



# Road Traffic (Driving Instruction by Disabled Persons) Act 1993

## 1993 CHAPTER 31

An Act to make provision for enabling persons with certain physical disabilities to be authorised, in certain circumstances, to give paid instruction in the driving of motor cars; and for purposes connected therewith. [20th July 1993]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 1 Registration of disabled persons as driving instructors

The following sections shall be inserted in the Road Traffic Act 1988, after section 125—

#### “125A Registration of disabled persons

- (1) A person who—
  - (a) suffers from a relevant disability or a prospective disability,
  - (b) holds a current disabled person's limited driving licence, and
  - (c) holds a current emergency control certificate,may apply to the Registrar for his name to be entered in the register as that of a disabled instructor.
- (2) An application under subsection (1) above shall be made in such manner, and shall be accompanied by such particulars, as the Secretary of State may determine.
- (3) If, at the time when he makes an application under subsection (1) above, a person is aware—

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- (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Secretary of State in making an application for his current emergency control certificate, or
- (b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the granting of his current emergency control certificate,

his application under subsection (1) above must be accompanied by written notification of the nature and extent of his disability.

- (4) Any person who fails without reasonable excuse to comply with the requirement imposed by subsection (3) above is guilty of an offence.
- (5) Where a person duly applies for the entry of his name in the register as that of a disabled instructor and satisfies the Registrar that the conditions in subsection (6) below are fulfilled in his case, the Registrar must, subject to section 125B(4) of this Act, on payment of such fee, if any, as may be prescribed by regulations, enter the applicant's name in the register with an indication that he is a disabled person.
- (6) The conditions referred to in subsection (5) above are that—
  - (a) the applicant has passed such examination of ability to give instruction in the driving of motor cars (consisting of a written examination, a practical test of ability and fitness to drive and a practical test of ability and fitness to instruct) as may be prescribed by regulations,
  - (b) the conditions set out in paragraphs (c) and (d) of section 125(3) of this Act are fulfilled, and
  - (c) apart from the fulfilment of the preceding conditions, he is a fit and proper person to have his name entered in the register as that of a disabled instructor;

and for the purposes of paragraph (b) above, references in paragraphs (c) and (d) of subsection (3) of section 125 of this Act to the making of an application under subsection (2) of that section shall be read as references to the making of an application under subsection (1) above.

- (7) Regulations may provide that persons of such class as may be specified in the regulations shall be exempt from the condition mentioned in paragraph (a) of subsection (6) above as regards such part of the examination mentioned in that paragraph as may be so specified.

- (8) In this Part of this Act—

“appropriate motor car” means, subject to section 125B(2) of this Act, a motor car equipped with automatic transmission;

“disability” means a want of physical ability affecting the driving of motor cars; and

- (i) “relevant disability”, in relation to a person, means any disability which is prescribed in regulations or any other disability likely to cause the driving of a motor car by him to be a source of danger to the public; and
- (ii) “prospective disability”, in relation to a person, means any other disability which, at the material time, is not of such a kind that it is a relevant disability but, by virtue of the intermittent or

progressive nature of the disability or otherwise, may become a relevant disability in course of time;

“disabled person’s limited driving licence” means a licence of one of the following kinds, that is to say—

- (a) a licence to drive a motor car granted under Part III of this Act (not being a provisional licence) which is limited, by virtue of a notice served under section 92(5)(b) of this Act, to an appropriate motor car; and
- (b) a licence to drive a motor car granted under the law in force in Northern Ireland (not being a licence corresponding to a provisional licence) which is similarly limited by virtue of any corresponding provision of that law;

“emergency control assessment” and “emergency control certificate” mean an assessment and a certificate under section 133A of this Act;

“modifications”, in relation to a motor car, includes equipment; and

“registered disabled instructor” means a person whose name is in the register with an indication that he is disabled;

and any reference, in relation to a person, to the class of motor car covered by his disabled person’s limited driving licence is a reference to the class of motor car specified in the notice served on him under section 92(5)(b) of this Act but disregarding any modifications specified in the notice.

