



# 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 the register of approved instructors established in pursuance of section 23 of the Road Traffic Act 1962 (in this Part of this Act referred to as “the register”), 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 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),

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*Status: This is the original version (as it was originally enacted).*

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- (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.
  - (6) If instruction is given in contravention of subsection (2) above, the person by whom it is given is guilty of an offence.
  - (7) Any reference in this Part of this Act to a current licence is a reference to a licence which has not expired and has not been cancelled, revoked or suspended.
  - (8) In this section “provisional licence” has the same meaning as in Part III of this Act.