



# Road Traffic (New Drivers) Act 1995

## 1995 CHAPTER 13

### *Revocation of licences and re-testing*

#### **2** [<sup>F1</sup>Persons to whom section 3(1) applies]

[<sup>F2</sup>(A1) Section 3(1) (revocation of licences) applies to a person who—

- (a) is the holder of a licence, and
- (b) satisfies the conditions in subsection (1) or (3).]

(1) [<sup>F3</sup>A person satisfies the conditions in this subsection if—]

- <sup>F4</sup>(a) .....
- (b) [<sup>F5</sup>the person] is convicted of an offence involving obligatory endorsement;
- (c) the penalty points to be taken into account under section 29 of the <sup>M1</sup>Road Traffic Offenders Act 1988 on that occasion number six or more;
- (d) the court makes an order falling within section 44(1)(b) of that Act in respect of the offence;
- [<sup>F6</sup>(da) the Secretary of State is required under section 44A(2) of that Act to endorse the person's driving record with particulars of the offence and the penalty points to be attributed to it;]
- (e) the person's [<sup>F7</sup>driving record or] licence shows the date on which he became a qualified driver <sup>F8</sup>...; and
- (f) it appears to the [<sup>F9</sup>Secretary of State], in the light of the order and the date so shown, that the offence was committed during the person's probationary period.

<sup>F10</sup>(2) .....

(3) [<sup>F11</sup>A person satisfies the conditions in this subsection if—]

- [<sup>F12</sup>(a) the person has been given a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 or a conditional offer has been issued to the person under section 75 of that Act;]
- (b) the offence to which the fixed penalty notice or the conditional offer relates is one involving obligatory endorsement;

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- [<sup>F13</sup>(c) the Secretary of State is required under section 57A(5) or 77A(2) of that Act to endorse the person’s driving record with particulars of the offence and the penalty points to be attributed to it;]
- (d) the penalty points to be taken into account by the [<sup>F14</sup>Secretary of State] in respect of the offence number six or more;
- (e) the [<sup>F15</sup>person’s driving record or] licence shows the date on which the person became a qualified driver; and
- (f) it appears to the [<sup>F16</sup>Secretary of State], in the light of the particulars of the offence [<sup>F17</sup>to be] endorsed on the [<sup>F18</sup>person's driving record] and the date so shown, that the offence was committed during the person’s probationary period.

<sup>F19</sup>(4) .....

- (5) For the purposes of subsection (3)(d) the penalty points to be taken into account <sup>F20</sup>... in respect of the offence are the penalty points which would have been taken into account under section 29 of the <sup>M2</sup>Road Traffic Offenders Act 1988 if—
- (a) the person in question had been convicted of the offence; and
- (b) the number of penalty points to be attributed to the offence on that occasion had been determined in accordance with section 28(3) of that Act.

[<sup>F21</sup>(6) In this section and section 3 “licence” includes a Northern Ireland licence.]

<sup>F22</sup>(7) .....

#### Textual Amendments

- F1** S. 2 heading substituted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(2\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F2** S. 2(A1) inserted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(3\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F3** Words in s. 2(1) substituted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(4\)\(a\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F4** S. 2(1)(a) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(4\)\(b\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F5** Words in s. 2(1)(b) substituted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(4\)\(c\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F6** S. 2(1)(da) inserted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(4\)\(d\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F7** Words in s. 2(1)(e) inserted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(4\)\(e\)\(i\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F8** Words in s. 2(1)(e) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(4\)\(e\)\(ii\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F9** Words in s. 2(1)(f) substituted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(4\)\(f\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F10** S. 2(2) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(5\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F11** Words in s. 2(3) substituted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(6\)\(a\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F12** S. 2(3)(a) substituted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(6\)\(b\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F13** S. 2(3)(c) substituted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 2\(6\)\(c\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995, Cross Heading: Revocation of licences and re-testing. (See end of Document for details)*

- F14** Words in s. 2(3)(d) substituted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 2(6)(d)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F15** Words in s. 2(3)(e) inserted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 2(6)(e)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F16** Words in s. 2(3)(f) substituted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 2(6)(f)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F17** Words in s. 2(3)(f) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 67(3)(c)(i)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F18** Words in s. 2(3)(f) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 67(3)(c)(ii)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F19** S. 2(4) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 2(7)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F20** Words in s. 2(5) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 25(4), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)
- F21** S. 2(6) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 46**; S.I. 2004/2624, art. 2(1)(2)(b)
- F22** S. 2(7) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 2(8)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)

**Marginal Citations**

- M1** 1988 c. 53.
- M2** 1988 c. 53.

**[<sup>F23</sup>3 Revocation of licences.**

[<sup>F24</sup>(1) The Secretary of State must, in the case of a person to whom this subsection applies (see section 2), by notice served on the person revoke the person's licence.]