### **125B Provisions supplementary to section 125A**

- (1) A person who fulfils the conditions mentioned in section 125A(1)(a) and (b) of this Act may, for the purpose of obtaining an emergency control certificate, apply to undergo an emergency control assessment.
- (2) Regulations may specify modifications of a motor car as modifications which are to be required for a motor car to be an appropriate motor car for the purposes of this Part of this Act or as modifications which are not to be required for a motor car to be an appropriate motor car for those purposes.
- (3) If the Secretary of State is satisfied—
  - (a) that the provision of the law of Northern Ireland required by section 125(7) for the operation of that subsection is made by that law, and
  - (b) that that law includes satisfactory provision for purposes corresponding to the purposes of section 125A of this Act,a person who satisfies the Registrar of the matters mentioned in that subsection and that his name is in the register maintained under that law as that of a disabled instructor shall also be exempt from the conditions mentioned in subsection (1) (c) and (6)(a) of section 125A of this Act.
- (4) The Registrar may refuse to enter the name of a person in the register under section 125A of this Act as that of a disabled instructor if he is satisfied that that person has at any time refused to comply with a requirement imposed under section 133B(2) of this Act to submit himself for a further emergency control assessment.

- (5) The Registrar must, on making a decision on an application under section 125A of this Act, give notice in writing of his decision to the applicant which, in the case of a decision to refuse the application, must state the grounds for the refusal.
- (6) The entry of a person's name in the register as that of a disabled instructor shall be subject to the condition that, so long as he is a registered disabled instructor, he will, if at any time required to do so by the Registrar—
  - (a) submit himself for a further emergency control assessment on the day (within such period as may be prescribed by regulations) and at the place specified by the Registrar; or
  - (b) submit himself for such test of continued ability and fitness to give instruction in the driving of appropriate motor cars as may be prescribed by regulations.
- (7) In considering whether to exercise, in respect of any person, his power under subsection (6)(a) above, the Registrar shall have regard to any recommendation included in that person's current emergency control certificate as to the period after the end of which he should undergo a further emergency control assessment.”

## **2 Licences allowing disabled persons to give instruction so as to obtain practical experience**

- (1) In subsection (1) of section 129 of the Road Traffic Act 1988 (licences to acquire experience with a view to undergoing the practical part of the examination for instructors)—
  - (a) after the word “undergoing” there shall be inserted the words “either—
    - (a)”;  
and
  - (b) after the words “of this Act” there shall be inserted the words “, or
    - (b) such part of any examination prescribed for the purposes of section 125A(6)(a) of this Act.”.
- (2) For subsection (2) of that section there shall be substituted—
  - “(2) Subject to subsection (3) below, where a person applies to the Registrar in the manner determined by the Secretary of State, accompanied by particulars so determined, and the Registrar is satisfied either—
    - (a) that the applicant has passed the other parts of the examination referred to in subsection (1)(a) above and that the conditions set out in section 125(3)(b) to (e) of this Act are fulfilled in his case, or
    - (b) that the applicant has passed the other parts of the examination referred to in subsection (1)(b) above and that—
      - (i) he holds a current disabled person's limited driving licence and a current emergency control certificate, and
      - (ii) the conditions referred to in subsection (6)(b) and the condition set out in subsection (6)(c) of section 125A of this Act are fulfilled in his case,

the Registrar must, on payment of such fee, if any, as may be prescribed by regulations, grant to the applicant a licence to give paid instruction in the driving of a motor car.”

(3) In subsection (5) of that section, for the words “and shall” there shall be substituted the words “and, subject to subsection (5A) below, shall”.

(4) The following subsections shall be inserted after subsection (5) of that section—

“(5A) A licence granted by virtue of paragraph (b) of subsection (2) above shall be granted subject to the condition that the person to whom it is granted shall not give paid instruction in the driving of a motor car—

- (a) unless he holds a current emergency control certificate, and
- (b) the car is an authorised motor car.

(5B) In subsection (5A) above “authorised motor car”, in relation to any person, means a motor car which falls within the class of motor car specified in his current emergency control certificate and, where modifications are specified in that certificate, is modified in accordance with the specification.”

### **3 Assessment of disabled person’s ability to control a motor car in an emergency**

The following sections shall be inserted in the Road Traffic Act 1988, after section 133—

*“Disabled persons: emergency control certificates, etc*

#### **133A Assessment of disabled person’s ability to control a motor car in an emergency**

(1) This section applies to any person who, by or under any provision of this Part of this Act,—

- (a) is authorised to apply to undergo an emergency control assessment, or
- (b) is required by the Registrar to submit himself for an emergency control assessment.

(2) An emergency control assessment is an assessment of whether the person being assessed would be able either—

- (a) to take control of a motor car of a class covered by his disabled person’s limited driving licence without any modifications, or
- (b) to take control of a motor car of a class covered by his disabled person’s limited driving licence only with appropriate modifications of such a motor car,

if an emergency arose while he was giving, in such a motor car, instruction in the driving of an appropriate motor car.

