

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Road Safety Act 2006, Paragraph 2 is up to date with all changes known to be in force on or before 25 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

SCHEDULES

SCHEDULE 6

DRIVING INSTRUCTION

Road Traffic Act 1988 (c. 52)

PROSPECTIVE

- 2 For section 123 (instruction in the driving of motor cars to be given only by registered or licensed person) and the heading before it substitute—

“Instructors and instruction businesses to be registered

123 Requirement of registration

- (1) A person—
- (a) must not give paid driving instruction of any prescribed description unless he is registered in respect of the giving of that description of driving instruction, and
 - (b) must not carry on business in the provision of paid driving instruction of any prescribed description unless he is registered in respect of the carrying on of business in the provision of that description of driving instruction.
- (2) A person—
- (a) must not give paid driving instruction of any prescribed description unless prescribed requirements as to the displaying of evidence that he is registered in respect of the giving of that description of driving instruction are complied with, and
 - (b) must not carry on business in the provision of paid driving instruction of any prescribed description unless prescribed requirements as to the displaying of evidence that he is registered in respect of the carrying on of business in the provision of that description of driving instruction are complied with.
- (3) In this Part of this Act “driving instruction” means instruction in relation to the driving of a motor vehicle.
- (4) Regulations under this Part which prescribe a description of driving instruction may do so by reference to—
- (a) the class of motor vehicle to which the instruction relates,
 - (b) the description of persons to whom the instruction is given or provided, or
 - (c) the nature of the instruction or where or how it is given or provided.

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- (5) For the purposes of this Part of this Act instruction is paid instruction if payment of money or money's worth is, or is to be, made for the instruction by or in respect of the person to whom the instruction is given or provided.
- (6) Regulations may prescribe circumstances in which instruction provided free of charge shall be deemed to be given for payment of money by or in respect of the person to whom the instruction is given or provided.
- (7) For the purposes of this Part of this Act a person is “registered” if his name is in the register together with—
 - (a) an indication as to whether he is registered in respect of the giving of driving instruction or the carrying on of business in the provision of driving instruction (or both),
 - (b) an indication as to the description of driving instruction in respect of which he is registered, and
 - (c) such other particulars as may be prescribed,and “registration” shall be construed accordingly.
- (8) In this Part of this Act “the register” means the register established for the purposes of this Part of this Act under section 125 of this Act.

123A Paid driving instruction: offences

- (1) If driving instruction is given in contravention of section 123(1)(a) of this Act—
 - (a) the person by whom it is given,
 - (b) if that person is employed by another to give that instruction, that other (as well as that person), and
 - (c) if that person is a franchisee under a driving instruction franchise, the franchisor under the driving instruction franchise (as well as that person),is guilty of an offence.
- (2) If a person contravenes section 123(1)(b) of this Act he is guilty of an offence.
- (3) In proceedings against a person for an offence under subsection (1) or (2) above it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that—
 - (a) in a case within paragraph (a) of subsection (1) above, or within subsection (2) above, he,
 - (b) in a case within paragraph (b) of subsection (1) above, the person employed by him, or
 - (c) in a case within paragraph (c) of that subsection, the person who was the franchisee under the driving instruction franchise,was not at the material time registered in respect of the description of driving instruction in question.
- (4) If a person contravenes section 123(2) of this Act he is guilty of an offence.”

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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):

- Sch. 6 para. 8A inserted by [2016 c. 16 s. 3\(3\)](#)
- Sch. 6 para. 10A inserted by [2016 c. 16 s. 4\(2\)](#)
- Sch. 6 para. 13(9) inserted by [2016 c. 16 s. 4\(5\)](#)