



Road Traffic (New Drivers) Act 1995

1995 CHAPTER 13

E+W+S

An Act to make provision about newly qualified drivers who commit certain offences, including provision with respect to tests of competence to drive. [28th June 1995]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Introductory

1 Probationary period for newly qualified drivers. **E+W+S**

- (1) For the purposes of this Act, a person's probationary period is, subject to section 7, the period of two years beginning with the day on which he becomes a qualified driver.
- (2) For the purposes of this Act, a person becomes a qualified driver on the first occasion on which he passes—
 - (a) any test of competence to drive mentioned in paragraph (a) or (c) of section 89(1) of the ^{M1}Road Traffic Act 1988;
 - (b) any test of competence to drive conducted under the law of
 - [^{F1}(i) [^{F2}an]EEA State,
 - (ii) the Isle of Man,
 - (iii) any of the Channel Islands, or
 - (iv) Gibraltar.]

^{F3}(3)

^{F3}(4)

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

Textual Amendments

- F1** Words in s. 1(2)(b) substituted (1.1.1997) by [S.I. 1996/1974, reg. 5, Sch. 4 para. 5\(2\)](#)
- F2** Word in s. 1(2)(b)(i) substituted (31.12.2020) by [The Driving Licences \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1251\), regs. 1\(2\), 4\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F3** S. 1(3)(4) omitted (31.12.2020) by virtue of [The Driving Licences \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1251\), regs. 1\(2\), 4\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** 1988 c. 52.

Revocation of licences and re-testing

2 ^{F4}Persons to whom section 3(1) applies] **E+W+S**

^{F5}(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) ^{F6}A person satisfies the conditions in this subsection if—]

- ^{F7}(a)
- (b) ^{F8}the person] is convicted of an offence involving obligatory endorsement;
- (c) the penalty points to be taken into account under section 29 of the ^{M2}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;
- ^{F9}(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 ^{F10}driving record or] licence shows the date on which he became a qualified driver ^{F11}...; and
- (f) it appears to the ^{F12}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.

^{F13}(2)

(3) ^{F14}A person satisfies the conditions in this subsection if—]

- ^{F15}(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;
- ^{F16}(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 ^{F17}Secretary of State] in respect of the offence number six or more;
- (e) the ^{F18}person's driving record or] licence shows the date on which the person became a qualified driver; and

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- (f) it appears to the [^{F19}Secretary of State], in the light of the particulars of the offence [^{F20}to be] endorsed on the [^{F21}person's driving record] and the date so shown, that the offence was committed during the person's probationary period.

^{F22}(4)

- (5) For the purposes of subsection (3)(d) the penalty points to be taken into account ^{F23}... in respect of the offence are the penalty points which would have been taken into account under section 29 of the ^{M3}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.

[^{F24}(6) In this section and section 3 “licence” includes a Northern Ireland licence.]

^{F25}(7)

Textual Amendments

- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)
- F16** 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)
- F17** 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)
- F18** 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)
- F19** 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)

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- F20** 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)
- F21** 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)
- F22** 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)
- F23** 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)
- F24** 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)
- F25** 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

- M2** 1988 c. 53.
M3 1988 c. 53.

[^{F26}3] **Revocation of licences.** **E+W+S**

[^{F27}(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.]

^{F28}(1ZA)

[^{F29}(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under subsection (1) ^{F30}..., the Secretary of State must send to the licensing authority in Northern Ireland—

- (a) particulars of the notice; and
- (b) [^{F31}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) ^{F32}..., he must by notice served on the holder revoke the licence.]

(2) A revocation under [^{F33}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.

[^{F34}(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.]]

Textual Amendments

- F26** 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)
- F27** 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)
- F28** 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)

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- F29** 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)
- F30** 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)
- F31** 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)
- F32** 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)
- F33** 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)
- F34** 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)

[^{F35}3A Surrender of licences **E+W+S**

- (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

- F35** 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. **E+W+S**

- (1) Subject to subsection (5) and section 5, the Secretary of State may not under Part III of the ^{M4}Road Traffic Act 1988 grant a person whose licence has been revoked under [^{F36}section 3] a full licence to drive any class of vehicles in relation to which the revoked licence was issued as a full licence [^{F37}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.