(3) Where a person is authorised to apply to undergo an emergency control assessment, for the application to be duly made, it must be made to the Secretary of State and must include—

- (a) a declaration by the person making the application, in such form as the Secretary of State may require, stating every relevant disability or prospective disability from which the person is suffering or has at any

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- time (or, if a period is prescribed by regulations, has during that period) suffered; and
- (b) such other particulars as the Secretary of State may require.
- (4) Where a person is required to submit himself for an emergency control assessment he must furnish to the Secretary of State such particulars as the Secretary of State may require.
- (5) An emergency control assessment—
- (a) shall be conducted by a person appointed by the Secretary of State (in this section referred to as “the assessor”); and
- (b) shall consist of such practical tests and other means of assessment as the Secretary of State may determine.
- (6) On completing an emergency control assessment of a person, the assessor shall grant him an emergency control certificate if he is satisfied either—
- (a) that, in the circumstances mentioned in subsection (2) above, that person would be able to take control of a motor car of a class covered by his disabled person’s limited driving licence without any modifications, or
- (b) that, in the circumstances mentioned in subsection (2) above, that person would be able to take control of a motor car of a class covered by his disabled person’s limited driving licence only with appropriate modifications of such a motor car;
- but if the assessor is not so satisfied, he shall refuse to grant a certificate to that person.
- (7) An emergency control certificate granted to any person—
- (a) shall specify the class of motor car covered by his disabled person’s limited driving licence in relation to which the assessor is satisfied as mentioned in subsection (6)(a) or (b) above, specifying, in a case falling within paragraph (b) the modifications that are appropriate; and
- (b) may include a recommendation that that person should undergo a further emergency control assessment after the end of such period as is specified in the certificate;
- and shall otherwise be in such form as the Secretary of State may determine.
- (8) Different modifications for different classes of motor car may be specified under subsection (7)(a) above.
- (9) The assessor who has assessed any person under this section—
- (a) if he grants an emergency control certificate, shall—
- (i) give or send the certificate to that person, and
- (ii) send a copy of the certificate to the Registrar; and
- (b) if he refuses to grant such a certificate, shall—
- (i) give notice in writing to that person of his decision and of the reasons for it, and
- (ii) send a copy of the notice to the Registrar.

### **133B Further assessments**

- (1) A person who has undergone an emergency control assessment may not apply to undergo a further assessment until after the end of—
  - (a) the period of six months beginning with the date of his most recent previous assessment, or
  - (b) such other period as may be prescribed by regulations,unless, by virtue of section 125B(6)(a) of this Act or subsection (2) below, he is required by the Registrar to submit himself for a further assessment.
- (2) A person whose name is not on the register but who holds a current emergency control certificate shall, if at any time required to do so by the Registrar, submit himself for a further emergency control assessment on the day (within such period as may be prescribed by regulations) and at the place specified by the Registrar.
- (3) In considering whether to exercise, in respect of any person, his power under subsection (2) above, the Registrar shall have regard to any recommendation included in that person's current emergency control certificate as to the period after the end of which he should undergo a further emergency control assessment.
- (4) A person who—
  - (a) holds a current emergency control certificate, but
  - (b) wishes to undergo a further emergency control assessment with a view to establishing his ability to control any class of motor car not specified in his current certificate,may, with the consent of the Registrar and subject to subsection (1) above, apply to undergo a further assessment; but a person applying to undergo a further assessment under this subsection shall not be required to make the declaration required by section 133A(3)(a) of this Act.
- (5) An application made under subsection (4) above for the consent of the Registrar shall be made in such manner and be accompanied by such particulars as the Registrar may require.
- (6) If, as a result of undergoing a further emergency control assessment, a person is granted a fresh emergency control certificate the grant of that certificate shall, with effect from the date on which it is notified as taking effect, revoke the previous certificate.
- (7) If, in the case of an emergency control assessment conducted in respect of a person who holds a current emergency control certificate, the assessor is not satisfied as to either of the matters specified in paragraphs (a) and (b) of section 133A(6), he shall revoke the certificate.
- (8) Where a person's emergency control certificate is revoked under subsection (7) above the assessor shall—
  - (a) serve notice in writing on him specifying—
    - (i) the grounds for the revocation, and
    - (ii) the date, not being earlier than the date of service of the notice, on which the revocation is to take effect, and

(b) send a copy of the notice to the Registrar.

(9) In this section “assessor” has the same meaning as in section 133A of this Act.”

