



Driving Instructors (Registration) Act 2016

2016 CHAPTER 16

Amendments to existing regime as amended by the Road Safety Act 2006

3 Re-entry in the register following expiry of registration

- (1) Schedule 6 to the Road Safety Act 2006 (which makes amendments to Part 5 of the Road Traffic Act 1988 which are not in force) is amended as follows.
- (2) In paragraph 8, in section 126 of the Road Traffic Act 1988 (duration of registration) as substituted by that paragraph, in subsection (4) for the words from “he” to the end substitute “—
 - (a) the person is required again to fulfil such of the conditions prescribed under section 125ZA(1) as may be prescribed, and
 - (b) if the registration is in relation to the giving of driving instruction, the person, if required by regulations to do so, must also pass such an examination of continued ability and fitness referred to in section 125ZA(4)(a) as may be prescribed.”
- (3) After paragraph 8 insert—

“8A If section 126A (re-entry in the register following expiry of registration) (which is inserted by section 1 of the Driving Instructors (Registration) Act 2016) is in force, omit section 126A.”

4 Voluntary termination of registration and subsequent re-registration

- (1) Schedule 6 to the Road Safety Act 2006 (which makes amendments to Part 5 of the Road Traffic Act 1988 which are not in force) is amended as follows.
- (2) After paragraph 10 insert—

“10A After that section insert (or if sections 128AZA and 128AZB (which are inserted by section 2 of the Driving Instructors (Registration) Act 2016) are in force, for sections 128AZA and 128AZB substitute)—

“128AZA Voluntary termination of registration

- (1) The Registrar must terminate a person’s registration in relation to the giving of a description of driving instruction if the person applies to the Registrar for the termination of that registration.
 - (2) An application is to be made in such manner, and accompanied by such particulars, as the Secretary of State may determine.
 - (3) The Registrar must give notice in writing of the termination to the applicant.
 - (4) The Registrar may restore a person’s registration where its termination under this section was made by mistake or procured by fraud.
 - (5) Where a person’s registration is so restored, the termination and restoration are ignored for the purposes of section 126(1) (duration of registration).
 - (6) Where a person whose registration in relation to the giving of a description of driving instruction has been terminated under this section applies under section 125 to be registered again in relation to the giving of that description of driving instruction, the person—
 - (a) is required again to fulfil such of the conditions prescribed under section 125ZA(1) as may be prescribed, and
 - (b) if required by regulations to do so, must also pass such an examination of continued ability and fitness referred to in section 125ZA(4)(a) as may be prescribed.””””
- (3) In paragraph 10, in section 128 of the Road Traffic Act 1988 (termination of registration) as substituted by that paragraph, in subsections (4), (6), (7) and (8) after “person’s registration” insert “under this section”.
- (4) In paragraph 11, in section 128A of that Act (power to give direction as to further applications) as inserted by that paragraph, at the end insert—
- “(4) In subsection (1)(c) the reference to termination of a person’s registration does not include termination under section 128AZA (voluntary termination of registration).”
- (5) In paragraph 13 (which amends section 131 (appeals) of that Act), after subparagraph (8) insert—
- “(9) At the end insert (or if subsection (6) of section 131 (which is inserted by section 2 of the Driving Instructors (Registration) Act 2016) is in force, for that subsection substitute)—
- “(6) In subsections (1)(b) and (4D) the references to termination of a person’s registration do not include termination under section 128AZA (voluntary termination of registration).””””