[^{F38}(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

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- 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—
- (a) falls within paragraph (a) or (b) of section 1(2); and
 - (b) 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 [^{F39}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 ^{M5}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 [^{F40}or (as the case may be) full Northern Ireland licence].
- (4) In subsection (1) “the relevant period” means the period beginning—
- (a) after the date of the revocation of the licence; and
 - (b) not more than two years before the date on which the application for the full licence is made.
- (5) [^{F41}Subsections (1) and (1A) do] not apply to a person whose licence has been revoked under [^{F42}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 ^{M6}Road Traffic Offenders Act 1988 (disqualification until test is passed).

Textual Amendments

- F36** 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)
- F37** 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)
- F38** 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)
- F39** 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)
- F40** 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)
- F41** 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)
- F42** 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)

Marginal Citations

- M4** 1988 c. 52.
M5 1988 c. 52.
M6 1988 c. 53.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

5 Restoration of licence without re-testing in certain cases. **E+W+S**

- (1) If the Secretary of State receives notice that a person whose licence has been revoked under ^{F43}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 ^{F44}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 ^{F45}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 ^{F46}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 ^{F47}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 ^{M7}Road Traffic Act 1988.
- (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.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

- (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.

[^{F48}(11) Nothing in this section applies in relation to a person whose Northern Ireland licence has been revoked under section 3(1).]

Textual Amendments

- F43** 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)
- F44** 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)
- F45** 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)
- F46** 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)
- F47** 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)
- F48** 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

- M7** 1988 c. 52.

Miscellaneous and general

6 Newly qualified drivers holding test certificates. E+W+S

Schedule 1 (which makes provision about newly qualified drivers who hold test certificates) shall have effect.

Commencement Information

- I2** S. 6 wholly in force; s. 6 not in force at Royal Assent, see s. 10(2); s. 6 in force at 1.3.1997, so far as it gives effect to paragraph 11 of Schedule 1 and in force at 1.6.1996 by [S.I. 1997/267, arts. 2\(1\)\(2\)](#)

7 Early termination of probationary period. E+W+S

For the purposes of this Act a person's probationary period comes to an end if—

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

- (a) an order is made in relation to him under section 36 of the ^{M8}Road Traffic Offenders Act 1988 (order that a person be disqualified until he passes the appropriate driving test);
- (b) after his licence is revoked under [^{F49}section 3], he is granted a full licence following the passing of a test which is a relevant driving test for the purposes of section 4; or
- (c) after his test certificate is revoked under [^{F50}paragraph 5] of Schedule 1, or his licence and test certificate are revoked under [^{F51}paragraph 8] of that Schedule, he is granted a full licence following the passing of a test which is a relevant driving test for the purposes of paragraph 6 or 9 of that Schedule.

Textual Amendments

- F49** Words in s. 7(b) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 50\(a\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F50** Words in s. 7(c) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 50\(b\)\(i\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F51** Words in s. 7(c) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 50\(b\)\(ii\)](#); S.I. 2004/2624, art. 2(1)(2)(b)

Marginal Citations

- M8** 1988 c. 53.

8 The Crown. **E+W+S**

This Act applies to persons in the public service of the Crown.

9 Interpretation etc. **E+W+S**

- (1) Expressions used in this Act which are also used in Part III of the ^{M9}Road Traffic Act 1988 shall be construed in the same way as in that Act.
- (2) Expressions used in this Act which are also used in the ^{M10}Road Traffic Offenders Act 1988 shall be construed in the same way as in that Act.

[^{F52}(2A) In this Act—

“ full Northern Ireland licence ” means a Northern Ireland licence other than a Northern Ireland provisional licence,
“ Northern Ireland provisional licence ” means a Northern Ireland licence which corresponds to a provisional licence.]

- (3) In this Act “notice” means notice in writing.
- (4) Section 107 of the Road Traffic Act 1988 (service of notices) applies to a notice served under section 3 or paragraph 5 or 8 of Schedule 1 [^{F53}as it applies to a notice served under Part III or IV of that Act].

