

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Road Safety Act 2006, Paragraph 14 is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

SCHEDULES

SCHEDULE 6

DRIVING INSTRUCTION

Road Traffic Act 1988 (c. 52)

PROSPECTIVE

14 For sections 132 and 133 and the heading before them substitute—

“Examinations and training

132 Examinations

- (1) Regulations may make provision with respect to—
- (a) the nature of examinations of the ability and fitness (or continued ability and fitness) to give driving instruction (which may consist of practical tests and other tests and means of assessment) and the administrative arrangements for submitting for such examinations,
 - (b) the qualification, selection and appointment of persons by whom they may be conducted, conditions which must be satisfied during the currency of an appointment, the charging of reasonable fees in respect of applications for appointment or appointments or in connection with any examination or assessment which may be required before appointment or during the currency of any appointment and the revocation of any appointment,
 - (c) evidence of the results of such examinations, and
 - (d) the making available of information about the results of such examinations,
- and generally with respect to such examinations.
- (2) In particular, the regulations may make provision—
- (a) for requiring a person submitting himself for any part of an examination which consists of practical tests, to provide a safe and suitable vehicle for the purposes of the practical tests and for requiring that, if the vehicle is a vehicle of a prescribed description, the vehicle has been certified in the prescribed manner after a prescribed inspection as satisfying such requirements as may be prescribed,
 - (b) for the charging (whether on the making by a person of arrangements to submit himself for any part of an examination or otherwise) of reasonable fees for or in connection with the examination, or any part of it, and any inspection and certification

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of a vehicle required by regulations under paragraph (a) above in relation to any part of the examination,

- (c) for requiring a person who desires to submit himself, or is required to submit himself, for an examination, or any part of it, to supply the Registrar with such particulars as the Secretary of State may determine, and
- (d) for ensuring that a person submitting himself for an examination, or any part of it, and failing to pass it shall not be eligible to submit himself for another examination, or any part of it, by the same or any other person before the end of a prescribed period, except under an order made by a court or sheriff under the power conferred by section 133 of this Act.

133 Review of examinations etc.

- (1) On the application of a person who has undergone a relevant instructor examination, or a part of a relevant instructor examination—
 - (a) a magistrates' court, or
 - (b) in Scotland, the sheriff within whose jurisdiction he resides,
 may determine whether the examination, or the part of the examination, was properly conducted.
- (2) In this Part of this Act “relevant instructor examination” means—
 - (a) an examination of ability and fitness referred to in section 125ZA(2)(a) or 125A(6)(a) of this Act,
 - (b) an examination of continued ability and fitness referred to in section 125ZA(4)(a) or 125A(7A)(a) of this Act, or
 - (c) an emergency control assessment under section 133A of this Act.
- (3) If it appears to the court or sheriff that it was not properly conducted, the court or sheriff may—
 - (a) (except in the case of an emergency control assessment) order that the applicant shall be eligible to submit himself for another examination before the end of the period prescribed under section 132(2)(d) of this Act, and
 - (b) (in any case) order that any fee payable by the applicant in respect of the examination shall not be paid or, if it has been paid, shall be repaid.
- (4) No appeal shall lie under section 131 of this Act in respect of any matter in respect of which an application may be made to a magistrates' court or a sheriff under subsection (1) above.

133ZA Training

- (1) Regulations may provide that a person—
 - (a) shall not be permitted to take any part of a relevant instructor examination,
 - (b) shall not be registered, or
 - (c) shall not have his registration extended,

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unless he has successfully completed training in accordance with the regulations.

- (2) Regulations may make provision in relation to training—
 - (a) by means of courses provided in accordance with the regulations,
 - (b) by means of study conducted in accordance with the regulations, and
 - (c) by any other prescribed means.
- (3) Regulations under this section may include provision exempting persons from any requirement imposed by virtue of subsection (1) above; and regulations including such provision may (in particular)—
 - (a) limit an exemption to persons in prescribed circumstances,
 - (b) attach conditions to an exemption,
 - (c) regulate applications for an exemption, and
 - (d) include provision for the evidencing by a person of his being within an exemption.
- (4) Regulations under this section may provide that training is not to be taken into account for the purposes of the regulations if it was completed before such time as is prescribed.
- (5) Regulations under this section may, in particular, include—
 - (a) provision about the nature of training,
 - (b) provision for the approval by the Secretary of State of persons providing training or giving instruction as part of training and the withdrawal of approval (including provision for appeals to the Transport Tribunal against refusal and withdrawal of approval) and provision for exemptions from any requirement of approval,
 - (c) provision for the training or assessment, or the supervision of training or assessment, of persons providing training or giving instruction as part of training,
 - (d) provision setting the maximum amount of any charges payable by persons undergoing training,
 - (e) provision for the evidencing of the successful completion of training, and
 - (f) provision authorising the Secretary of State to make available information about persons providing training or giving instruction as part of training.
- (6) Regulations under this section may include provision for the charging of reasonable fees in respect of the exercise of any function conferred or imposed on the Secretary of State by the regulations.”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 6 para. 8A inserted by [2016 c. 16 s. 3\(3\)](#)
- Sch. 6 para. 10A inserted by [2016 c. 16 s. 4\(2\)](#)
- Sch. 6 para. 13(9) inserted by [2016 c. 16 s. 4\(5\)](#)