

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 2: Driving instructors

522. This Schedule amends Part 5 of the Road Traffic Act 1988 both before the commencement of amendments to that Part by Schedule 6 to the Road Safety Act 2006 and thereafter.

Part 1: Amendments of Part 5 Road Traffic Act 1988 (as amended by Road Safety Act 2006)

523. Part 1 of the Schedule amends Part 5 of the Road Traffic Act 1988 in the form it will be in once the amendments made by the Road Safety Act 2006 come into force. The Road Safety Act 2006 amendments to Part 5 of the Road Traffic Act 1988 mean that: the restrictions on the giving of paid driving instruction extend to all motor vehicles and not only cars; registration is in respect of a prescribed description of driving instruction; and provision for the licensing of trainee instructors to deliver paid instruction prior to becoming registered is omitted.
524. The Part 1 amendments omit the provisions of Part 5 of the Road Traffic Act 1988 which relate to disabled driving instructors and amend the Part so that there will be one system of registration which will apply to all instructors.
525. Sections 125 and 125ZA of the Road Traffic Act 1988 are amended to provide for the Registrar of Approved Driving Instructors (“the Registrar”) to have power to require a person, whether disabled or not, to undergo an assessment as to their ability to control a motor vehicle of a prescribed class in an emergency (“an assessment”). The Registrar will be able to exercise the power when a person applies to become an approved driving instructor (“ADI”), or at any time when a person is registered. The power is only exercisable if the Registrar has reasonable grounds for believing that the person in question would be unable to take control of the motor vehicle if an emergency arose whilst they were giving driving instruction.
526. Section 125 of the Road Traffic Act 1988 is also amended so that all persons applying to become an ADI must disclose any disabilities which currently, or may in the future, affect their driving and so that it is an offence not to do so.
527. Section 125ZA of the Road Traffic Act 1988 is also amended to provide that an ADI who is required to undergo an assessment must hold a certificate to the effect that such an assessment has been successfully undertaken in a prescribed class of vehicle (“a certificate”).
528. Section 125ZA of the Road Traffic Act 1988 is further amended to impose a condition on an ADI that, if driving instruction is to be given where there is a reasonable expectation of an emergency arising which necessitates the ADI taking control of the prescribed vehicle, instruction will only be given if the ADI has the ability to take control in an emergency.

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

529. Section 133D of the Road Traffic Act 1988 is amended so that for those registered in respect of a description of driving instruction, and who are required to undergo an assessment, it is an offence to give paid instruction –
- unless they hold a current certificate; or
 - in a vehicle other than one of a class specified in their certificate unless the driver holds a full licence for that class of vehicle and has not been notified by the Secretary of State that due to a disability their driving is likely to be a danger to the public.
530. Section 128B is inserted into the Road Traffic Act 1988 to allow the Registrar to withdraw a requirement to submit to an assessment or to direct that such a requirement is to be disregarded and provide for an application to be made for a further assessment where an earlier one was undertaken unsuccessfully.

Part 2: Transitory amendments of Part 5 Road Traffic Act 1988 (before amendment by Road Safety Act 2006)

531. **Part 2** amends the Road Traffic Act 1988 prior to the commencement of section 42 of, and Schedule 6 to, the Road Safety Act 2006. Before the commencement of those provisions, Part 5 of the Road Traffic Act 1988 relates to the provision of paid driving instruction in motor cars only and provides for the registration of persons as an ADI and the licensing of trainee driving instructors.
532. The Part 2 amendments are transitory and have the effect of amending the Road Traffic Act 1988 only until the commencement of section 42 of, and Schedule 6 to, the Road Safety Act 2006.
533. The Part 2 amendments are similar in effect to those made by Part 1 and take account of the differences between Part 5 of the Road Traffic Act 1988 before and after the amendments made by the Road Safety Act 2006.

Part 3: Consequential and related amendments

534. Consequential amendments are made to the Road Traffic (Driving Instruction by Disabled Persons) Act 1993, the Road Traffic Offenders Act 1988 and the Road Safety Act 2006.
535. The extent of section 8 and Schedule 2 is the same as the Road Traffic Act 1988 and so the provisions form part of the law of England and Wales and Scotland. They come into force on the day on which the Act is passed so far as is necessary for enabling subordinate legislation to be made. They come into force for remaining purposes on a day to be appointed by the Secretary of State in a commencement order.