
Changes to legislation: There are currently no known outstanding effects for the Driving Instruction (Suspension and Exemption Powers) Act 2009, Cross Heading: Compensation in respect of suspension. (See end of Document for details)

SCHEDULES

SCHEDULE 1

TRANSITORY AMENDMENTS TO EXISTING REGIME

Compensation in respect of suspension

7 After section 131 of the Road Traffic Act 1988 (c. 52) (appeals) insert—

“Compensation

131A Compensation in respect of suspension

- (1) The Secretary of State must by regulations make a scheme for the making of payments by the Secretary of State to persons in respect of one or more of the following—
 - (a) income losses incurred by them as a result of their registrations or licences being suspended by virtue of section 128(7A) to (7G) or (as the case may be) 130(7) to (13),
 - (b) non-income losses so incurred, and
 - (c) any other matters which relate to either such suspension and are provided for in the scheme.
- (2) No payments may be made under a scheme in respect of the suspension of a person's registration or licence unless—
 - (a) the suspension is terminated because the Registrar decides not to remove the person's name from the register or (as the case may be) not to revoke the licence,
 - (b) an appeal is successfully concluded against the decision of the Registrar to remove the person's name from the register or (as the case may be) to revoke the licence (whether or not the Registrar's decision has taken effect), or
 - (c) any other circumstances provided for in the scheme apply.
- (3) Where the decision of the Registrar to remove the person's name from the register or to revoke the licence has taken effect before an appeal against it is successfully concluded, any payments under a scheme may relate only to the suspension.
- (4) A scheme may, in particular, specify—
 - (a) the description or descriptions of income losses, or
 - (b) the description or descriptions of non-income losses,in respect of which payments are to be made but need not provide for the making of payments in respect of all income losses or all non-income losses or for the making of payments which correspond to the full amount of any income losses or non-income losses.

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- (5) A scheme may also, in particular—
- (a) specify the basis or bases of valuation for determining losses or the person who is to decide their valuation,
 - (b) specify the amounts of payments to be made or the basis or bases on which such amounts are to be calculated,
 - (c) provide for the procedure to be followed (including when claims may be made and the provision of information) in respect of claims under the scheme and for the determination of such claims.
- (6) A person who is aggrieved by a decision of the Secretary of State as to the person's entitlement to payments under a scheme or the amounts of any such payments may appeal to the First-tier Tribunal.
- (7) On an appeal, the First-tier Tribunal may make such order as it considers appropriate.
- (8) If the Tribunal considers that any evidence adduced on an appeal had not been adduced to the Secretary of State before the making of the decision to which the appeal relates, the Tribunal may (instead of making an order under subsection (7)) remit the matter to the Secretary of State for the Secretary of State to reconsider the decision.
- (9) In this section—
- “income losses” means losses of income, and
 - “non-income losses” means losses other than income losses.”

Commencement Information

- I1** Sch. 1 para. 7 in force at 8.6.2012 for specified purposes by S.I. 2012/1356, art. 3(b)
I2 Sch. 1 para. 7 in force at 6.7.2012 in so far as not already in force by S.I. 2012/1356, art. 4(a)

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