



# Driving Instruction (Suspension and Exemption Powers) Act 2009

## 2009 CHAPTER 17

### *Suspension of registration*

#### **1 Suspension of registration**

- (1) After section 128 of the [Road Traffic Act 1988 \(c. 52\)](#) (as substituted by Schedule 6 to the [Road Safety Act 2006 \(c. 49\)](#)) (termination of registration by Registrar) insert—

#### **“128ZA Suspension of registration by Registrar**

- (1) The Registrar may suspend a person’s registration in respect of any description of driving instruction if the Registrar—
- (a) has given, or is about to give, the person notice under section 127(5) or 128(4) in relation to the person’s registration in respect of that description of driving instruction,
  - (b) is considering whether to refuse the application for an extension of the person’s registration or (as the case may be) whether to terminate the person’s registration, or has decided so to refuse or terminate 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.
- (2) The Registrar must, on deciding to suspend a person’s registration in respect of any description of driving instruction, give written notice of the decision to the person.
- (3) The decision to suspend takes effect on the giving of the notice.
- (4) No notice may be given under subsection (2) before the notice under section 127(5) or (as the case may be) 128(4) is given but the subsection (2) notice may be included in the section 127(5) or 128(4) notice if the

section 127(5) or 128(4) notice is still to be given when the decision to suspend is made.

- (5) A suspension under this section is terminated if—
- (a) the Registrar decides not to refuse the application for an extension of the person's registration or (as the case may be) decides not to terminate the person's registration,
  - (b) the Registrar decides to refuse the application for an extension of the person's registration or (as the case may be) to terminate the person's registration but the decision has not taken effect and an appeal against the decision is successfully concluded,
  - (c) the Registrar has not decided whether to refuse the application for an extension of the person's registration or (as the case may be) whether to terminate the person's registration and the period of 75 days beginning with the giving of the section 127(5) or 128(4) notice has ended,
  - (d) the person's registration is terminated (whether under section 128 or otherwise), or
  - (e) the Registrar decides to terminate the suspension.
- (6) The Registrar must give written notice to a person of the fact that the person's suspension is terminated as mentioned in subsection (5)(a) to (c) or (e).
- (7) For the purposes of this Part of this Act, the fact that a person's registration is suspended does not prevent the person from being "registered"; and "registration" is to be construed accordingly."
- (2) In section 123(1)(a) and (b) of the [Road Traffic Act 1988 \(c. 52\)](#) (as substituted by Schedule 6 to the Act of 2006) (prohibition on giving paid driving instruction or carrying on business in the provision of paid driving instruction when unregistered) after "of driving instruction" insert "and the registration is not suspended".
- (3) In section 123A(3) of the [Road Traffic Act 1988](#) (as substituted by Schedule 6 to the Act of 2006) (defence to offence of contravening the prohibition) after "question" insert "or (as the case may be) that the registration was at that time suspended".
- (4) In section 142 of the [Road Traffic Act 1988](#) (as substituted by Schedule 6 to the Act of 2006) (index to Part 5), in the entry in the table for "Registered and registration", for "Section 123(7)" substitute "Sections 123(7) and 128ZA(7)".
- (5) In subsection (1) of section 18 of the [Road Traffic Offenders Act 1988 \(c. 53\)](#) (as it has effect with the substitution of paragraphs (a) to (d) of that subsection by Schedule 6 to the Act of 2006) (evidence by certificate as to registration etc. of driving instructors etc.), after paragraph (b) and before the word "or" at the end of the paragraph, insert—
- “(ba) a person's registration was, or was not, suspended.”.