#### 4 **Duty to disclose further disability**

The following section shall be inserted in the Road Traffic Act 1988, after the section 133B inserted by section 3 above—

##### **“133C Duty to disclose further disability**

- (1) This section applies to—
- (a) registered disabled instructors, and
  - (b) persons who hold licences under section 129 of this Act granted by virtue of subsection (2)(b) of that section.
- (2) If at any time a person to whom this section applies becomes aware—
- (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Secretary of State under section 125A(3) or 133A(3) or (4) of this Act, or
  - (b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since his current emergency control certificate was granted, he must forthwith notify the Registrar in writing of the nature and extent of his disability.
- (3) Subsection (2) above does not require a person to notify the Registrar if—
- (a) the disability is one from which he has not previously suffered, and
  - (b) he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of three months beginning with the date on which he first becomes aware that he suffers from it.
- (4) A person who fails without reasonable excuse to notify the Registrar as required by subsection (2) above is guilty of an offence.”

#### 5 **Offences relating to giving by disabled person of paid driving instruction**

The following section shall be inserted in the Road Traffic Act 1988, after the section 133C inserted by section 4 above—

##### **“133D Offences relating to giving by disabled person of paid driving instruction**

- (1) This section applies to—
- (a) registered disabled instructors, and
  - (b) persons who hold licences under section 129 of this Act granted by virtue of subsection (2)(b) of that section.
- (2) No person to whom this section applies shall give paid instruction in the driving of a motor car unless he is the holder of a current emergency control certificate.



- (3) No person to whom this section applies shall give, in any unauthorised motor car, paid instruction in the driving of a motor car.
- (4) Where instruction is given in contravention of this section—
  - (a) the person by whom it is given, and
  - (b) if that person is employed by another to give that instruction, that other, as well as that person,is guilty of an offence.
- (5) In subsection (3) above “unauthorised motor car”, in relation to any person, means a motor car other than one which falls within the class of motor car specified in his current emergency control certificate and, where modifications are specified in that certificate, is modified in accordance with the specification.”

## **6 Amendments of enactments**

The Schedule to this Act (which makes amendments supplementary to or consequential on this Act) shall have effect.

## **7 Short title, commencement and extent**

- (1) This Act may be cited as the Road Traffic (Driving Instruction by Disabled Persons) Act 1993.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint.
- (3) This Act does not extend to Northern Ireland.

## SCHEDULE

Section 6.

## RELATED AND CONSEQUENTIAL AMENDMENTS

*Preliminary*

1 In this Schedule—

“the principal Act” means the Road Traffic Act 1988;

“the Offenders Act” means the Road Traffic Offenders Act 1988.

*Road Traffic Act 1988 (c. 52)*

2 (1) Section 123 of the principal Act (driving instruction for payment to be given only by registered or licensed persons) shall be amended in accordance with this paragraph.

(2) In subsection (7), after the word “licence” (in both places) there shall be inserted the words “or certificate”.

(3) For subsection (8) there shall be substituted—

“*(8)* In this Part of this Act—

“paid instruction”, in relation to instruction in the driving of a motor car, shall be construed in accordance with subsection (3) above; and

“provisional licence” has the same meaning as in Part III of this Act.”

3 In section 125 of the principal Act (registration of approved instructors), for subsection (9) there shall be substituted—

“*(9)* Subsections (2) to (8) above do not apply in relation to an application by a person to have his name entered in the register as that of a disabled instructor and to his entry in the register as such.”

4 In section 126 of the principal Act (duration of registration), after subsection (3), there shall be inserted the following subsection—

“*(4)* Where a registered disabled instructor whose name has been removed from the register under subsection (1) above applies under section 125A(1) of this Act for his name to be entered again in the register as that of a disabled instructor, he shall be required again to pass the examination mentioned in section 125A(6)(a) of this Act unless the application is made before the end of the period of one year beginning with the end of the period of four years mentioned in subsection (1) above.”

5 (1) Section 127 of the principal Act (extension of duration of registration) shall be amended in accordance with this paragraph.

(2) In subsection (2), for the word “following” there shall be substituted the word “relevant”.

(3) In subsection (3), for the words “Those conditions are” there shall be substituted the words “Except in the case of a registered disabled instructor, the relevant conditions are”.

(4) After subsection (3) there shall be inserted the following subsection—

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“(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.”

(5) For subsection (4) there shall be substituted the following—

“(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.”

6 (1) Section 128 of the principal Act (removal of names from register) shall be amended in accordance with this paragraph.

