



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART V

#### DRIVING INSTRUCTION

##### *Appeals*

### 131 Appeals.

- (1) A person who is aggrieved by a decision of the Registrar—
  - (a) to refuse an application for the entry of his name in the register, or
  - (b) to refuse an application for the retention of his name in the register, or
  - (c) to remove his name from the register,may [<sup>F1</sup>appeal to the First-tier Tribunal.]
- (2) A person who is aggrieved by a decision of the Registrar—
  - (a) to refuse an application for the grant of a licence under this Part of this Act, or
  - (b) to revoke such a licence,may [<sup>F1</sup>appeal to the First-tier Tribunal.]
- (3) On the appeal the [<sup>F2</sup>First-tier Tribunal] may make such order—
  - (a) for the grant or refusal of the applicationor,
  - (b) for the removal or the retention of the name in the register, or the revocation or continuation of the licence,(as the case may be) as [<sup>F3</sup>it thinks] fit.
- (4) An order for such refusal, removal or revocation may direct that an application by the appellant—
  - (a) for the grant of a licence under this Part of this Act, or
  - (b) for his name to be entered in the register,

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shall not be entertained before the expiration of such period, not exceeding four years beginning with the day on which the order is made, as may be specified in the order.

[<sup>F4</sup>(4A) If the [<sup>F5</sup>First-tier Tribunal considers] that any evidence adduced on an appeal had not been adduced to the Registrar before he gave the decision to which the appeal relates, [<sup>F6</sup>it] may (instead of making an order under subsection (3) above) remit the matter to the Registrar for him to reconsider the decision.]

[<sup>F7</sup>(4B) A person who is aggrieved by a decision of the Registrar not to give a direction under section 127(8), 128(7) or 130(6) of this Act may [<sup>F8</sup> appeal to the First-tier Tribunal.]

(4C) The [<sup>F9</sup>First-tier Tribunal] shall determine the appeal by either—

- (a) giving the direction concerned, or
- (b) dismissing the appeal.

<sup>F10</sup> . . .

(4D) Where the Registrar has decided to refuse an application for the retention of a name in the register, to remove a name from the register or to revoke a licence granted under section 129 of this Act but either—

- (a) he gave a direction under section 127(8), 128(7) or 130(6) of this Act, or
- (b) the [<sup>F11</sup>First-tier Tribunal] have given such a direction on appeal,

he may <sup>F12</sup> . . . apply to the [<sup>F11</sup>First-tier Tribunal] for an order that the decision is to take effect immediately.

(4E) The [<sup>F13</sup>First-tier Tribunal] shall determine the Registrar’s application by either granting or refusing the application.<sup>F14</sup> . . .

(4F) The [<sup>F15</sup>First-tier Tribunal] may only grant the application if [<sup>F16</sup>it considers] that a failure to do so might prejudicially affect—

- (a) the well-being of any person to whom the person concerned may give instruction in the driving of a motor car, or
- (b) the safety of road users.]

(4G) <sup>F17</sup> . . . . .

(5) <sup>F18</sup> . . . . .

**Textual Amendments**

- F1** Words in s. 131(1)(2) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(a)** (with Sch. 4)
- F2** Words in s. 131(3) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(b)(i)** (with Sch. 4)
- F3** Words in s. 131(3) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(b)(ii)** (with Sch. 4)
- F4** S. 131(4A) inserted (1.4.2002) by 2000 c. 38, s. 258(1)(4); S.I. 2002/658, art. 2(2), **Sch. Pt. 2**
- F5** Words in s. 131(4A) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(c)(i)** (with Sch. 4)
- F6** Word in s. 131(4A) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(c)(ii)** (with Sch. 4)
- F7** S. 131(4B)-(4F) inserted (1.4.2002) by 2000 c. 38, s. 259(4); S.I. 2002/658, art. 2(2), **Sch. Pt. 2**
- F8** Words in s. 131(4B) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(d)** (with Sch. 4)

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- F9** Words in s. 131(4C) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(e)(i)** (with Sch. 4)
- F10** Words in s. 4C omitted (1.9.2009) by virtue of The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(e)(ii)** (with Sch. 4)
- F11** Words in s. 131(4D) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(f)(i)** (with Sch. 4)
- F12** Words in s. 131(4E) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(g)(i)** (with Sch. 4)
- F13** Words in s. 131(4E) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(g)(ii)** (with Sch. 4)
- F14** Words in s. 131(4E) omitted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(g)(ii)** (with Sch. 4)
- F15** Words in s. 131(4F) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(h)(i)** (with Sch. 4)
- F16** Words in s. 131(4F) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(h)(ii)** (with Sch. 4)
- F17** S. 131(4G) omitted (1.9.2009) by virtue of The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 4(1), **Sch. 1 para. 11(i)** (with Sch. 4)
- F18** S. 131(5) repealed (1.4.2002) by 2000 c. 38, s. 274, **Sch. 31 Pt. V(1)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(2))

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

- C1** S. 131 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

**Status:**

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**Changes to legislation:**

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