

*These notes refer to the Transport Act 2000 (c.38)
which received Royal Assent on 30 November 2000*

TRANSPORT ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part V: Miscellaneous and Supplementary Provisions

Sections 257 to 260 and Schedule 29: Driver training and driving instruction

265. *Section 257*, with *paragraphs 2 to 6 of Schedule 29*, which is introduced by *section 260*, makes provision for the training of drivers who have not passed a driving test on a particular class of vehicle. The only legislative provision requiring drivers to undertake a training course currently extant is contained in regulations made under section 89(3A) and (3B) of the Road Traffic Act 1988 and relates only to motor cycles and mopeds. Those provisions are repealed by virtue of *Schedule 31 (Part V(I))* and replaced by a power enabling the Secretary of State to make regulations imposing a training obligation on drivers –

- before they drive a particular class of vehicle on the road, or
- before they take a test for a full licence to drive a class of vehicle, or
- who, having passed a test on one class of vehicle, would otherwise be entitled to drive a vehicle of a different class without further training.

The regulation-making power is contained in four new sections added to the 1988 Act

266. *Sections 258 to 260*, with *paragraphs 7 to 12 of Schedule 29 (4)*, amend the law relating to driving instructors.

267. *Section 258* replaces the provisions of Schedule 3 to the Road Traffic Act 1988 (which provide for appeals by driving instructors against decisions of the Registrar of Approved Driving Instructors (“the Registrar”) to be determined by the Secretary of State) by a right of appeal to the Transport Tribunal. *Section 259* amends sections 127 to 131 of the 1988 Act by providing that decisions of the Registrar are to take effect 14 days from the date when they are made unless either the Registrar suspends the decision himself or the Transport Tribunal orders the suspension of a decision on application by an aggrieved instructor. *Paragraphs 9 to 11 of Schedule 29* provide for tests of continued ability and fitness to give instruction (required to be undertaken by instructors as a condition of registration – see section 125(5) of the 1988 Act) to be subject to review by a magistrates’ court, also on application by an aggrieved instructor, and makes provision for the payment of fees.