



Road Traffic Act 1988

1988 CHAPTER 52

PART V

DRIVING INSTRUCTION

Registration

127 Extension of duration of registration.

- (1) A person may, before the time when his name is required under section 126(1) of this Act to be removed from the register, apply to the Registrar, in manner determined by the Secretary of State, accompanied by particulars so determined, for the retention of his name in the register for a further period of four years.
- (2) On an application under subsection (1) above, he shall be entitled, on payment of such fee, if any, as may be prescribed by regulations, to have his name retained in the register for that further period, if he satisfies the Registrar that the [^{F1}relevant] conditions are fulfilled in his case.
- (3) [^{F2}Except in the case of a registered disabled instructor, the relevant conditions are]—
 - (a) that he has not refused to undergo any such test as is mentioned in section 125(5) 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,
 - (b) that his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test or tests which he has undergone during that period, to be of a satisfactory standard,
 - (c) that he is the holder of a current licence of one of the kinds mentioned in section 125(3)(b) of this Act,
 - (d) that he has not during any part of that period been disqualified under section 34 or 36 of the ^{M1}Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act, and

Status: Point in time view as at 09/09/1996. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 127 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (e) 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.

[^{F3}(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.]

[^{F4}(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.]
- (5) Before refusing an application under subsection (1) above the Registrar must give to the applicant written notice stating that he is considering the refusal of the application and giving particulars of the grounds on which he is considering it.
- (6) Where the Registrar gives notice under subsection (5) above—
- (a) the applicant may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed refusal,
 - (b) the Registrar must not decide to refuse the application until after the expiration of that period, and
 - (c) before deciding whether or not to refuse the application, the Registrar must take into consideration any such representations made by the applicant within that period.
- (7) On deciding to grant or refuse an application the Registrar must give notice in writing of the decision to the person concerned.
- (8) A decision to refuse an application shall take effect—
- (a) where no appeal under the following provisions of this Part of this Act is brought against the decision within the time limited for the appeal, on the expiration of that time,

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- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal,
- (c) where such an appeal is brought and not withdrawn or struck out for want of prosecution, if and when the appeal is dismissed, and not otherwise.

Textual Amendments

- F1** Word in s. 127(2) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 5(2)**; S.I. 1996/1980, **art. 2**
- F2** Words in s. 127(3) substituted (9.9.1996) by 1993 c. 31, s. Sch. para. 5(3); S.I. 1996/1980, **art. 2**
- F3** S. 127(3A) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 5(4)**; S.I. 1996/1980, **art. 2**
- F4** S. 127(4) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 5(5)**; S.I. 1996/1980, **art. 2**

Modifications etc. (not altering text)

- C1** S. 127 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**
- C2** S. 127(3)(d) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(2)**

Marginal Citations

- M1** 1988 c. 53.

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