



Driving Instructors (Registration) Act 2016

2016 CHAPTER 16

Amendments to existing regime

1 Re-entry in the register following expiry of registration

- (1) Part 5 of the Road Traffic Act 1988 (driving instruction) is amended as follows.
- (2) In section 126 (duration of registration), omit subsection (3).
- (3) After that section insert—

“126A Re-entry in the register following expiry of registration

- (1) This section applies where a person whose name has been removed from the register under section 126(1) applies under section 125(2) for the person’s name to be entered again in the register.
- (2) The Registrar is not to regard the condition specified in section 125(3)(a) as fulfilled unless the Registrar is satisfied that—
 - (a) the person has again passed the examination mentioned in section 125(3)(a) since the removal of the person’s name, or
 - (b) the person falls within subsection (3) or (4).
- (3) A person falls within this subsection if—
 - (a) the person’s application is made within the period of one year beginning with the removal of the person’s name (“the one year period”), and
 - (b) the relevant conditions are fulfilled.
- (4) A person falls within this subsection if—
 - (a) the person’s application is made after the end of the one year period but within the period of four years beginning with the removal of the person’s name,

- (b) the relevant conditions are fulfilled,
 - (c) the person has passed a continued ability and fitness test since the removal of the person's name, and
 - (d) the number of times (if any) that the person has failed to pass such a test since that removal is less than three.
- (5) For the purposes of subsections (3)(b) and (4)(b), “the relevant conditions” are—
- (a) that the person did not refuse to undergo—
 - (i) a continued ability and fitness test, or
 - (ii) an emergency control assessment,
 which the person was required to undergo during the period of four years ending with the removal of the person's name from the register, and
 - (b) that, where the person did undergo one or more continued ability and fitness tests during that period, the person passed the last such test.
- (6) In this section “continued ability and fitness test” means a test of continued ability and fitness to give instruction in the driving of motor cars which is prescribed for the purposes of section 125(5)(a)(i).”

2 Voluntary removal from the register and subsequent re-entry

- (1) Part 5 of the Road Traffic Act 1988 (driving instruction) is amended as follows.
- (2) After section 128 insert—

“128AZA Voluntary removal from the register

- (1) The Registrar must remove a person's name from the register if the person applies to the Registrar for the removal.
- (2) An application is to be made in such manner, and accompanied by such particulars, as the Secretary of State may determine.
- (3) The Registrar must give notice in writing of the removal to the applicant.
- (4) The Registrar may restore a person's name in the register where its removal under this section was made by mistake or procured by fraud.
- (5) Where a person's name is so restored, the removal and restoration are ignored for the purposes of section 126(1) (duration of registration).

128AZB Re-entry in the register following voluntary removal

- (1) This section applies where a person whose name has been removed from the register under section 128AZA applies under section 125(2) for the person's name to be entered again in the register.
- (2) The Registrar is not to regard the condition specified in section 125(3)(a) as fulfilled unless the Registrar is satisfied that—

- (a) the person has again passed the examination mentioned in section 125(3)(a) since the date of the removal of the person's name, or
 - (b) the person falls within subsection (3) or (4).
- (3) A person falls within this subsection if—
 - (a) the person's application is made—
 - (i) within the period of one year beginning with the date of the removal of the person's name ("the one year period"), and
 - (ii) within the period of four years beginning with the date when the person last passed the examination mentioned in section 125(3)(a) or a continued ability and fitness test, and
 - (b) the relevant conditions are fulfilled.
- (4) A person falls within this subsection if—
 - (a) the person's application is made—
 - (i) within the one year period but not within the period mentioned in subsection (3)(a)(ii), or
 - (ii) after the end of the one year period but within the period of four years beginning with the date of the removal of the person's name,
 - (b) the relevant conditions are fulfilled,
 - (c) the person has passed a continued ability and fitness test since the date of the removal of the person's name, and
 - (d) the number of times (if any) that the person has failed to pass such a test since that date is less than three.
- (5) For the purposes of subsections (3)(b) and (4)(b), "the relevant conditions" are—
 - (a) that the person did not refuse to undergo—
 - (i) a continued ability and fitness test, or
 - (ii) an emergency control assessment,which the person was required to undergo during the period of four years ending with the date of the removal of the person's name from the register, and
 - (b) that, where the person did undergo one or more continued ability and fitness tests during that period, the person passed the last such test.
- (6) In this section "continued ability and fitness test" means a test of continued ability and fitness to give instruction in the driving of motor cars which is prescribed for the purposes of section 125(5)(a)(i)."
- (3) In section 128 (removal of names from the register), in subsections (6), (6A) and (7), after "the register" insert "under this section".
- (4) In section 131 (appeals), at the end insert—
 - "(6) In subsections (1)(c) and (4D) the references to removal of a name from the register do not include removal under section 128AZA (voluntary removal)."