



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART V

#### DRIVING INSTRUCTION

##### *Registration*

#### **125 The register of approved instructors.**

- (1) The compilation and maintenance of the register shall continue by virtue of this Act.
- (2) An application for the entry of a person's name in the register must be made, in manner determined by the Secretary of State, accompanied by particulars so determined, to the officer of the Secretary of State (in this Part of this Act referred to as "the Registrar") by whom the register is, on behalf of the Secretary of State, compiled and maintained.
- (3) Where a person duly applies for the entry of his name in the register, the Registrar must, on payment of such fee, if any, as may be prescribed by regulations, enter his name in the register if he satisfies the Registrar that the following conditions are fulfilled in his case—
  - (a) he has passed such examination of ability to give instruction in the driving of motor cars (consisting of a written examination, a practical test of ability and fitness to drive and a practical test of ability and fitness to instruct) as may be so prescribed,
  - (b) he is the holder of a current licence of one of the following kinds—
    - (i) a licence to drive a motor car granted under Part III of this Act (not being a provisional licence), and
    - (ii) a licence to drive a motor car (not being a licence corresponding to a provisional licence) granted under the law in force in Northern Ireland,
  - (c) during the period of six years ending with the day on which the application is made, the periods (if any) for which he did not hold one or more of the following licences, that is—

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- (i) a current licence of one of the kinds mentioned in paragraph (b) above, and
  - (ii) a current foreign licence, that is to say, a document issued under the law of a country outside the United Kingdom authorising the holder to drive a motor car in that country,
- did not amount in aggregate to more than two years,
- (d) he has not, during any part of the period of four years ending with the day on which the application is made, been 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 granted under Part III of this Act, and
  - (e) apart from fulfilment of the preceding conditions, he is a fit and proper person to have his name entered in the register.
- (4) At any time when a person who held a current licence of one of the following kinds, that is—
- (a) a licence to drive a motor car granted under Part III of this Act, being a provisional licence, and
  - (b) a licence to drive a motor car (being a licence corresponding to a provisional licence) granted under the law in force in Northern Ireland,
- had passed the test of competence to drive a motor car prescribed by virtue of section 89(3) of this Act or the corresponding law in force in Northern Ireland, he shall be regarded for the purposes of paragraph (c) of subsection (3) above as having held a current licence of one of the kinds mentioned in paragraph (b) of that subsection.
- (5) The entry of a person’s name in the register shall be subject to the condition that, so long as his name is in the register, he will, if at any time required to do so by the Registrar, undergo the test prescribed by regulations of continued ability and fitness to give instruction in the driving of motor cars.
- (6) Regulations may provide that persons of such class as may be specified in the regulations shall be exempt from the condition mentioned in subsection (3)(a) above as regards such part of the examination mentioned in that paragraph as may be so specified.
- (7) If the Secretary of State is satisfied that satisfactory provision is made by the law of Northern Ireland for the establishment of a register containing the names of persons qualified under that law to give instruction in the driving of motor cars, a person who satisfies the Registrar—
- (a) that his name is in the register established under that law, and
  - (b) that he is resident in Great Britain,
- shall be exempt from the condition mentioned in subsection (3)(a) above.
- (8) 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 for the refusal.
- (9) In this section “provisional licence” has the same meaning as in Part III of this Act.

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

- C1 S. 125(3)(d) extended by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 5, [Sch. 4 para. 7\(2\)](#)

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## Marginal Citations

M1 1988 c. 53.

VALID FROM 09/09/1996

### [<sup>F1</sup>125A Registration of disabled persons.

- (1) A person who—
  - (a) suffers from a relevant disability or a prospective disability,
  - (b) holds a current disabled person's limited driving licence, and
  - (c) holds a current emergency control certificate,may apply to the Registrar for his name to be entered in the register as that of a disabled instructor.
- (2) An application under subsection (1) above shall be made in such manner, and shall be accompanied by such particulars, as the Secretary of State may determine.
- (3) If, at the time when he makes an application under subsection (1) above, a person is aware—
  - (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Secretary of State in making an application for his current emergency control certificate, or
  - (b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the granting of his current emergency control certificate,his application under subsection (1) above must be accompanied by written notification of the nature and extent of his disability.
- (4) Any person who fails without reasonable excuse to comply with the requirement imposed by subsection (3) above is guilty of an offence.
- (5) Where a person duly applies for the entry of his name in the register as that of a disabled instructor and satisfies the Registrar that the conditions in subsection (6) below are fulfilled in his case, the Registrar must, subject to section 125B(4) of this Act, on payment of such fee, if any, as may be prescribed by regulations, enter the applicant's name in the register with an indication that he is a disabled person.
- (6) The conditions referred to in subsection (5) above are that—
  - (a) the applicant has passed such examination of ability to give instruction in the driving of motor cars (consisting of a written examination, a practical test of ability and fitness to drive and a practical test of ability and fitness to instruct) as may be prescribed by regulations,
  - (b) the conditions set out in paragraphs (c) and (d) of section 125(3) of this Act are fulfilled, and
  - (c) apart from the fulfilment of the preceding conditions, he is a fit and proper person to have his name entered in the register as that of a disabled instructor;and for the purposes of paragraph (b) above, references in paragraphs (c) and (d) of subsection (3) of section 125 of this Act to the making of an application under subsection (2) of that section shall be read as references to the making of an application under subsection (1) above.

