



Road Traffic Act 1988

1988 CHAPTER 52

PART V

DRIVING INSTRUCTION

Licences

129 Licences for giving instruction so as to obtain practical experience.

- (1) A licence under this section is granted for the purpose of enabling a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing such part of the examination referred to in section 125(3)(a) of this Act as consists of a practical test of ability and fitness to instruct.
- (2) Subject to subsection (3) below, where—
 - (a) a person applies to the Registrar in manner determined by the Secretary of State, accompanied by particulars so determined, and
 - (b) the Registrar is satisfied—
 - (i) that the applicant has passed the other parts of that examination, and
 - (ii) that the conditions set out in section 125(3)(b) to (e) of this Act are fulfilled in his case,the Registrar must, on payment of such fee, if any, as may be prescribed by regulations, grant to the applicant a licence to give paid instruction (within the meaning of section 123(1) and (2) of this Act) in the driving of a motor car.
- (3) The Registrar may refuse to grant a licence under this section to an applicant to whom such a licence has previously been issued.
- (4) The Registrar must, on making a decision on an application under subsection (2) above, give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, must state the grounds of the refusal.
- (5) A licence under this section shall be in such form, shall be in force for such period, and shall be granted subject to such conditions, as may be prescribed by regulations.

Status: Point in time view as at 01/01/1996.

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- (6) Notwithstanding any provision of regulations made by virtue of subsection (5) above prescribing the period for which a licence is to be in force, where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence shall not expire—
- (a) until the commencement of the new licence, or
 - (b) if the Registrar decides to refuse the application, until the time limited for an appeal under the following provisions of this Part of this Act against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.
- (7) Before deciding to refuse an application for a new licence in substitution for a licence current at the date of the application, the Registrar must give to the applicant written notice stating that he is considering the refusal and giving particulars of the grounds on which he is considering it.
- (8) Where the Registrar gives notice under subsection (7) above—
- (a) the applicant may, within the period of fourteen days beginning with the day on which the notice is given, make representations with respect to the proposed refusal, and
 - (b) the Registrar must not decide to refuse the application until after the expiration of that period, and
 - (c) before deciding whether or not to refuse the application, the Registrar must take into consideration any such representations made within that period.

130 Revocation of licences.

- (1) The registrar may revoke a licence granted under section 129 of this Act—
- (a) if the person to whom the licence was granted fails to comply with any of the conditions subject to which it was granted, or
 - (b) if the Registrar is satisfied that, at any time since the licence was granted, any of the conditions mentioned in subsection (2) below was fulfilled in his case, or
 - (c) if the licence was granted by mistake or procured by fraud.
- (2) The conditions referred to in subsection (1)(b) above are—
- (a) that he held neither of the kinds of current licence mentioned in section 125 (3)(b) of this Act, or
 - (b) that he was disqualified under section 34 or 36 of the ^{M1}Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act, or
 - (c) that he ceased, apart from fulfilment of either of the preceding conditions, to be a fit and proper person to have his name in the register.
- (3) Before revoking a licence granted to a person under this section the Registrar must give him written notice stating that he is considering the revocation and giving particulars of the grounds on which he is considering it.
- (4) Where the Registrar gives notice to a person under subsection (3) above—
- (a) that person may, within the period of fourteen days beginning with the day on which the notice is given, make representations with respect to the proposed revocation, and

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- (b) the Registrar must not decide to revoke the licence until after the expiration of that period, and
 - (c) before deciding whether or not to revoke the licence, the Registrar must take into consideration any such representations made within that period.
- (5) The Registrar must, on making a decision to revoke a licence granted under this section, give notice in writing of the decision to the person concerned.
- (6) A decision to revoke a licence granted under this section shall take effect—
- (a) where no appeal under the following provisions of this Part of this Act is brought against the decision within the time limited for the appeal, on the expiration of that time,
 - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal,
 - (c) where such an appeal is brought and not withdrawn or struck out for want of prosecution, if and when the appeal is dismissed, and not otherwise.

Modifications etc. (not altering text)

C1 S. 130(2)(b) extended by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 5, [Sch. 4 para. 7\(2\)](#)

Marginal Citations

M1 1988 c. 53.

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