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*Changes to legislation: Deregulation Act 2015, Paragraph 17 is up to date with all changes known to be in force on or before 28 March 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*

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## SCHEDULES

### SCHEDULE 2

#### DRIVING INSTRUCTORS

#### PART 2

##### TRANSITORY AMENDMENTS OF PART 5 RTA 1988 (BEFORE AMENDMENT BY RSA 2006)

- 17 (1) Section 125 (the register of approved instructors) has effect as if it were amended as follows.
- (2) After subsection (2) insert—
- “(2A) If an applicant is aware that he is suffering from a relevant or prospective disability, his application under subsection (2) must be accompanied by written notification of the nature and extent of his disability.
- (2B) Any person who fails without reasonable excuse to comply with the requirement imposed by subsection (2A) is guilty of an offence.
- (2C) The Registrar may, in the circumstances mentioned in subsection (2D), require an applicant to submit himself for an emergency control assessment (whether or not the applicant already holds an emergency control certificate) in connection with his application under subsection (2).
- (2D) Those circumstances are that the Registrar has reasonable grounds for believing that the person would be unable to take control of a motor car of a prescribed class if an emergency arose while he was giving driving instruction in such a motor car.”
- (3) In subsection (3)—
- (a) omit the “and” at the end of paragraph (d);
- (b) after paragraph (d) insert—
- “(da) in the case of an applicant who has been required under subsection (2C) to submit himself for an emergency control assessment, he holds a current emergency control certificate, and”.
- (4) In subsection (5), for the words from “condition” to the end substitute “following conditions—
- (a) that, so long as his name is on the register, the person will, if at any time required to do so by the Registrar, submit himself for—
- (i) such test of continued ability and fitness to give instruction in the driving of motor cars (which may consist of practical and other means of assessment) as may be prescribed;
- (ii) an emergency control assessment (whether or not the person already holds an emergency control certificate) on the day

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(within such period as may be prescribed) and at the place specified by the Registrar; and

- (b) that, so long as his name is on the register, if instruction in the driving of a motor car is to be given in circumstances where there is a reasonable expectation of an emergency arising which necessitates the instructor taking control of the motor car, the person will only give such instruction if he would be able to take control of the motor car if such an emergency arose while he was giving the instruction.”

(5) After subsection (5) insert—

“(5A) The Registrar may impose a requirement as mentioned in subsection (5)(a) (ii) only in the circumstances mentioned in subsection (2D).”

(6) After subsection (7) insert—

“(7A) A person shall be exempt from the condition mentioned in subsection (3) (da) if—

- (a) the Secretary of State is satisfied that satisfactory provision is made by the law of Northern Ireland for purposes corresponding to section 133A, and
- (b) the person satisfies the Registrar that he holds a current certificate granted under that law which corresponds to an emergency control certificate granted under section 133A.”

(7) After subsection (8) insert—

“(8A) Subsection (8B) applies if—

- (a) a person undergoes an emergency control assessment in accordance with a requirement imposed under subsection (2C) or as mentioned in subsection (5)(a)(ii),
- (b) the assessor refuses to grant the applicant an emergency control certificate, and
- (c) as a result the person is not registered, or the person's name is removed from the register (as the case may be).

(8B) The person may not make a further application for registration before the end of—

- (a) the period of 6 months beginning with the date of the emergency control assessment mentioned in subsection (8A)(a), or
- (b) such other period as may be prescribed,

unless the Registrar is satisfied that there is good reason for permitting such an application before the end of that period.”

(8) Omit subsection (9).

(9) In subsection (10), for the words after “In this Part of this Act” substitute “—

Community licence” has the same meaning as in Part 3 of this Act;

“disability” means a want of physical ability affecting the driving of motor cars; and

- (a) “relevant disability”, in relation to a person, means any prescribed disability or any other disability likely to cause the driving of a motor car by him to be a source of danger to the public;

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- (b) “prospective disability”, in relation to a person, means any other disability which, at the material time, is not of such a kind that it is a relevant disability but, by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in the course of time;

“emergency control assessment” and “emergency control certificate” mean an assessment and a certificate under section 133A.”

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**Commencement Information**

- I1** [Sch. 2](#) in force for certain purposes at Royal Assent, see [s. 115](#)
- I2** [Sch. 2 para. 17](#) in force at 8.6.2015 in so far as not already in force by [S.I. 2015/994](#), [art. 7\(a\)](#) (with [Sch. Pt. 3](#))

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2015/994 art. 13 Sch. by [S.I. 2015/1405 art. 2\(3\)](#)

**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):

- s. 110A inserted by [2016 c. 12 s. 16\(1\)](#)