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(7) Regulations may provide that persons of such class as may be specified in the regulations shall be exempt from the condition mentioned in paragraph (a) of subsection (6) above as regards such part of the examination mentioned in that paragraph as may be so specified.

(8) In this Part of this Act—

“appropriate motor car” means, subject to section 125B(2) of this Act, a motor car equipped with automatic transmission;

“disability” means a want of physical ability affecting the driving of motor cars; and

(i) “relevant disability”, in relation to a person, means any disability which is prescribed in regulations or any other disability likely to cause the driving of a motor car by him to be a source of danger to the public; and

(ii) “prospective disability”, in relation to a person, means any other disability which, at the material time, is not of such a kind that it is a relevant disability but, by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in course of time;

“disabled person’s limited driving licence” means a licence of one of the following kinds, that is to say—

(a) a licence to drive a motor car granted under Part III of this Act (not being a provisional licence) which is limited, by virtue of a notice served under section 92(5)(b) of this Act, to an appropriate motor car; and

(b) a licence to drive a motor car granted under the law in force in Northern Ireland (not being a licence corresponding to a provisional licence) which is similarly limited by virtue of any corresponding provision of that law;

“emergency control assessment” and “emergency control certificate” mean an assessment and a certificate under section 133A of this Act;

“modifications”, in relation to a motor car, includes equipment; and

“registered disabled instructor” means a person whose name is in the register with an indication that he is disabled;

and any reference, in relation to a person, to the class of motor car covered by his disabled person’s limited driving licence is a reference to the class of motor car specified in the notice served on him under section 92(5)(b) of this Act but disregarding any modifications specified in the notice.]

#### Textual Amendments

**F1** S. 125A inserted (9.9.1996) by 1993 c. 31, s.1; S.I. 1996/1980, art. 2

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VALID FROM 09/09/1996

**[<sup>F2</sup>125B Provisions supplementary to section 125A.**

- (1) A person who fulfils the conditions mentioned in section 125A(1)(a) and (b) of this Act may, for the purpose of obtaining an emergency control certificate, apply to undergo an emergency control assessment.
- (2) Regulations may specify modifications of a motor car as modifications which are to be required for a motor car to be an appropriate motor car for the purposes of this Part of this Act or as modifications which are not to be required for a motor car to be an appropriate motor car for those purposes.
- (3) If the Secretary of State is satisfied—
  - (a) that the provision of the law of Northern Ireland required by section 125(7) for the operation of that subsection is made by that law, and
  - (b) that that law includes satisfactory provision for purposes corresponding to the purposes of section 125A of this Act,a person who satisfies the Registrar of the matters mentioned in that subsection and that his name is in the register maintained under that law as that of a disabled instructor shall also be exempt from the conditions mentioned in subsection (1)(c) and (6)(a) of section 125A of this Act.
- (4) The Registrar may refuse to enter the name of a person in the register under section 125A of this Act as that of a disabled instructor if he is satisfied that that person has at any time refused to comply with a requirement imposed under section 133B(2) of this Act to submit himself for a further emergency control assessment.
- (5) The Registrar must, on making a decision on an application under section 125A of this Act, give notice in writing of his decision to the applicant which, in the case of a decision to refuse the application, must state the grounds for the refusal.
- (6) The entry of a person's name in the register as that of a disabled instructor shall be subject to the condition that, so long as he is a registered disabled instructor, he will, if at any time required to do so by the Registrar—
  - (a) submit himself for a further emergency control assessment on the day (within such period as may be prescribed by regulations) and at the place specified by the Registrar; or
  - (b) submit himself for such test of continued ability and fitness to give instruction in the driving of appropriate motor cars as may be prescribed by regulations.
- (7) In considering whether to exercise, in respect of any person, his power under subsection (6)(a) above, the Registrar shall have regard to any recommendation included in that person's current emergency control certificate as to the period after the end of which he should undergo a further emergency control assessment.]

