



Road Traffic Act 1988

1988 CHAPTER 52

PART V

DRIVING INSTRUCTION

Registration

128 Removal of names from register

- (1) The Registrar may remove the name of a person from the register if he is satisfied that—
 - (a) in a case where his name has not been retained in the register under section 127 of this Act, at any time since the entry of his name was made, and
 - (b) in a case where his name has been so retained under that section, at any time since it was last retained,any of the following conditions was fulfilled in his case.
- (2) Those conditions are—
 - (a) that he held neither of the kinds of current licence mentioned in section 125 (3)(b) of this Act,
 - (b) that he was disqualified under section 34 or 36 of the Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act,
 - (c) that he refused to undergo a test such as is mentioned in section 125 (5) of this Act,
 - (d) that he failed to pass such a test,
 - (e) that he ceased, apart from fulfilment of any of the preceding conditions, to be a fit and proper person to have his name included in the register.
- (3) The Registrar may remove the name of a person from the register if the entry of his name in the register, or the retention of his name in the register, was made by mistake or procured by fraud.

Status: This is the original version (as it was originally enacted).

- (4) Before removing the name of a person from the register under this section, the Registrar must give him written notice stating that he is considering the removal and giving particulars of the grounds on which he is considering it.
- (5) Where the Registrar gives notice to a person under subsection (4) above—
 - (a) that person 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 removal,
 - (b) the Registrar must not decide to remove his name from the register until after the expiration of that period, and
 - (c) before deciding whether or not to remove his name from the register, the Registrar must take into consideration any such representations made by him within that period.
- (6) The Registrar must, on making a decision to remove a name from the register, give notice in writing of the decision to the person concerned.
- (7) A decision to remove a name from the register shall 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.