

DRIVING INSTRUCTION (SUSPENSION AND EXEMPTION POWERS) ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Suspension of registration

47. [Paragraph 1](#) of Schedule 1 inserts new *subsections (7A) to (7G)* into section 128 of the RTA.
48. New *section 128(7A)* gives the Registrar power to suspend a person's registration to give driving instruction where the Registrar believes that person presents a significant threat to the safety of members of the public, and requires that the suspension must be associated with proceedings leading to, or potentially leading to, the removal of the person's name from the Register. Notice of suspension may only be given if the Registrar is already considering removing that person's name from the Register and has given notice of this or, having given such notice, has already decided so to remove.
49. New *sections 128(7B) and 128(7C)* require that notice of suspension must be given by the Registrar in writing and takes immediate effect.
50. New *section 128(7D)* prevents notice of suspension being given before the Registrar gives notice of the potential removal of that person's name from the Register, but the two notices may be given at the same time.
51. New *section 128(7E)* sets out the circumstances in which a suspension imposed by the Registrar is terminated. In particular, the suspension will automatically terminate if the Registrar fails to make a decision on whether to remove the person's name from the Register within 75 days of giving the notice that the Registrar is minded to remove it.
52. New *section 128(7F)* requires the Registrar to inform the affected person of the termination of a suspension in writing.
53. New *section 128(7G)* provides that a person's name may remain on the Register during the period of suspension.
54. [Paragraph 2](#) of Schedule 1 amends section 123 of the RTA to impose an additional requirement upon persons giving paid driving instruction, so that not only must they be registered but their registration must also not be suspended. It also provides for a defence in proceedings for offences under section 123(4) where the person giving instruction, or their employer, had no reasonable cause to believe that a registration was suspended.
55. [Paragraph 3](#) of Schedule 1 amends section 127 of the RTA, to permit the Registrar to suspend a person's registration to give driving instruction where that person has submitted an application to extend their registration and the Registrar is minded to refuse that application. This provision operates by glossing new sections 128(7A) to (7G) and 131A (which would be inserted into the RTA by the Act) so that they work in the context of a refusal to grant an application to extend registration.

These notes refer to the Driving Instruction (Suspension And Exemption Powers) Act 2009 (c.17) which received Royal Assent on 12th November 2009

56. [Paragraph 4](#) of Schedule 1 makes a consequential amendment to section 18(1) of the Road Traffic Offenders Act 1988.