



Road Traffic Act 1972

1972 CHAPTER 20

PART V

DRIVING INSTRUCTION

128 The register and registration and duration thereof

(1) The compilation and maintenance of the register shall continue by virtue of this Act, and an application for the entry of a person's name in the register shall be made, in manner determined by the Secretary of State, accompanied by particulars so determined, to the officer of the Secretary of State by whom, on behalf of the Secretary of State, the register is compiled and maintained (hereafter in this Part of this Act referred to as "the Registrar"); and the Registrar shall, on payment of such fee, if any, as may be prescribed by regulations, enter in the register the name of a person who duly applies for the entry of his name therein if that person satisfies the Registrar that the following conditions are fulfilled in his case, that is to say,—

- (a) that he has passed such examination of ability to give instruction in the driving of motor cars as may be so prescribed;
- (b) that he is the holder of a current licence of one of the following kinds, that is to say,—
 - (i) a licence to drive a motor vehicle granted under Part III of this Act (not being a provisional licence within the meaning of that Part); and
 - (ii) a licence to drive a motor vehicle (not being a licence corresponding to such a provisional licence as aforesaid) granted under the law in force in Northern Ireland;

and, at no time during the period of four years ending with the day on which the application is made, did he not hold one or other of the following licences, namely a current licence of one of the kinds aforesaid and a current foreign licence, that is to say, a document issued under the law of a country outside the United Kingdom authorising the holder to drive a motor vehicle in that country;

- (c) that he has not, during any part of the said period, been disqualified under section 93 of this Act or section 5 of the Road Traffic Act 1962 for holding or

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- obtaining a licence to drive a motor vehicle granted under Part III of this Act or, as the case may be, Part II of the Road Traffic Act 1960; and
- (d) that, apart from fulfilment of the foregoing conditions, he is a fit and proper person to have his name entered in the register.
- (2) The entry of a person's name in the register shall be subject to the condition that, so long as the name is therein, that person will, if at any time required by the Registrar, undergo the test prescribed by regulations of continued ability and fitness to give instruction in the driving of motor cars.
- (3) Regulations may provide that persons of such class as may be specified therein shall be exempt from the condition mentioned in subsection (1)(a) above as regards such part of the examination mentioned in that paragraph as may be so specified.
- (4) If the Secretary of State is satisfied that satisfactory provision is made by the law of Northern Ireland for the establishment of a register containing the names of persons qualified under that law to give instruction in the driving of motor cars, a person who satisfies the Registrar that his name is in the register established under that law and that he is resident in Great Britain shall be exempt from the condition specified in subsection (1)(a) above.
- (5) The Registrar shall, on making a decision on an application under subsection (1) above, give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, shall state the grounds for the refusal.
- (6) Unless previously removed under the following provisions of this Part of this Act, the name of a person shall be removed from the register at the end of the period of four years beginning with the first day of the month next after that in which the entry of the name was made, but if an application for the retention of the name in the register is made under section 129 of this Act before the end of that period, the name shall not be removed except in pursuance of a decision of the Registrar having effect under that section.
- (7) A person whose name has been removed from the register under subsection (6) above who applies under subsection (1) above for his name to be entered again in the register, shall be required again to pass the examination mentioned in subsection (1)(a) above unless the application is made before the end of the period of one year beginning with the end of the said period of four years.