Driving Instructors (Registration) Act 2016

2016 CHAPTER 16

Amendments to existing regime

PROSPECTIVE

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.

Status: *This version of this provision is prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Driving Instructors (Registration) Act 2016, Section 2. (See end of Document for details)*

(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).”

Status:
This version of this provision is prospective.

Changes to legislation:
There are currently no known outstanding effects for the Driving Instructors (Registration) Act 2016, Section 2.