



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,
 - [^{F1}(b) he is the holder of—
 - (i) a current licence to drive a motor car (not being a provisional licence) granted under Part III of this Act,
 - (ii) a current licence to drive a motor car (not being a licence corresponding to a provisional licence) granted under the law in force in Northern Ireland, or
 - (iii) a Community licence by which he is authorised to drive a motor car in Great Britain and a counterpart of that licence,]

Status: Point in time view as at 01/04/1999. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 125 is up to date with all changes known to be in force on or before 03 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)

- (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—
- (i) a current licence of one of the kinds mentioned in paragraph (b) above, and
 - [^{F2}(ii) a current foreign licence, that is to say a document issued under the law of a country or territory other than an EEA State (within the meaning of Part III of this Act ^{F3}), authorising the holder to drive a motor car in that country or territory.]
- 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 ^{M1}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.
- [^{F4}(9) Subsections (2) to (8) above do not apply in relation to an application by a person to have his name entered in the register as that of a disabled instructor and to his entry in the register as such.]

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[^{F5}(10) In this Part of this Act, “Community licence” and “counterpart”, in relation to a Community licence, have the same meanings as in Part III of this Act.]

Textual Amendments

- F1** S. 125(3)(b) substituted (1.4.1999) by S.I. 1999/357, **reg. 2(2)(a)**
- F2** S. 125(3)(c)(ii) substituted (1.4.1999) by S.I. 1999/357, **reg. 2(2)(b)**
- F3** See section 108(1), the relevant amendments being by the [Driving Licences \(Community Driving Licence\) Regulations 1996](#) (S.I. 1996/1974).
- F4** S. 125(9) substituted (9.9.1996) by 1993 c. 31, ss. 6, **Sch. para. 3**; S.I. 1996/1980, **art. 2**
- F5** S. 125(10) inserted (1.4.1999) by S.I. 1999/357, **reg. 2(2)(c)**

Modifications etc. (not altering text)

- C1** S. 125 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**
- C2** S. 125(3)(d) 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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