



Road Traffic Act 1988

1988 CHAPTER 52

PART V

DRIVING INSTRUCTION

Instructors to be registered or licensed

123 Driving instruction for payment to be given only by registered or licensed persons.

- (1) No paid instruction in the driving of a motor car shall be given unless—
 - (a) the name of the person giving the instruction is in the register of approved instructors established in pursuance of section 23 of the ^{M1}Road Traffic Act 1962 (in this Part of this Act referred to as “the register”), or
 - (b) the person giving the instruction is the holder of a current licence granted under this Part of this Act authorising him to give such instruction.
- (2) No paid instruction in the driving of a motor car shall be given unless there is fixed to and exhibited on that motor car in such manner as may be prescribed by regulations either—
 - (a) a certificate in such form as may be so prescribed that the name of the person giving the instruction is in the register, or
 - (b) a current licence granted under this Part of this Act authorising the person giving the instruction to give such instruction.
- (3) For the purposes of subsections (1) and (2) above, instruction is paid instruction if payment of money or money’s worth is, or is to be, made by or in respect of the person to whom the instruction is given for the giving of the instruction and for the purposes of this subsection instruction which is given—
 - (a) free of charge to a person who is not the holder of a current licence to drive a motor vehicle granted under Part III of this Act (other than a provisional licence),

Status: Point in time view as at 01/04/1996.

Changes to legislation: Road Traffic Act 1988, Cross Heading: Instructors to be registered or licensed is up to date with all changes known to be in force on or before 20 May 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)

- (b) by, or in pursuance of arrangements made by, a person carrying on business in the supply of motor cars, and
 - (c) in connection with the supply of a motor car in the course of that business,
- shall be deemed to be given for payment of money by the person to whom the instruction is given.
- (4) Where instruction is given in contravention of subsection (1) above—
 - (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 proceedings against a person for an offence under subsection (4) above it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that his name or, as the case may be, that of the person employed by him, was not in the register at the material time.
 - (6) If instruction is given in contravention of subsection (2) above, the person by whom it is given is guilty of an offence.
 - (7) Any reference in this Part of this Act to a current licence is a reference to a licence which has not expired and has not been cancelled, revoked or suspended.
 - (8) In this section “provisional licence” has the same meaning as in Part III of this Act.

Marginal Citations

M1 1962 c. 59.

124 Exemption of police instructors from prohibition imposed by section 123.

- (1) Section 123(1) and (2) of this Act does not apply to the giving of instruction by a police instructor in pursuance of arrangements made by a chief officer of police or, under the authority of a chief officer of police, in pursuance of arrangements made by a local authority.
- (2) In this section—
 - “police instructor” means a person who is—
 - (a) a member of a police force whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of motor cars to persons being members of a police force, or
 - (b) a civilian employed by a police authority for the purpose of giving such instruction to such persons, and
 - “local authority” means—
 - (a) in relation to England and Wales, the council of a county, metropolitan district, or London borough or the Common Council of the City of London,
 - (b) in relation to Scotland, a [F1 council constituted under section 2 of the local Government etc. (Scotland Act 1994)].
- (3) In the application of subsection (2) above to the metropolitan police, the reference to a civilian employed by a police authority is to be read as a reference to a civilian

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employed under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District.

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Textual Amendments

- F1** Words in s. 124(2) substituted (S.) (1.4.1996) by 1994 C. 39, s. 180(1), Sch. 13 para. 159(7); S.I. 1996/323, art. 4(1)(b)(c)

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