



In Focus

Driving Instructors (Registration) Bill HL Bill 103 of 2015–16

Key Provisions

The [Driving Instructors \(Registration\) Bill](#) is a private member's bill introduced in the House of Commons by Sir David Amess (Conservative) under the ten minute rule. It completed all its stages in the Commons without amendment and is scheduled to have its second reading in the House of Lords on 11 March 2016. The Bill would simplify the registration of driving instructors in Great Britain by:

- Allowing a driving instructor to request voluntary removal from the register of driving instructors.
- Simplifying the process for re-joining the register where an instructor's registration has lapsed for between one and four years.

Background

Anyone who wishes to charge for providing driving instruction in a car is legally required to be on the register of approved driving instructors (ADIs) or have a trainee's 'licence to give instruction' issued by the ADI Registrar.¹ To register as an ADI, an applicant must meet the 'fit and proper person' criteria, must pass three qualifying tests (Part 1, a theory test; Part 2, a driving ability test; and Part 3, a test of instructional ability) and must register within one year of passing the Part 3 test. Once instructors are on the register, they must take a standards check every few years to test their continued ability and fitness to give instruction. Registration lasts for four years, after which time it will expire if it has not been extended. Instructors can be removed from the register if they fail to attend a standards check or do not reach an acceptable standard.

The explanatory notes produced by the Department for Transport (DfT) when the Bill was introduced in the Commons explain that currently, where an ADI has been off the register for less than a year, they can reapply and will be added back on to the register, subject to conduct, medical and fitness requirements.² However, if the registration has lapsed for more than a year, the applicant has to retake the three qualifying tests. The Bill would allow someone who has been off the register for between one and four years to re-join the register by taking the standards check, rather than having to requalify from scratch. If an individual failed the standards check three times, they would have to repeat the full requalification process to re-join the register. The shorter requalification option would not be open to anyone removed from the register for disciplinary reasons, and anyone who had been off the register for more than four years would still be required to retake the three qualification exams.

Currently, a person can be removed from the register of ADIs only if their registration runs out or if they are removed by the Registrar for conduct, competence or other safety reasons.³ The Bill would allow ADIs to request voluntary removal from the register. In order to prevent any attempts to avoid the standards check, someone could re-join the register within twelve months of voluntarily de-registering only if they had already passed a standards check within the last four years. If it had been more than four years since their last standards check, they would need to take another one before they would be able to re-join the register.

In 2013, 86 percent of respondents to a government consultation agreed that an instructor whose registration had lapsed for more than twelve months should be allowed to take a standards check rather than having to requalify. 89 percent of respondents agreed that the Registrar should be able to remove an ADI from the register if the instructor requested it.

Presenting his Bill, Sir David Amess said that it would allow instructors “voluntarily to leave the register for a period of time for health reasons or for family commitments and provide a simple, cost-effective way for them to return to their profession without compromising instruction standards”.⁴ Returning instructors “would be tested to the same rigorous standards as their colleagues already on the register”.

Andrew Jones, Parliamentary Under-Secretary of State at the Department for Transport, said at committee stage that the Government supported this Bill.⁵ He noted that in the previous year, 2,500 ADIs had allowed their registration to lapse, but only 25 had applied to requalify. He suspected that the number would increase if the “barrier to re-entry that they currently face” were removed. He also explained that in the previous year, 610 ADIs had asked to be removed from the register as they had other commitments, but legally the registrar was allowed to remove people only for reasons of conduct, competence or discipline, a situation which Mr Jones described as “utterly unfair”. At third reading, Mr Jones said that as the minister responsible for road safety, he was “reassured that the Bill will not lower standards and will not compromise road safety”.⁶

Lilian Greenwood, Shadow Secretary of State for Transport, asked the Minister to clarify in what circumstances the regulation-making powers in clause 5 of the Bill might be used.⁷ Mr Jones replied that the clause provided “consequential amendments to flow through the idea and basic concepts of deregulation and ease of process through other parliamentary business as required”.⁸ The delegated powers memorandum on the Bill prepared by the DfT stated that this was “a standard provision to ensure that any consequential amendments needed as a result of the Bill can be made”.⁹ Ms Greenwood confirmed that the Opposition welcomed the “sensible measures” introduced by the Bill, particularly the opportunities it would provide for driving instructors to take a career break.¹⁰

¹ Driver and Vehicle Standards Agency, ‘[Guide to the Approved Driving Instructor \(ADI\) Register](#)’, last updated 14 January 2015.

² [Explanatory Notes to the Bill](#), p 2.

³ *ibid*, p 3.

⁴ [HC Hansard, 27 January 2016, col 276](#).

⁵ Public Bill Committee, [Driving Instructors \(Registration\) Bill](#), 1 March 2016, col 6.

⁶ [HC Hansard, 4 March 2016, col 1231](#).

⁷ *ibid*, [cols 1231–2](#).

⁸ *ibid*, [col 1232](#).

⁹ DfT, [The Driving Instructors \(Registration\) Bill: Delegated Powers Memorandum](#), January 2016, Cm 9200, p 5.

¹⁰ [HC Hansard, 4 March 2016, col 1232](#).

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