



Road Traffic Act 1988

1988 CHAPTER 52

PART V

DRIVING INSTRUCTION

Registration

127 Extension of duration of registration.

- (1) A person may, before the time when his name is required under section 126(1) of this Act to be removed from the register, apply to the Registrar, in manner determined by the Secretary of State, accompanied by particulars so determined, for the retention of his name in the register for a further period of four years.
- (2) On an application under subsection (1) above, he shall be entitled, on payment of such fee, if any, as may be prescribed by regulations, to have his name retained in the register for that further period, if he satisfies the Registrar that the ^[F1]relevant conditions are fulfilled in his case.
- (3) ^[F2]^[F3]Except in the case of a registered disabled instructor,] the relevant conditions are]—
 - (a) that he has not refused to undergo any ^[F4]such test or assessment as is mentioned in section 125(5)(a)(i) or (ii) of this Act which he has been required to undergo during the period of four years ending with the time when his name is required under section 126(1) of this Act to be removed from the register,
 - (b) that his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test or tests which he has undergone during that period, to be of a satisfactory standard,
 - (c) that he is the holder of a current licence of one of the kinds mentioned in section 125(3)(b) of this Act,
 - (d) that he has not during any part of that period been disqualified under section 34 or 36 of the ^{M1}Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act, ^[F5]and]

Changes to legislation: Road Traffic Act 1988, Section 127 is up to date with all changes known to be in force on or before 03 May 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

- [^{F6}(da) that, in the case of a person who—
- (i) when he applied to be registered, was required under section 125(2C) to submit himself for an emergency control assessment, or
 - (ii) at any time during the period mentioned in paragraph (a) was required as mentioned in section 125(5)(a)(ii) to submit himself for such an assessment,
- he holds a current emergency control certificate, and]
- (e) that, apart from fulfilment of the preceding conditions, he continues to be a fit and proper person to have his name entered in the register.

- [^{F7}(3A) [^{F8}In the case of a registered disabled instructor, the relevant conditions are—
- (a) that he holds a current emergency control certificate,
 - (b) that he has not refused to undergo—
 - (i) any such assessment as is mentioned in section 125B(6)(a) of this Act, or
 - (ii) any such test as is mentioned in section 125B(6)(b) of this Act,
 which he has been required to undergo during the period of four years ending with the time when his name is required under section 126(1) of this Act to be removed from the register,
 - (c) that his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test or tests of the kind mentioned in section 125B(6)(b) of this Act which he has undergone during that period, to be of a satisfactory standard,
 - (d) that he is the holder of a current disabled person's limited driving licence,
 - (e) that he has not during any part of that period been disqualified under section 34 or 36 of the Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act, and
 - (f) that, apart from fulfilment of the preceding conditions, he continues to be a fit and proper person to have his name entered in the register as that of a disabled instructor.]]

- [^{F9}(4) The retention of a person's name under this section shall be subject—
- (a) [^{F10}in the case of its retention by virtue of subsection (3) above,] to the [^{F11}conditions] mentioned in section 125(5) of this Act, [^{F12}and]
 - (b) [^{F13}in the case of its retention by virtue of subsection (3A) above, to the condition mentioned in section 125B(6) of this Act.]]
- (5) Before refusing an application under subsection (1) above the Registrar must give to the applicant written notice stating that he is considering the refusal of the application and giving particulars of the grounds on which he is considering it.
- (6) Where the Registrar gives notice under subsection (5) above—
- (a) the applicant may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed refusal,
 - (b) the Registrar must not decide to refuse the application until after the expiration of that period, and
 - (c) before deciding whether or not to refuse the application, the Registrar must take into consideration any such representations made by the applicant within that period.

