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**Changes to legislation:** Deregulation Act 2015, Paragraph 22 is up to date with all changes known to be in force on or before 20 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

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## SCHEDULES

### SCHEDULE 2

#### DRIVING INSTRUCTORS

#### PART 2

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

- 22 (1) Section 129 (licences for giving instruction so as to obtain practical experience) has effect as if it were amended as follows.
- (2) In subsection (1), for the words from “either” to the end substitute “ such part of the examination referred to in section 125(3)(a) as consists of a practical test of ability and fitness to instruct ”.
- (3) After subsection (1) insert—
- “(1A) An application for a licence to give paid instruction in the driving of a motor car must be made to the Registrar, in the manner determined by the Secretary of State, accompanied by particulars so determined.
- (1B) The Registrar may, in the circumstances mentioned in subsection (1C), require the applicant to submit himself for an emergency control assessment in connection with the application.
- (1C) Those circumstances are that the Registrar has reasonable grounds for believing that the person in question 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.”
- (4) For subsection (2) substitute—
- “(2) Where a person duly applies for a licence, the Registrar must, on payment of such fee, if any, as may be prescribed, grant to the applicant a licence to give paid instruction in the driving of a motor car if the Registrar is satisfied—
- (a) that the applicant has passed the other parts of the examination referred to in subsection (1),
- (b) that the conditions set out in section 125(3)(b), (c), (d) and (e) are fulfilled in the applicant's case, and
- (c) in the case of an applicant who has been required under subsection (1B) to submit himself for an emergency control assessment, he holds a current emergency control certificate.”
- (5) In subsection (5), omit “, subject to subsection (5A) below,”.
- (6) After subsection (5) insert—
- “(5ZA) Those conditions may (in particular) include—

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- (a) a condition requiring the person to whom the licence was granted, if required to do so by the Registrar at any time when the circumstances mentioned in subsection (1C) apply, to submit himself for an emergency control assessment (whether or not the person already holds an emergency control certificate) on such day (within such period as may be prescribed) and at such place as may be specified by the Registrar;
- (b) a condition requiring that, 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 car, the person will only give such instruction if he would be able to take control of the car if such an emergency arose while giving the instruction.”

(7) Omit subsections (5A) and (5B).

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**Commencement Information**

- I1** [Sch. 2](#) in force for certain purposes at Royal Assent, see [s. 115](#)
- I2** [Sch. 2 para. 22](#) 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\(1\)](#)