<sup>F25</sup>(1ZA) . . . . .

[<sup>F26</sup>(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under subsection (1) <sup>F27</sup>..., the Secretary of State must send to the licensing authority in Northern Ireland—

- (a) particulars of the notice; and
- (b) [<sup>F28</sup>:if the Secretary of State is already in receipt of it,] the Northern Ireland licence.

(1B) Where the Secretary of State is sent by that licensing authority particulars of a notice served on the holder of a licence under a provision of Northern Ireland law corresponding to subsection (1) <sup>F29</sup>..., he must by notice served on the holder revoke the licence.]

(2) A revocation under [<sup>F30</sup>this section] shall have effect from a date specified in the notice of revocation which may not be earlier than the date of service of that notice.

[<sup>F31</sup>(3) In this section references to the revocation of a person's Northern Ireland licence are references to its revocation as respects Great Britain; and, accordingly, the person ceases to be authorised by virtue of section 109(1) of the Road Traffic Act 1988 to drive in Great Britain a motor vehicle of any class.]]

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#### Textual Amendments

- F23** S. 3(1) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 68**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F24** S. 3(1) substituted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 3(2)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F25** S. 3(1ZA) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 3(3)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F26** S. 3(1A)(1B) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 47(a)**; S.I. 2004/2624, art. 2(1)(2)(b)
- F27** Words in s. 3(1A) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 3(4)(a)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F28** Words in s. 3(1A)(b) inserted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 3(4)(b)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F29** Words in s. 3(1B) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 3(5)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F30** Words in s. 3(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 26(5)**; S.I. 2008/3164, art. 3(b)
- F31** S. 3(3) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 47(c)**; S.I. 2004/2624, art. 2(1)(2)(b)

#### [<sup>F32</sup>3A Surrender of licences

- (1) Where—
- (a) the Secretary of State is required under section 3(1) or (1B) to serve a notice on a person revoking the person's licence, and
  - (b) the Secretary of State is not already in receipt of the licence,
- the notice may also require the person to surrender the licence to the Secretary of State before the end of the period of 28 days beginning with the date on which the notice is served.
- (2) A person who, without reasonable excuse, fails to comply with a requirement imposed under subsection (1)—
- (a) is guilty of an offence, and
  - (b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Where the Secretary of State receives a Northern Ireland licence pursuant to a requirement to surrender it imposed under subsection (1), the Secretary of State must send it to the licensing authority in Northern Ireland.]

#### Textual Amendments

- F32** S. 3A inserted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 4**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)

#### 4 Re-testing.

- (1) Subject to subsection (5) and section 5, the Secretary of State may not under Part III of the <sup>M3</sup>Road Traffic Act 1988 grant a person whose licence has been revoked

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under <sup>F33</sup>section 3] a full licence to drive any class of vehicles in relation to which the revoked licence was issued as a full licence <sup>F34</sup>or (as the case may be) full Northern Ireland licence] unless he satisfies the Secretary of State that within the relevant period he has passed a relevant driving test.

- <sup>F35</sup>(1A) Subject to subsection (5), the Secretary of State may not under that Part grant a person whose Northern Ireland licence has been revoked under a provision of Northern Ireland law corresponding to section 3(1) a full licence to drive any class of vehicles in relation to which the revoked licence was issued as a full Northern Ireland licence unless he satisfies the Secretary of State as mentioned in subsection (1).]
- (2) In this section “relevant driving test” means, in relation to a person whose licence has been revoked, any test which—
- falls within paragraph (a) or (b) of section 1(2); and
  - is a test of competence to drive any vehicle included in any class of vehicles in relation to which the revoked licence was issued as a full licence <sup>F36</sup>or (as the case may be) full Northern Ireland licence].
- (3) If the Secretary of State grants a full licence to a person who is required to pass a relevant driving test in order to be granted that licence, the licence granted must (subject to section 92 and Part IV of the <sup>M4</sup>Road Traffic Act 1988) be one authorising that person to drive all the classes of vehicles in relation to which the revoked licence was issued as a full licence <sup>F37</sup>or (as the case may be) full Northern Ireland licence].
- (4) In subsection (1) “the relevant period” means the period beginning—
- after the date of the revocation of the licence; and
  - not more than two years before the date on which the application for the full licence is made.
- (5) <sup>F38</sup>Subsections (1) and (1A) do] not apply to a person whose licence has been revoked under <sup>F39</sup>section 3 or whose Northern Ireland licence has been revoked under a provision of Northern Ireland law corresponding to section 3(1)] if, before he passes a relevant driving test, an order is made in relation to him under section 36 of the <sup>M5</sup>Road Traffic Offenders Act 1988 (disqualification until test is passed).

