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

SCHEDULES

SCHEDULE 1

TRANSITORY AMENDMENTS TO EXISTING REGIME

Suspension of registration

- 1 After subsection (7) of section 128 of the Road Traffic Act 1988 (c. 52) (as it has effect without the substitution of that section by Schedule 6 to the Road Safety Act 2006 (c. 49)) (removal of names from register) insert—
- “(7A) The Registrar may suspend a person's registration if the Registrar—
- (a) has given, or is about to give, the person notice under subsection (4),
 - (b) is considering whether to remove the person's name from the register, or has decided to remove the name but the decision is not yet in effect, and
 - (c) believes that the person would pose a significant threat to the safety of members of the public if the person's registration were not suspended.
- (7B) The Registrar must, on deciding to suspend a person's registration, give written notice of the decision to the person.
- (7C) The decision to suspend takes effect on the giving of the notice.
- (7D) No notice may be given under subsection (7B) before the notice under subsection (4) is given but the subsection (7B) notice may be included in the subsection (4) notice if the subsection (4) notice is still to be given when the decision to suspend is made.
- (7E) A suspension under subsection (7A) is terminated if—
- (a) the Registrar decides not to remove the person's name from the register,
 - (b) the Registrar decides to remove the person's name from the register but the decision has not taken effect and an appeal against the decision is successfully concluded,
 - (c) the Registrar has not decided whether to remove the person's name from the register and the period of 75 days beginning with the giving of the subsection (4) notice has ended,
 - (d) the person's name is removed from the register (whether under this section or otherwise), or
 - (e) the Registrar decides to terminate the suspension.
- (7F) The Registrar must give written notice to a person of the fact that the person's suspension is terminated as mentioned in subsection (7E)(a) to (c) or (e).
- (7G) For the purposes of this Part of this Act the fact that a person's registration is suspended does not prevent the person's name from being in the register.”

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Commencement Information

II Sch. 1 para. 1 in force at 6.7.2012 by S.I. 2012/1356, art. 4(b)

- 2 (1) Section 123 of the Road Traffic Act 1988 (c. 52) (as it has effect without the substitution of that section by Schedule 6 to the Act of 2006) (driving instruction for payment to be given only by registered or licensed persons) is amended as follows.
- (2) In subsection (1)(a) (prohibition on giving paid instruction in the driving of a motor car when unregistered or unlicensed) after “register”)” insert “ and the registration is not suspended ”.
- (3) In subsection (5) (defence to offence of contravening the prohibition) after “time” insert “ , or (as the case may be) that the registration was at that time suspended ”.

Commencement Information

I2 Sch. 1 para. 2 in force at 6.7.2012 by S.I. 2012/1356, art. 4(b)

- 3 After subsection (8) of section 127 of the Road Traffic Act 1988 (extension of duration of registration) insert—
- “(9) Sections 128(7A) to (7G) and 131A apply in relation to suspending a person's registration in connection with an application under subsection (1) above as if the references in sections 128(7A) to (7G) and 131A to—
- (a) a notice under section 128(4) were references to a notice under subsection (5) above, and
 - (b) the removal of the person's name from the register were (or, in the case of section 128(7E)(d), included) references to the refusal of the person's application for the retention of the person's name in the register.”

Commencement Information

I3 Sch. 1 para. 3 in force at 6.7.2012 by S.I. 2012/1356, art. 4(b)

- 4 In subsection (1) of section 18 of the Road Traffic Offenders Act 1988 (c. 53) (as it has effect without the substitution of paragraphs (a) to (d) of that subsection by Schedule 6 to the Act of 2006) (evidence by certificate as to registration of driving instructors and licences to give instruction), after paragraph (b), insert—
- “(ba) a person's registration was, or was not, suspended,”.

Commencement Information

I4 Sch. 1 para. 4 in force at 6.7.2012 by S.I. 2012/1356, art. 4(b)

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