(2) In subsection (1), for the word “following” there shall be substituted the word “relevant”.

(3) In subsection (2), for the words “Those conditions are” there shall be substituted the words “Except in the case of a registered disabled instructor, the relevant conditions are”.

(4) After subsection (2) there shall be inserted the following subsection—

“(2A) In the case of a registered disabled instructor, the relevant conditions are—

- (a) that he did not hold a current emergency control certificate,
- (b) that he did not hold a current disabled person’s limited driving licence,
- (c) that he was disqualified under section 34 or 36 of the Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act,

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- (d) that he refused to undergo any such assessment as is mentioned in section 125B(6)(a) of this Act,
- (e) that he refused to undergo, or failed to pass, any such test as is mentioned in section 125B(6)(b) of this Act,
- (f) that he ceased, apart from fulfilment of the preceding conditions, to be a fit and proper person to have his name included in the register as that of a disabled instructor.”

(5) After subsection (8) there shall be inserted the following subsection—

“(9) Where a person whose name was entered in the register as that of a disabled instructor and whose name has been removed from the register under this section applies under subsection (1) of section 125A of this Act for his name to be entered again in the register as that of a disabled instructor and either—

- (a) the application is made after the end of the period of one year beginning with the date on which his name was removed, or
- (b) his name was removed on the ground that he has failed to pass such a test as is mentioned in section 125B(6)(b) of this Act,

the Registrar shall not regard the condition mentioned in section 125A(6)(a) of this Act as fulfilled unless he is satisfied that that person has again passed the examination mentioned in the said section 125A(6)(a) since the date on which his name was removed from the register.”

- 7 (1) Section 130 of the principal Act (revocation of licences granted for the giving of instruction so as to obtain practical experience) shall be amended in accordance with this paragraph.
- (2) In subsection (1)(b), for the words “conditions mentioned in subsection (2) below” there shall be substituted the words “relevant conditions”.
- (3) In subsection (2), for the words “The conditions referred to in subsection (1)(b) above are” there shall be substituted the words “Except in the case of a licence granted by virtue of subsection (2)(b) of section 129 of this Act, the relevant conditions are”.
- (4) After subsection (2) there shall be inserted the following subsection—

“(2A) In the case of a licence granted by virtue of subsection (2)(b) of section 129 of this Act, the relevant conditions are—

- (a) that he did not hold a current emergency control certificate, or
- (b) that he did not hold a current disabled person’s limited driving licence, or
- (c) that he was disqualified under section 34 or 36 of the Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act, or
- (d) that he ceased, apart from fulfilment of any of the preceding conditions, to be a fit and proper person to have his name in the register as that of a disabled instructor.”

- 8 In section 142 of the principal Act (index of expressions used in Part V) the following entries shall be inserted in the table at the appropriate places—

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“Appropriate motor car	Section 125A(8)”
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“Disability, prospective disability and relevant disability	Section 125A(8)”
“Disabled person’s limited driving licence	Section 125A(8)”
“Emergency control assessment and emergency control certificate	Section 125A(8)”
“Paid instruction	Section 123(8)”
“Provisional licence	Section 123(8)”
“Registered disabled instructor	Section 125A(8)”

9 In section 173 of the principal Act (forgery of documents), in subsection (2)(g), after the word “any” there shall be inserted the words “certificate under section 133A or any”.

10 In section 174 of the principal Act (making false statements, and withholding information, in connection with the purposes mentioned in that section), in subsection (1), the following paragraph shall be inserted after paragraph (d)—  
 “(dd) of obtaining the grant to any person of a certificate under section 133A of this Act, or”.

*Road Traffic Offenders Act 1988 (c. 53)*

11 In Schedule 2 to the Offenders Act, in Part I (prosecution and punishment of offences) after the entry for section 123(6) of the principal Act (in that Schedule referred to as “RTA”) there shall be inserted—

“RTA section 125A(4)	Failure, application for registration as disabled driving instructor, to notify Registrar of onset of, or deterioration in, relevant or	Summarily. Level 3 on the standard scale.	—	—	—
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	prospective disability.					
RTA section 133C(4)	Failure by a registered or licensed disabled driving instructor to notify Registrar of onset of, or deterioration in, relevant or prospective disability.	Summarily. Level 3 on the standard scale.	—	—	—	
RTA section 133D	Giving of paid driving instruction by disabled persons or their employers without emergency control certificate or in unauthorised motor car.	Summarily. Level 3 on the standard scale.	—	—	—	”.

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