#### Textual Amendments

- F33** Words in s. 4(1) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 48\(a\)\(i\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F34** Words in s. 4(1) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 48\(a\)\(ii\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F35** S. 4(1A) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 48\(b\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F36** Words in s. 4(2) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 48\(c\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F37** Words in s. 4(3) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 48\(c\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F38** Words in s. 4(5) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 48\(d\)\(i\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F39** Words in s. 4(5) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 48\(d\)\(ii\)](#); S.I. 2004/2624, art. 2(1)(2)(b)

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*Changes to legislation:* There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995, Cross Heading: Revocation of licences and re-testing. (See end of Document for details)

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#### Marginal Citations

- M3** 1988 c. 52.  
**M4** 1988 c. 52.  
**M5** 1988 c. 53.

### 5 Restoration of licence without re-testing in certain cases.

- (1) If the Secretary of State receives notice that a person whose licence has been revoked under <sup>F40</sup>section 3] is appealing against a conviction or endorsement which was the basis or formed part of the basis for the revocation, he must grant that person free of charge a full licence for a period prescribed by regulations.
- (2) Regulations under subsection (1) may in particular prescribe—
  - (a) a period expiring when the appeal is finally determined or abandoned; or
  - (b) a period expiring on the date on which the revoked licence would have expired if it had not been revoked.
- (3) If the regulations prescribe a period other than that mentioned in subsection (2)(a), a licence granted under subsection (1) shall be treated as revoked if—
  - (a) following the appeal, the penalty points taken into account for the purposes of section 2 <sup>F41</sup>or (as the case may be) the provision of Northern Ireland law corresponding to that section] are not reduced to a number smaller than six; or
  - (b) the appeal is abandoned.
- (4) If, in the case of a person whose licence has been revoked under <sup>F42</sup>section 3], the Secretary of State receives notice that a court—
  - (a) has quashed a conviction which was the basis or formed part of the basis for the revocation of the licence,
  - (b) has quashed an endorsement which was the basis or formed part of the basis for the revocation of the licence and has not on doing so ordered him to be disqualified, or
  - (c) has made an order which has the effect of reducing the penalty points taken into account for the purposes of section 2 <sup>F43</sup>or (as the case may be) the provision of Northern Ireland law corresponding to that section] to a number smaller than six,
 then, subject to subsection (5), the Secretary of State must grant that person free of charge a full licence for a period expiring on the date on which the revoked licence would have expired if it had not been revoked.
- (5) Subsection (4) does not require the Secretary of State to grant a licence to a person who has been granted a previous licence which has not been surrendered unless that person provides the Secretary of State with an explanation for not surrendering the previous licence that the Secretary of State considers adequate.
- (6) If, in accordance with subsection (1) or (4), the Secretary of State grants a full licence to a person whose licence has been revoked under <sup>F44</sup>section 3], the licence granted must be one authorising that person to drive all the classes of vehicles in relation to which the revoked licence was issued as a full licence.
- (7) Any licence granted in accordance with subsection (1) or (4) shall have effect for the purposes of the Road Traffic Acts as if it were a licence granted under Part III of the <sup>M6</sup>Road Traffic Act 1988.

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*Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995, Cross Heading: Revocation of licences and re-testing. (See end of Document for details)*

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- (8) Regulations may make provision for requiring such courts as may be prescribed to give notice to the Secretary of State—
- (a) that a person whose licence has been or is due to be revoked under section 3(1) is appealing against a conviction or endorsement which is the basis or forms part of the basis for the revocation;
  - (b) that such an appeal has been abandoned.
- (9) Regulations under this section may—
- (a) include such incidental or supplementary provision as appears to the Secretary of State to be expedient;
  - (b) make different provision for different cases.
- (10) Any regulations made under this section shall be made by the Secretary of State by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F45</sup>(11) Nothing in this section applies in relation to a person whose Northern Ireland licence has been revoked under section 3(1).]

#### Textual Amendments

- F40** Words in s. 5(1) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), s. 94(1), [Sch. 5 para. 49\(a\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F41** Words in s. 5(3)(a) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), s. 94(1), [Sch. 5 para. 49\(b\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F42** Words in s. 5(4) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), s. 94(1), [Sch. 5 para. 49\(a\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F43** Words in s. 5(4)(c) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), s. 94(1), [Sch. 5 para. 49\(b\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F44** Words in s. 5(6) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), s. 94(1), [Sch. 5 para. 49\(a\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F45** S. 5(11) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), s. 94(1), [Sch. 5 para. 49\(c\)](#); S.I. 2004/2624, art. 2(1)(2)(b)

#### Commencement Information

- I1** S. 5 wholly in force; s. 5 not in force at Royal Assent, see s. 10(2); s. 5(1)(2)(8)(9) and (10) in force at 1.3.1997 and s. 5 fully in force at 1.6.1996 by [S.I. 1997/267](#), [art. 2\(1\)\(2\)](#)

#### Marginal Citations

- M6** 1988 c. 52.

**Changes to legislation:**

There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995,  
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