

DRIVING INSTRUCTION (SUSPENSION AND EXEMPTION POWERS) ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Suspension of licences

57. [Paragraph 5](#) inserts new *subsections (7) to (13)* into section 130 of the RTA.
58. New *section 130(7)* provides for the Registrar to suspend a person's licence 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 revocation of the licence. The notice may only therefore be given if the Registrar is already considering revoking the licence and has given notice of this or, having given such notice, has already decided to revoke.
59. New *sections 130(8) and 130(9)* require that notice of suspension must be given by the Registrar in writing and that suspension takes immediate effect.
60. New *section 130(10)* prevents notice of suspension being given before the Registrar gives notice of the potential revocation of the licence, but the two notices may be given at the same time.
61. New *section 130(11)* 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 revoke the person's licence within 75 days of giving the notice of potential revocation.
62. New *section 130(12)* requires the Registrar to inform the affected person of the termination of a suspension in writing.
63. Under new *section 130(13)*, where a person's licence is suspended, that person may continue to be a licence-holder.
64. [Paragraph 6](#) of Schedule 1 amends section 129 of the RTA, to permit the Registrar to suspend a person's licence where that person has submitted an application to renew their licence and the Registrar is minded to refuse that application. This provision operates by glossing new sections 130(7) to (13) 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 renew a licence.