[^{F54}(5) Any requirement under any provision of this Act that—

- (a) a licence, a test certificate or a notice must be sent to the Secretary of State, or
- (b) a licence or a test certificate must be surrendered to the Secretary of State,

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is a requirement that the licence, test certificate or notice must be sent, or the licence or test certificate must be surrendered, to the Secretary of State at such address as the Secretary of State may determine.]

Textual Amendments

- F52** S. 9(2A) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), s. 94(1), [Sch. 5 para. 51](#); [S.I. 2004/2624](#), art. 2(1)(2)(b)
- F53** Words in s. 9(4) substituted (1.1.1997) by [S.I. 1996/1974](#), reg. 5, [Sch. 4 para. 5\(3\)](#)
- F54** [S. 9\(5\)](#) substituted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 5](#); [S.I. 2022/1187](#), reg. 4(a) (with Pt. 3)

Marginal Citations

- M9** 1988 c. 52.
- M10** 1988 c. 53.

10 Short title, commencement, extent etc. **E+W+S**

- (1) This Act may be cited as the Road Traffic (New Drivers) Act 1995.
- (2) The provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint and different days may be so appointed for different provisions.
- (3) Nothing in any provision of this Act applies to a person who becomes a qualified driver before the day on which the provision comes into force.
- (4) The consequential amendments set out in Schedule 2 shall have effect.
- (5) This Act does not extend to Northern Ireland.

Subordinate Legislation Made

- P1** [S. 10\(2\)](#) power fully exercised (5.2.1997): 1.3.1997 appointed day for specified provisions and 1.6.1997 for the rest of the act by [S.I. 1997/267](#), [arts. 2\(1\)\(2\)](#)

Commencement Information

- I3** [S. 10](#) wholly in force; [s. 10](#) not in force at Royal Assent, see [s. 10\(2\)](#); [s. 10\(1\)](#) and (5) in force at 1.3.1997 and [s. 10](#) fully in force at 1.6.1996 by [S.I. 1997/267](#), [arts. 2\(1\)\(2\)](#)

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **E+W+S**

Section 6.

NEWLY QUALIFIED DRIVERS HOLDING TEST CERTIFICATES

PART I **E+W+S**

GENERAL

Interpretation

- 1 (1) In this Schedule “test certificate” means a certificate or other document which by virtue of regulations under section 89 of the ^{M11}Road Traffic Act 1988 is evidence that a person has not more than two years previously passed a test of competence to drive prescribed by virtue of such regulations.
- (2) In this Schedule “prescribed conditions” means the prescribed conditions referred to in section 97(3) of the 1988 Act (subject to which provisional licences are granted).
- ^{F55}(2A)
- [^{F56}(3) In this Schedule “ licence ” includes a Northern Ireland licence, “ full licence ” includes a full Northern Ireland licence and “ provisional licence ” includes a Northern Ireland provisional licence.
- (4) In relation to the holder of a Northern Ireland licence, the following sub-paragraphs have effect for the purposes of this Schedule.
- (5) References to a test certificate are references to a certificate or other document (in this Schedule referred to as a “ Northern Ireland test certificate ”) which is evidence that he has not more than two years previously passed a Northern Ireland test of competence to drive corresponding to the test mentioned in sub-paragraph (1).
- (6) References to prescribed conditions are references to conditions subject to which the Northern Ireland provisional licence was granted.]

Textual Amendments

F55 Sch. 1 para. 1(2A) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(1), [Sch. 9 para. 6\(2\)\(a\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

F56 Sch. 1 para. 1(3)-(6) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003](#) (c. 32), s. 94(1), [Sch. 5 para. 53](#); S.I. 2004/2624, art. 2(1)(2)(b)