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- (7) On deciding to grant or refuse an application the Registrar must give notice in writing of the decision to the person concerned.
- [^{F14}(7A) A decision to refuse an application shall take effect at the end of the period of fourteen days beginning with the day on which notice of the decision is given (or, if any appeal brought against the decision under the following provisions of this Part of this Act is previously withdrawn or dismissed, when the appeal is withdrawn or dismissed).]
- (8) [^{F15}But the Registrar may, when giving notice of his decision to refuse the application, direct that the decision shall instead] take effect—
- (a) where no appeal under the following provisions of this Part of this Act is brought against the decision within the time limited for the appeal, on the expiration of that time,
 - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal,
 - (c) where such an appeal is brought and not withdrawn or struck out for want of prosecution, if and when the appeal is dismissed, and not otherwise.
- [^{F16}(9) Sections 128(7A) to (7G) and 131A apply in relation to suspending a person's registration in connection with an application under subsection (1) above as if the references in sections 128(7A) to (7G) and 131A to—
- (a) a notice under section 128(4) were references to a notice under subsection (5) above, and
 - (b) the removal of the person's name from the register were (or, in the case of section 128(7E)(d), included) references to the refusal of the person's application for the retention of the person's name in the register.]

Textual Amendments

- F1** Word in s. 127(2) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 5(2)**; S.I. 1996/1980, **art. 2**
- F2** Words in s. 127(3) substituted (9.9.1996) by 1993 c. 31, s. Sch. para. 5(3); S.I. 1996/1980, **art. 2**
- F3** Words in s. 127(3) omitted (8.6.2015) by virtue of **Deregulation Act 2015 (c. 20)**, s. 115(2), **Sch. 2 para. 20(2)(a)**; S.I. 2015/994, **art. 7(a)** (with Sch. Pt. 3)
- F4** Words in s. 127(3)(a) substituted (8.6.2015) by **Deregulation Act 2015 (c. 20)**, s. 115(2), **Sch. 2 para. 20(2)(b)**; S.I. 2015/994, **art. 7(a)** (with Sch. Pt. 3)
- F5** Word in s. 127(3)(d) omitted (8.6.2015) by virtue of **Deregulation Act 2015 (c. 20)**, s. 115(2), **Sch. 2 para. 20(2)(c)**; S.I. 2015/994, **art. 7(a)** (with Sch. Pt. 3)
- F6** S. 127(3)(da) inserted (8.6.2015) by **Deregulation Act 2015 (c. 20)**, s. 115(2), **Sch. 2 para. 20(2)(d)**; S.I. 2015/994, **art. 7(a)** (with Sch. Pt. 3)
- F7** S. 127(3A) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 5(4)**; S.I. 1996/1980, **art. 2**
- F8** Words in s. 127(3A) omitted (8.6.2015) by virtue of **Deregulation Act 2015 (c. 20)**, s. 115(2), **Sch. 2 para. 20(3)**; S.I. 2015/994, **art. 7(a)** (with Sch. Pt. 3)
- F9** S. 127(4) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 5(5)**; S.I. 1996/1980, **art. 2**
- F10** Words in s. 127(4)(a) omitted (8.6.2015) by virtue of **Deregulation Act 2015 (c. 20)**, s. 115(2), **Sch. 2 para. 20(4)(a)**; S.I. 2015/994, **art. 7(a)** (with Sch. Pt. 3)
- F11** Word in s. 127(4)(a) substituted (8.6.2015) by **Deregulation Act 2015 (c. 20)**, s. 115(2), **Sch. 2 para. 20(4)(b)**; S.I. 2015/994, **art. 7(a)** (with Sch. Pt. 3)
- F12** Word in s. 127(4)(a) omitted by virtue of (8.6.2015) by **Deregulation Act 2015 (c. 20)**, s. 115(2), **Sch. 2 para. 20(4)(c)**; S.I. 2015/994, **art. 7(a)** (with Sch. Pt. 3)
- F13** S. 127(4)(b) omitted by virtue of (8.6.2015) by **Deregulation Act 2015 (c. 20)**, s. 115(2), **Sch. 2 para. 20(4)(d)**; S.I. 2015/994, **art. 7(a)** (with Sch. Pt. 3)

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- F14** S. 127(7A) inserted (1.4.2002) by 2000 c. 38, s. 259(1); S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(1))
- F15** Words in s. 127(8) substituted (1.4.2002) by 2000 c. 38, s. 259(1); S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(1))
- F16** S. 127(9) inserted (6.7.2012) by Driving Instruction (Suspension and Exemption Powers) Act 2009 (c. 17), s. 7(3), **Sch. 1 para. 3**; S.I. 2012/1356, art. 4(b)

