

## SCHEDULE

Section 6.

### RELATED AND CONSEQUENTIAL AMENDMENTS

#### *Preliminary*

- 1 In this Schedule—  
“the principal Act” means the Road Traffic Act 1988;  
“the Offenders Act” means the Road Traffic Offenders Act 1988.

#### *Road Traffic Act 1988 (c. 52)*

- 2 (1) Section 123 of the principal Act (driving instruction for payment to be given only by registered or licensed persons) shall be amended in accordance with this paragraph.  
(2) In subsection (7), after the word “licence” (in both places) there shall be inserted the words “or certificate”.  
(3) For subsection (8) there shall be substituted—  
“(8) In this Part of this Act—  
“paid instruction”, in relation to instruction in the driving of a motor car, shall be construed in accordance with subsection (3) above; and  
“provisional licence” has the same meaning as in Part III of this Act.”
- 3 In section 125 of the principal Act (registration of approved instructors), for subsection (9) there shall be substituted—  
“(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.”
- 4 In section 126 of the principal Act (duration of registration), after subsection (3), there shall be inserted the following subsection—  
“(4) Where a registered disabled instructor whose name has been removed from the register under subsection (1) above applies under section 125A(1) of this Act for his name to be entered again in the register as that of a disabled instructor, he shall be required again to pass the examination mentioned in section 125A(6)(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.”
- 5 (1) Section 127 of the principal Act (extension of duration of registration) shall be amended in accordance with this paragraph.  
(2) In subsection (2), for the word “following” there shall be substituted the word “relevant”.  
(3) In subsection (3), for the words “Those conditions are” there shall be substituted the words “Except in the case of a registered disabled instructor, the relevant conditions are”.  
(4) After subsection (3) there shall be inserted the following subsection—

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“(3A) In the case of a registered disabled instructor, the relevant conditions are—

- (a) that he holds a current emergency control certificate,
- (b) that he has not refused to undergo—
  - (i) any such assessment as is mentioned in section 125B(6)(a) of this Act, or
  - (ii) any such test as is mentioned in section 125B(6)(b) 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,
- (c) that his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test or tests of the kind mentioned in section 125B(6)(b) of this Act which he has undergone during that period, to be of a satisfactory standard,
- (d) that he is the holder of a current disabled person’s limited driving licence,
- (e) that he has not during any part of that period been disqualified under section 34 or 36 of the Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act, and
- (f) 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 as that of a disabled instructor.”

(5) For subsection (4) there shall be substituted the following—

“(4) The retention of a person’s name under this section shall be subject—

- (a) in the case of its retention by virtue of subsection (3) above, to the condition mentioned in section 125(5) of this Act, and
- (b) in the case of its retention by virtue of subsection (3A) above, to the condition mentioned in section 125B(6) of this Act.”

6 (1) Section 128 of the principal Act (removal of names from register) shall be amended in accordance with this paragraph.

(2) In subsection (1), for the word “following” there shall be substituted the word “relevant”.

(3) In subsection (2), for the words “Those conditions are” there shall be substituted the words “Except in the case of a registered disabled instructor, the relevant conditions are”.

(4) After subsection (2) there shall be inserted the following subsection—

“(2A) In the case of a registered disabled instructor, the relevant conditions are—

- (a) that he did not hold a current emergency control certificate,
- (b) that he did not hold a current disabled person’s limited driving licence,
- (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,

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- (d) that he refused to undergo any such assessment as is mentioned in section 125B(6)(a) of this Act,
- (e) that he refused to undergo, or failed to pass, any such test as is mentioned in section 125B(6)(b) of this Act,
- (f) that he ceased, apart from fulfilment of the preceding conditions, to be a fit and proper person to have his name included in the register as that of a disabled instructor.”

(5) After subsection (8) there shall be inserted the following subsection—

“(9) Where a person whose name was entered in the register as that of a disabled instructor and whose name has been removed from the register under this section applies under subsection (1) of section 125A of this Act for his name to be entered again in the register as that of a disabled instructor and either—

- (a) the application is made after the end of the period of one year beginning with the date on which his name was removed, or
- (b) his name was removed on the ground that he has failed to pass such a test as is mentioned in section 125B(6)(b) of this Act,

the Registrar shall not regard the condition mentioned in section 125A(6)(a) of this Act as fulfilled unless he is satisfied that that person has again passed the examination mentioned in the said section 125A(6)(a) since the date on which his name was removed from the register.”

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- (1) Section 130 of the principal Act (revocation of licences granted for the giving of instruction so as to obtain practical experience) shall be amended in accordance with this paragraph.
  - (2) In subsection (1)(b), for the words “conditions mentioned in subsection (2) below” there shall be substituted the words “relevant conditions”.
  - (3) In subsection (2), for the words “The conditions referred to in subsection (1)(b) above are” there shall be substituted the words “Except in the case of a licence granted by virtue of subsection (2)(b) of section 129 of this Act, the relevant conditions are”.
  - (4) After subsection (2) there shall be inserted the following subsection—

“(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.”

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- In section 142 of the principal Act (index of expressions used in Part V) the following entries shall be inserted in the table at the appropriate places—

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“Appropriate motor car	Section 125A(8)”
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“Disability, prospective disability and relevant disability	Section 125A(8)”
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“Disabled person’s limited driving licence	Section 125A(8)”
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“Emergency control assessment and emergency control certificate	Section 125A(8)”
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“Paid instruction	Section 123(8)”
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“Provisional licence	Section 123(8)”
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“Registered disabled instructor	Section 125A(8)”
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9        In section 173 of the principal Act (forgery of documents), in subsection (2)(g), after the word “any” there shall be inserted the words “certificate under section 133A or any”.

10       In section 174 of the principal Act (making false statements, and withholding information, in connection with the purposes mentioned in that section), in subsection (1), the following paragraph shall be inserted after paragraph (d)—

“(dd) of obtaining the grant to any person of a certificate under section 133A of this Act, or”.

*Road Traffic Offenders Act 1988 (c. 53)*

11       In Schedule 2 to the Offenders Act, in Part I (prosecution and punishment of offences) after the entry for section 123(6) of the principal Act (in that Schedule referred to as “RTA”) there shall be inserted—

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“RTA section 125A(4)	Failure, application for registration as disabled driving instructor, to notify Registrar of onset of, or deterioration in, relevant or	Summarily. Level 3 on the standard scale.	—            —            —
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	prospective disability.					
RTA section 133C(4)	Failure by a registered or licensed disabled driving instructor to notify Registrar of onset of, or deterioration in, relevant or prospective disability.	Summarily. Level 3 on the standard scale.	—	—	—	
RTA section 133D	Giving of paid driving instruction by disabled persons or their employers without emergency control certificate or in unauthorised motor car.	Summarily. Level 3 on the standard scale.	—	—	—	”.

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