Marginal Citations

M11 1988 c. 52.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

Application of Schedule

- 2 ^{F57}(1)
- (2) Part III of this Schedule applies to a person who holds—
- (a) a licence issued as a provisional licence; and
 - (b) a test certificate.
- (3) Part IV of this Schedule applies to a person who falls within sub-paragraph (4) or (5).
- (4) A person falls within this sub-paragraph if—
- (a) he holds a licence issued as a full licence in relation to a class or certain classes of vehicles;
 - (b) he is treated under section 98(2) of the Road Traffic Act 1988 as authorised by a provisional licence to drive another class or other classes of vehicles; and
 - (c) he holds a test certificate which relates to that other class of vehicles or any of those other classes of vehicles.
- [^{F58}(4A) In relation to the holder of a Northern Ireland licence, the reference in sub-paragraph (4)(b) to section 98(2) of the Road Traffic Act 1988 is a reference to the corresponding provision under the law of Northern Ireland.]
- (5) A person falls within this sub-paragraph if he holds—
- (a) a licence issued as a full licence in relation to a class or certain classes of vehicles and as a provisional licence in relation to another class or other classes of vehicles; and
 - (b) a test certificate which relates to that other class of vehicles or any of those other classes of vehicles.

Textual Amendments

- F57** Sch. 1 para. 2(1) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 6\(2\)\(b\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F58** Sch. 1 para. 2(4A) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), s. 94(1), [Sch. 5 para. 54](#); S.I. 2004/2624, art. 2(1)(2)(b)

PART II E+W+S

F59 ...

Textual Amendments

- F59** Sch. 1 Pt. 2 heading omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 6\(2\)\(c\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

F60₃

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

Textual Amendments

F60 Sch. 1 para. 3 omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 6\(2\)\(c\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

PART III E+W+S

NEWLY QUALIFIED DRIVER WITH PROVISIONAL LICENCE AND TEST CERTIFICATE

F61 ...

Textual Amendments

F61 Sch. 1 para. 4 and cross-heading omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 9 para. 6\(2\)\(d\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

*F61*4

Revocation of test certificate

5 ^{F62}(1) Where—

- (a) there is a person to whom this Part of this Schedule applies,
- (b) the person satisfies the conditions in section 2(1)(b) to (da) and (f) or (3)(a) to (d) and (f),
- (c) the Secretary of State is satisfied that the person has been issued with a test certificate, and
- (d) the person’s driving record, licence or test certificate shows the date on which the person became a qualified driver,

the Secretary of State must by notice served on the person revoke the person’s test certificate and this sub-paragraph applies to the person instead of section 3(1).]

^{F63}(1ZA)

^{F64}(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under sub-paragraph (1) ^{F65}..., the Secretary of State must send to the licensing authority in Northern Ireland particulars of the notice together with ^{F66}, if the Secretary of State is already in receipt of it,] the Northern Ireland test certificate.

(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 sub-paragraph (1) ^{F67}..., he must by notice served on that person revoke his test certificate.]

(2) A revocation under ^{F68}this paragraph] 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.

(3) The effect of the revocation of a person’s test certificate is that any prescribed conditions to which his provisional licence ceased to be subject when he became a qualified driver shall again apply.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

[^{F69}(4) In this paragraph and paragraph 8 references to the revocation of a person’s Northern Ireland test certificate are references to its revocation as respects Great Britain.

(5) The effect of the revocation of a person’s Northern Ireland test certificate as respects Great Britain is that any prescribed conditions to which his Northern Ireland provisional licence ceased to be subject when he became a qualified driver shall again apply for the purposes of section 109(1) of the Road Traffic Act 1988.]

Textual Amendments

- F62** Sch. 1 para. 5(1) substituted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(3)(a)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F63** Sch. 1 para. 5(1ZA) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(3)(b)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F64** Sch. 1 para. 5(1A)(1B) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 55(a)**; S.I. 2004/2624, art. 2(1)(2)(b)
- F65** Words in Sch. 1 para. 5(1A) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(3)(c)(i)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F66** Words in Sch. 1 para. 5(1A) inserted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(3)(c)(ii)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F67** Words in Sch. 1 para. 5(1B) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(3)(d)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F68** Words in Sch. 1 para. 5(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 27(5)(c)**; S.I. 2008/3164, art. 3(b)
- F69** Sch. 1 para. 5(4)(5) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 55(c)**; S.I. 2004/2624, art. 2(1)(2)(b)

