exemption Powers) Act 2009 (c. 17), s. 7(3), **Sch. 1 para. 2(3)**; S.I. 2012/1356, art. 4(b)
- F6** S. 123(6A) inserted (9.12.2016 until the commencement of 2006 c. 49, **Sch. 6**) by The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016 (S.I. 2016/1089), regs. 1, **2(3)** (which amendment falls due to the omission of the affecting provision (1.12.2023) by virtue of S.I. 2023/1286, reg. 1, **Sch. 4 para. 7(2)(a)**)
- F7** Words in s. 123(7) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 2(2)**; S.I. 1996/1980, **art. 2**
- F8** S. 123(8) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 2(3)**; S.I. 1996/1980, **art. 2**

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

- C1** S. 123 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

**Marginal Citations**

- M1** 1962 c. 59.

**124 Exemption of police instructors from prohibition imposed by section 123.**

(1) Section 123(1) and (2) of this Act does not apply to the giving of instruction by a police instructor in pursuance of arrangements made by a chief officer of police or, under the authority of a chief officer of police, in pursuance of arrangements made by a local authority.

[<sup>F9</sup>(1A) Section 123(1) and (2) also does not apply to the giving of instruction by a [<sup>F10</sup>NCA instructor] in pursuance of arrangements made by the Director General of the [<sup>F11</sup>National Crime Agency] .

In this subsection “[<sup>F12</sup>NCA] instructor” means [<sup>F13</sup>an NCA officer] whose duties consist of or include the giving instruction in the driving of motor cars to other [<sup>F14</sup>NCA officers] .]

(2) In this section—

<sup>F15</sup> .....

<sup>F15</sup> .....

<sup>F15</sup> .....

“police instructor” means a person who is—

- (a) a member of a police force whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of motor cars to persons being members of a police force, or
- (b) a civilian employed by a police authority for the purpose of giving such instruction to such persons, and

“local authority” means—

- (a) in relation to England and Wales, the council of a county, metropolitan district, or London borough or the Common Council of the City of London,
- (b) in relation to Scotland, a regional or islands council.

<sup>F16</sup>(3) .....

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#### Textual Amendments

- F9** S. 124(1A) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178, [Sch. 4 para. 53\(1\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 10 (subject to art. 4(2)-(7))
- F10** Words in s. 124(1A) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 32\(2\)\(a\)](#); S.I. 2013/1682, art. 3(v)
- F11** Words in s. 124(1A) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 32\(2\)\(b\)](#); S.I. 2013/1682, art. 3(v)
- F12** Word in s. 124(1A) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 32\(3\)\(a\)](#); S.I. 2013/1682, art. 3(v)
- F13** Words in s. 124(1A) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 32\(3\)\(b\)](#); S.I. 2013/1682, art. 3(v)
- F14** Words in s. 124(1A) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 32\(3\)\(c\)](#); S.I. 2013/1682, art. 3(v)
- F15** S. 124(2): definitions of "chief officer of police", "police authority" and "police force" repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174(2), 178, Sch. 4, para. 53(2), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 13 (subject to art. 4(2)-(7))
- F16** S. 124(3) repealed (3.7.2000) by 1999 c. 29, s. 325, 423, Sch. 27 para. 60, [Sch. 34 Pt. VII](#) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, [Sch.](#)

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

- C2** S. 124 excluded (23.6.1999) by S.I. 1999/1736, [art. 8\(1\)\(b\)\(2\)\(b\)](#)

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