Modifications etc. (not altering text)

- C1** S. 127 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**
- C2** S. 127(3) modified (1.1.2007) by The Motor Cars (Driving Instruction) Regulations 2005 (S.I. 2005/1902), **reg. 11**
- C3** S. 127(3)(d) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(2)**
- C4** S. 127(3A) modified (1.1.2007) by The Motor Cars (Driving Instruction) Regulations 2005 (S.I. 2005/1902), **reg. 11**

Marginal Citations

- M1** 1988 c. 53.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 127(1)-(4) substituted by 2006 c. 49 Sch. 6 para. 9(2)
- s. 127(4)(a) and word omitted by 2015 c. 20 Sch. 2 para. 7(a) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 127(4)(b) words omitted by 2015 c. 20 Sch. 2 para. 7(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 127(7) words inserted by 2006 c. 49 Sch. 6 para. 9(3)
- s. 127(7A) words substituted by 2006 c. 49 Sch. 6 para. 9(4)
- s. 127(8) words substituted by 2006 c. 49 Sch. 6 para. 9(5)
- s. 127(9) repealed by 2009 c. 17 Sch. 2

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. 34A inserted by 2000 c. 37 Sch. 7 para. 6 (This amendment not applied to legislation.gov.uk. The amending provision has been repealed)
- s. 41(2)(m) inserted by 2006 c. 49 s. 18(1)(a)
- s. 41(2)(ba) inserted by 2006 c. 49 s. 56(3)
- s. 49(3A) inserted by 2006 c. 49 s. 48(1)
- s. 66(7A) inserted by 2006 c. 49 s. 56(5)
- s. 85(1) words omitted (temp.) by S.I. 2019/648 reg. 2(5)(a) (This amendment not applied to legislation.gov.uk. Reg. 2(5)(a) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(2)(c)(i))
- s. 85(1) words omitted (temp.) by S.I. 2019/648 reg. 2(5)(d) (This amendment not applied to legislation.gov.uk. Reg. 2(5)(a) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(2)(c)(ii))
- s. 85(2) added by 1988 c. 54 Sch. 2 para. 17(c)
- s. 97(1)(c)(ia) words repealed by 2006 c. 49 Sch. 3 para. 6(2)(b) Sch. 7(4)
- s. 97(1)(d)(ii) words omitted by S.I. 2018/1251 reg. 2(4)
- s. 97(1ZA) inserted by 2006 c. 49 s. 38(2)
- s. 108(1BA) inserted by S.I. 2018/1251 reg. 2(5)(c)
- s. 123(123A) substituted for s. 123 by 2006 c. 49 Sch. 6 para. 2
- s. 123A(3) words inserted by 2009 c. 17 s. 1(3)
- s. 124(3)-(5) inserted by 2009 c. 17 s. 3
- s. 124(6) inserted by 2015 c. 20 Sch. 2 para. 2(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(3A)-(3D) inserted by 2015 c. 20 Sch. 2 para. 3(2) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(5A) inserted by 2015 c. 20 Sch. 2 para. 3(3) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125A(5)-(7E) substituted for s. 125A(5)-(7) by 2006 c. 49 Sch. 6 para. 6(3)
- s. 125ZA inserted by 2006 c. 49 Sch. 6 para. 5