[^{F70}Surrender of test certificate

Textual Amendments

- F70** Sch. 1 para. 5A and cross-heading inserted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(4)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)

5A (1) Where—

- (a) the Secretary of State is required under paragraph 5(1) or (1B) to serve a notice on a person revoking the person’s test certificate, and
- (b) the Secretary of State is not already in receipt of the test certificate,

the notice may also require the person to surrender the test certificate 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 sub-paragraph (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.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

- (3) Where the Secretary of State receives a Northern Ireland test certificate pursuant to a requirement to surrender it imposed under sub-paragraph (1), the Secretary of State must send it to the licensing authority in Northern Ireland.]

Re-testing

- 6 (1) Subject to Part V of this Schedule, the Secretary of State may not under Part III of the ^{M12}Road Traffic Act 1988 grant a person whose test certificate has been revoked under [^{F71}paragraph 5, or whose Northern Ireland test certificate has been revoked under a provision of Northern Ireland law corresponding to paragraph 5(1) ^{F72}...,] a full licence to drive any class of vehicles that, immediately before his test certificate was revoked, he was permitted to drive without observing prescribed conditions, unless he satisfies the Secretary of State that within the relevant period he has passed a relevant driving test.
- (2) In this paragraph “relevant driving test” means, in relation to a person whose test certificate has been revoked, any test which—
- (a) falls within paragraph (a) or (b) of section 1(2); and
 - (b) is a test of competence to drive any vehicle included in any class of vehicles that, immediately before his test certificate was revoked, he was permitted to drive without observing prescribed conditions.
- (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 ^{M13}Road Traffic Act 1988) be one authorising that person to drive all the classes of vehicles that, immediately before his test certificate was revoked, he was permitted to drive without observing prescribed conditions.
- (4) In sub-paragraph (1) “the relevant period” means the period beginning—
- (a) after the date of the revocation of the test certificate; and
 - (b) not more than two years before the date on which the application for the full licence is made.

Textual Amendments

F71 Words in Sch. 1 para. 6(1) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003](#) (c. 32), s. 94(1), [Sch. 5 para. 56](#); S.I. 2004/2624, art. 2(1)(2)(b)

F72 Words in Sch. 1 para. 6(1) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(1), [Sch. 9 para. 6\(5\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

Marginal Citations

M12 1988 c. 52.

M13 1988 c. 52.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

PART IV E+W+S

NEWLY QUALIFIED DRIVER WITH FULL AND PROVISIONAL ENTITLEMENTS AND TEST CERTIFICATE

F73 ...

Textual Amendments

F73 Sch. 1 para. 7 and cross-heading omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), Sch. 9 para. 6(6); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

F737

Revocation of licence and test certificate

8 [F74(1) Where—

- (a) there is a person to whom this Part of this Schedule applies,
- (b) the person satisfies the conditions in section 2(1)(b) to (da) and (f) or (3)(a) to (d) and (f),
- (c) the Secretary of State is satisfied that the person has been issued with a test certificate, and
- (d) the person’s driving record, licence or test certificate shows the date on which the person became a qualified driver,

the Secretary of State must by notice served on the person revoke the person’s licence and test certificate and this sub-paragraph applies to the person instead of section 3(1).]

F75(1ZA)

[F76(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under sub-paragraph (1) F77 ..., the Secretary of State must send to the licensing authority in Northern Ireland particulars of the notice together with [F78—

- (a) if the Secretary of State is already in receipt of it, the Northern Ireland licence, and
- (b) if the Secretary of State is already in receipt of it, the Northern Ireland test certificate.]

(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 sub-paragraph (1) F79 ..., he must by notice served on that person revoke his licence and test certificate.]

(2) A revocation under [F80 this paragraph] 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.

[F81(3) In this paragraph 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.]

