



# 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 [<sup>F1</sup>either—
- (a) such part of the examination referred to in section 125(3)(a) of this Act [<sup>F2</sup>, or
  - (b) such part of any examination prescribed for the purposes of section 125A(6)(a) of this Act,]
- as consists of a practical test of ability and fitness to instruct.
- [<sup>F3</sup>(2) Subject to subsection (3) below, where a person applies to the Registrar in the manner determined by the Secretary of State, accompanied by particulars so determined, and the Registrar is satisfied either—
- (a) that the applicant has passed the other parts of the examination referred to in subsection (1)(a) above and that the conditions set out in section 125(3)(b) to (e) of this Act are fulfilled in his case, or
  - (b) that the applicant has passed the other parts of the examination referred to in subsection (1)(b) above and that—
    - (i) he holds a current disabled person's limited driving licence and a current emergency control certificate, and
    - (ii) the conditions referred to in subsection (6)(b) and the condition set out in subsection (6)(c) of section 125A 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 in the driving of a motor car.]

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: Road Traffic Act 1988, Cross Heading: Licences is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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, <sup>[F4]</sup>and, subject to subsection (5A) below, shall]be granted subject to such conditions, as may be prescribed by regulations.
- <sup>[F5]</sup>(5A) A licence granted by virtue of paragraph (b) of subsection (2) above shall be granted subject to the condition that the person to whom it is granted shall not give paid instruction in the driving of a motor car—
- (a) unless he holds a current emergency control certificate, and
  - (b) the car is an authorised motor car.
- (5B) In subsection (5A) above “authorised motor car”, in relation to any person, means a motor car which falls within the class of motor car specified in his current emergency control certificate and, where modifications are specified in that certificate, is modified in accordance with the specification.]
- (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.

#### Textual Amendments

- F1** Words in s. 129(1) inserted (9.9.1996) by 1993 c. 31, s. 2(1)(a); S.I. 1996/1980, art. 2
- F2** Words in s. 129(1) inserted (9.9.1996) by 1993 c. 31, s. 2(1)(b); S.I. 1996/1980, art. 2
- F3** S. 129(2) substituted (9.9.1996) by 1993 c. 31, s. 2(2); S.I. 1996/1980, art. 2
- F4** Words in s. 129(5) substituted (9.9.1996) by 1993 c. 31, s. 2(3); S.I. 1996/1980, art. 2
- F5** S. 129(5A)(5B) inserted (9.9.1996) by 1993 c. 31, s. 2(4); S.I. 1996/1980, art. 2

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: Road Traffic Act 1988, Cross Heading: Licences is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

C1 S. 129 excluded (23.6.1999) by S.I. 1999/1736, art. 8(1)(b)(2)(b)

**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 [<sup>F6</sup>relevant conditions] was fulfilled in his case, or
  - (c) if the licence was granted by mistake or procured by fraud.
- (2) [<sup>F7</sup>Except in the case of a licence granted by virtue of subsection (2)(b) of section 129 of this Act, the relevant conditions are]—
  - (a) that he held [<sup>F8</sup>none] 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 <sup>M1</sup>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.
- [<sup>F9</sup>(2A) In the case of a licence granted by virtue of subsection (2)(b) of section 129 of this Act, the relevant conditions are—
  - (a) that he did not hold a current emergency control certificate, or
  - (b) that he did not hold a current disabled person's limited driving licence, or
  - (c) that he was disqualified under section 34 or 36 of the Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act, or
  - (d) that he ceased, apart from fulfilment of any of the preceding conditions, to be a fit and proper person to have his name in the register as that of a disabled instructor.]
- (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
  - (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—

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: Road Traffic Act 1988, Cross Heading: Licences is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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.

#### Textual Amendments

- F6** Words in s. 130(1)(b) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 7(2)**; S.I. 1996/1980, **art. 2**
- F7** Words in s. 130(2) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 7(3)**; S.I. 1996/1980, **art. 2**
- F8** Word in s. 130(2)(a) substituted (1.4.1999) by S.I. 1999/357, **reg. 2(4)**
- F9** S. 130(2A) inserted (9.9.1996) by 1993 c. 31, s. 6 **Sch. para. 7(4)**; S.I. 1996/1980, **art. 2**

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

- C2** S. 130 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**
- C3** 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.

**Status:**

Point in time view as at 01/04/1999.

**Changes to legislation:**

Road Traffic Act 1988, Cross Heading: Licences is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.