- s. 125ZA(2)(b) word omitted by [2015 c. 20 Sch. 2 para. 4\(2\)\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(2)(d) and word inserted by [2015 c. 20 Sch. 2 para. 4\(2\)\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) word omitted by [2015 c. 20 Sch. 2 para. 4\(3\)\(c\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) words substituted by [2015 c. 20 Sch. 2 para. 4\(3\)\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(ba)(bb) inserted by [2015 c. 20 Sch. 2 para. 4\(3\)\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(ca) inserted by [2015 c. 20 Sch. 2 para. 4\(3\)\(d\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126(5) omitted by [2015 c. 20 Sch. 2 para. 6](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126A inserted by [2016 c. 16 s. 1\(3\)](#)
- s. 126A omitted (cond.) by [2006 c. 49 Sch. 6 para. 8A](#) (as inserted) by [2016 c. 16 s. 3\(3\)](#)
- s. 126A heading words inserted by [S.I. 2016/1089 reg. 3\(2\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by [S.I. 2016/1089 reg. 3\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by [S.I. 2016/1089 reg. 3\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128A inserted by [2006 c. 49 Sch. 6 para. 11](#)
- s. 128A(4) inserted by [2006 c. 49 Sch. 6 para. 11](#) (as inserted) by [2016 c. 16 s. 4\(4\)](#)
- s. 128B inserted by [2015 c. 20 Sch. 2 para. 9](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 128ZA inserted by [2009 c. 17 s. 1\(1\)](#)
- s. 128ZB inserted by [2009 c. 17 s. 2](#)
- s. 128AZA128AZB inserted by [2016 c. 16 s. 2\(2\)](#)
- s. 128AZA128AZB inserted (cond.) by [2006 c. 49 Sch. 6 para. 10A](#) (as inserted) by [2016 c. 16 s. 4\(2\)](#)
- s. 128AZA128AZB substituted (cond.) by [2006 c. 49 Sch. 6 para. 10A](#) (as inserted) by [2016 c. 16 s. 4\(2\)](#)
- s. 128AZA heading words inserted by [S.I. 2016/1089 reg. 4\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(1) words inserted by [S.I. 2016/1089 reg. 4\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(4) words inserted by [S.I. 2016/1089 reg. 4\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB heading words inserted by [S.I. 2016/1089 reg. 4\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))

- s. 128AZB(1) words inserted by [S.I. 2016/1089 reg. 4\(3\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB(1) words inserted by [S.I. 2016/1089 reg. 4\(3\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 131(A1)-(C1) inserted by 2006 c. 49, Sch. 6 para. 13(1A) (as inserted) by [S.I. 2023/1286 Sch. 3 para. 92\(2\)\(a\)\(i\)](#)
- s. 131(3)(b)(c) substituted for s. 131(3)(b) and word by [2006 c. 49 Sch. 6 para. 13\(4\)](#)
- s. 131(6) inserted by [2016 c. 16 s. 2\(4\)](#)
- s. 131(6) inserted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by [2016 c. 16 s. 4\(5\)](#)
- s. 131(6) substituted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by [2016 c. 16 s. 4\(5\)](#)
- s. 132-133ZA and cross-heading substituted for ss. 132, 133 and cross-heading by [2006 c. 49 Sch. 6 para. 14](#)
- s. 133(2)(a) words omitted by [2015 c. 20 Sch. 2 para. 10\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133(2)(b) words omitted by [2015 c. 20 Sch. 2 para. 10\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133D(1A) inserted by [2015 c. 20 Sch. 2 para. 14\(2\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 140(1)(2) inserted by [2006 c. 49 Sch. 6 para. 23\(2\)](#)
- s. 140(1A) inserted in earlier affecting provision 2006 c. 49, Sch. 6 para. 23(2) by [S.I. 2023/1286 Sch. 3 para. 92\(2\)\(b\)](#)
- s. 140(3) s. 140 renumbered as s. 140(3) by [2006 c. 49 Sch. 6 para. 23\(1\)](#)
- s. 141A(5) words repealed by [2006 c. 49 Sch. 3 para. 24](#)[Sch. 7\(4\)](#)
- s. 143(1A) repealed (cond.) by [S.I. 2019/1047 Sch. 2 para. 2](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 143(1A) by 2018 c. 18, Sch. para. 17 was repealed (1.11.2019) by The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, Sch. 2 para. 1 (with reg. 5) without ever being brought into force.)
- s. 173(2)(g)-(gb) substituted for s. 173(2)(g) by [2006 c. 49 Sch. 6 para. 27](#)
- s. 173(2)(n) and word inserted by [2006 c. 49 s. 37\(8\)](#)
- s. 174(1)(da) inserted by [2006 c. 49 Sch. 6 para. 28](#)
- s. 183(6A) inserted by [2006 c. 49 Sch. 6 para. 29](#)