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

Textual Amendments

- F74** Sch. 1 para. 8(1) substituted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(7)(a)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F75** Sch. 1 para. 8(1ZA) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(7)(b)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F76** Sch. 1 para. 8(1A)(1B) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 57(a)**; S.I. 2004/2624, art. 2(1)(2)(b)
- F77** Words in Sch. 1 para. 8(1A) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(7)(c)(i)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F78** Sch. 1 para. 8(1A)(a)(b) substituted for words (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(7)(c)(ii)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F79** Words in Sch. 1 para. 8(1B) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(7)(d)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F80** Words in Sch. 1 para. 8(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 27(8)(c)**; S.I. 2008/3164, art. 3(b)
- F81** Sch. 1 para. 8(3) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 57(c)**; S.I. 2004/2624, art. 2(1)(2)(b)

^{F82} Surrender of licence and test certificate

Textual Amendments

- F82** Sch. 1 para. 8A and cross-heading inserted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 9 para. 6(8)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)

- 8A (1) Where—
- (a) the Secretary of State is required under paragraph 8(1) or (1B) to serve a notice on a person revoking the person's licence and test certificate, and
 - (b) the Secretary of State is not already in receipt of the licence or test certificate, the notice may also require the person to surrender the licence, or test certificate, or both (as the case may be) 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 sub-paragraph (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 or a Northern Ireland test certificate pursuant to a requirement to surrender it imposed under sub-paragraph (1), the Secretary of State must send it to the licensing authority in Northern Ireland.]

Re-testing

- 9 (1) Subject to Part V of this Schedule, the Secretary of State may not under Part III of the ^{M14}Road Traffic Act 1988 grant a person whose licence and test certificate have been revoked under ^{F83}paragraph 8, or whose Northern Ireland licence and Northern

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Ireland test certificate have been revoked under a provision of Northern Ireland law corresponding to paragraph 8(1)]^{F84} ... a full licence to drive any class of vehicles mentioned in sub-paragraph (4), unless he satisfies the Secretary of State that within the relevant period he has passed a relevant driving test.

- (2) In this paragraph “relevant driving test” means any test which—
- (a) falls within paragraph (a) or (b) of section 1(2); and
 - (b) is a test of competence to drive any vehicle included in any class of vehicles mentioned in sub-paragraph (4).
- (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 Road Traffic Act 1988) be one authorising that person to drive all the classes of vehicles mentioned in sub-paragraph (4).
- (4) The classes of vehicles are—
- (a) any class of vehicles in relation to which the revoked licence was issued as a full licence; and
 - (b) any class of vehicles—
 - (i) that he was treated under section 98(2) of the Road Traffic Act 1988 [^{F85}, or under a provision of Northern Ireland law corresponding to that section] as authorised to drive under a provisional licence, or
 - (ii) in relation to which the revoked licence was issued as a provisional licence,
 and that, immediately before the test certificate was revoked, he was permitted to drive without observing prescribed conditions.
- (5) In sub-paragraph (1) “the relevant period” means the period beginning—
- (a) after the date of the revocation of the licence and the test certificate; and
 - (b) not more than two years before the date on which the application for the full licence is made.

Textual Amendments

- F83** Words in Sch. 1 para. 9(1) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 58\(a\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F84** Words in Sch. 1 para. 9(1) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), s. 208\(1\), Sch. 9 para. 6\(9\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F85** Words in Sch. 1 para. 9(4)(b)(i) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 58\(b\)](#); S.I. 2004/2624, art. 2(1)(2)(b)

Marginal Citations

- M14** 1988 c. 52.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

PART V **E+W+S**

SUPPLEMENTARY

Effect of disqualification until test is passed on re-testing rule

- 10 Where—
- (a) a person's test certificate has been revoked under [^{F86}paragraph 5 (or a person's Northern Ireland test certificate has been revoked under a provision of Northern Ireland law corresponding to paragraph 5(1) ^{F87}...)] or his licence and test certificate have been revoked under [^{F88}paragraph 8 (or a person's Northern Ireland licence and Northern Ireland test certificate have been revoked under a provision of Northern Ireland law corresponding to paragraph 8(1) ^{F87}...)], but
 - (b) before he passes a relevant driving test, an order is made in relation to him under section 36 of the Road Traffic Offenders Act 1988 (disqualification until test is passed),
- paragraph 6(1) or, as the case may be, paragraph 9(1) shall not apply to him.