**Textual Amendments**

**F2** S. 125B inserted (9.9.1996) by 1993 c. 31, s.1; S.I. 1996/1980, art. 2

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## 126 Duration of registration.

- (1) Unless previously removed under the following provisions of this Part of this Act, the name of a person shall, subject to subsection (2) below, be removed from the register at the end of the period of four years beginning with—
  - (a) the first day of the month next after that in which the entry of his name was made, or
  - (b) where his name has been retained in the register under section 127 of this Act, the day with which the last further period for which his name was so retained began.
- (2) If an application for the retention of his name in the register is made under section 127 of this Act before the end of that period, the name must not be removed except in pursuance of a decision of the Registrar having effect under that section.
- (3) Where a person whose name has been removed from the register under subsection (1) above applies under section 125(2) of this Act for his name to be entered again in the register, he shall be required again to pass the examination mentioned in section 125(3) (a) of this Act unless the application is made before the end of the period of one year beginning with the end of the period of four years mentioned in subsection (1) above.

## 127 Extension of duration of registration.

- (1) A person may, before the time when his name is required under section 126(1) of this Act to be removed from the register, apply to the Registrar, in manner determined by the Secretary of State, accompanied by particulars so determined, for the retention of his name in the register for a further period of four years.
- (2) On an application under subsection (1) above, he shall be entitled, on payment of such fee, if any, as may be prescribed by regulations, to have his name retained in the register for that further period, if he satisfies the Registrar that the following conditions are fulfilled in his case.
- (3) Those conditions are—
  - (a) that he has not refused to undergo any such test as is mentioned in section 125(5) of this Act which he has been required to undergo during the period of four years ending with the time when his name is required under section 126(1) of this Act to be removed from the register,
  - (b) that his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test or tests which he has undergone during that period, to be of a satisfactory standard,
  - (c) that he is the holder of a current licence of one of the kinds mentioned in section 125(3)(b) of this Act,
  - (d) that he has not during any part of that period been disqualified under section 34 or 36 of the <sup>M2</sup>Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act, and
  - (e) that, apart from fulfilment of the preceding conditions, he continues to be a fit and proper person to have his name entered in the register.
- (4) The retention of a person's name under this section shall be subject to the condition mentioned in section 125(5) of this Act.

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- (5) Before refusing an application under subsection (1) above the Registrar must give to the applicant written notice stating that he is considering the refusal of the application and giving particulars of the grounds on which he is considering it.
- (6) Where the Registrar gives notice under subsection (5) above—
  - (a) the applicant may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed refusal,
  - (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 by the applicant within that period.
- (7) On deciding to grant or refuse an application the Registrar must give notice in writing of the decision to the person concerned.
- (8) A decision to refuse an application 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)**

C2 S. 127(3)(d) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, Sch. 4 para. 7(2)

**Marginal Citations**

M2 1988 c. 53.

**128 Removal of names from register.**

- (1) The Registrar may remove the name of a person from the register if he is satisfied that—
  - (a) in a case where his name has not been retained in the register under section 127 of this Act, at any time since the entry of his name was made, and
  - (b) in a case where his name has been so retained under that section, at any time since it was last retained,any of the following conditions was fulfilled in his case.
- (2) Those conditions are—
  - (a) that he held neither of the kinds of current licence mentioned in section 125 (3)(b) of this Act,
  - (b) that he was disqualified under section 34 or 36 of the <sup>M3</sup>Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act,



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- (c) that he refused to undergo a test such as is mentioned in section 125 (5) of this Act,
  - (d) that he failed to pass such a test,
  - (e) that he ceased, apart from fulfilment of any of the preceding conditions, to be a fit and proper person to have his name included in the register.
- (3) The Registrar may remove the name of a person from the register if the entry of his name in the register, or the retention of his name in the register, was made by mistake or procured by fraud.
- (4) Before removing the name of a person from the register under this section, the Registrar must give him written notice stating that he is considering the removal and giving particulars of the grounds on which he is considering it.
- (5) Where the Registrar gives notice to a person under subsection (4) above—
- (a) that person may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed removal,
  - (b) the Registrar must not decide to remove his name from the register until after the expiration of that period, and
  - (c) before deciding whether or not to remove his name from the register, the Registrar must take into consideration any such representations made by him within that period.
- (6) The Registrar must, on making a decision to remove a name from the register, give notice in writing of the decision to the person concerned.
- (7) A decision to remove a name from the register 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)**

**C3** S. 128(2)(b) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, Sch. 4 para. 7(2)

**Marginal Citations**

**M3** 1988 c. 53.



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