Textual Amendments

- F86** Words in Sch. 1 para. 10(a) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003](#) (c. 32), s. 94(1), [Sch. 5 para. 59\(a\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F87** Words in Sch. 1 para. 10(a) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(1), [Sch. 9 para. 6\(10\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F88** Words in Sch. 1 para. 10(a) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003](#) (c. 32), s. 94(1), [Sch. 5 para. 59\(b\)](#); S.I. 2004/2624, art. 2(1)(2)(b)

Regulations

- 11 (1) The Secretary of State may by regulations make provision for cases where, after the Secretary of State has revoked a person's test certificate under [^{F89}paragraph 5], or a person's licence and test certificate under [^{F89}paragraph 8], he receives notice—
- (a) that the person is appealing against a conviction or endorsement which was the basis or formed part of the basis for the revocation;
 - (b) that a court has quashed a conviction which was the basis or formed part of the basis for the revocation;
 - (c) that a court has quashed an endorsement which was the basis or formed part of the basis for the revocation and has not on doing so ordered that person to be disqualified;
 - (d) that a court has made an order which has the effect of reducing the penalty points taken into account for the purposes of section 2 [^{F90}or (as the case may be) the provision of Northern Ireland law corresponding to that section] to a number smaller than six.
- (2) Regulations under sub-paragraph (1) may in particular make provision for—
- (a) issuing licences for such period as may be prescribed;
 - (b) licences issued under the regulations to be treated as revoked in such circumstances as may be prescribed;

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- (c) re-issuing a test certificate which has been revoked under [F89 paragraph 5] or [F89 paragraph 8];
 - (d) suspending or terminating any prescribed conditions applied by virtue of paragraph 5(3);
 - (e) requiring such courts as may be prescribed to give notice to the Secretary of State of the matters mentioned in sub-paragraph (3).
- (3) The matters referred to are—
- (a) that a person whose certificate has been or is due to be revoked under paragraph 5(1) or whose licence and certificate have been or are due to be revoked under paragraph 8(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.
- (4) Any regulations under this paragraph 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.
- (5) Any regulations under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F89** Words in Sch. 1 para. 11(1) substituted (11.10.2004) by virtue of [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 60\(a\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F90** Words in Sch. 1 para. 11(1)(d) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 60\(b\)](#); S.I. 2004/2624, art. 2(1)(2)(b)

Commencement Information

- I4** Sch. 1 para. 11 in force (1.3.1997) by [S.I. 1997/267, art. 2\(1\)](#)

SCHEDULE 2 E+W+S

Section 10(4).

CONSEQUENTIAL AMENDMENTS

The Road Traffic Act 1988 (c.52)

- 1 The Road Traffic Act 1988 shall be amended as follows.
- 2 (1) In the provisions mentioned in sub-paragraph (2) after “section 89 of this Act” insert “or section 4(1) of or paragraph 6(1) or 9(1) of Schedule 1 to the Road Traffic (New Drivers) Act 1995”.
- (2) The provisions are—
- (a) section 88(1A)(b)(ii) (meaning of “qualifying application” for purposes of exception to requirement that driver must have a licence);
 - (b) section 97(1)(d) (person to whom licence must be granted must be a person who is not prevented from obtaining it by section 89 of the Act).

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995. (See end of Document for details)

The Road Traffic Offenders Act 1988 (c.53)

3 The Road Traffic Offenders Act 1988 shall be amended as follows.

F91⁴

Textual Amendments

F91 Sch. 2 para. 4 omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 10 para. 26](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

F92⁵

Textual Amendments

F92 Sch. 2 para. 5 repealed (8.6.2015) by [The Road Safety Act 2006 \(Consequential Amendments\) Order 2015 \(S.I. 2015/583\)](#), art. 1(1), [Sch. 1](#) Table 1

F93⁶

Textual Amendments

F93 Sch. 2 para. 6 repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 7\(4\)](#); S.I. 2015/560, art. 3(b) (with arts. 4-9)

7 In Schedule 1 (offences to which various sections of the Act apply), in paragraph 2 (offences to which section 6 applies) omit the word “and” immediately preceding paragraph (c) and after that paragraph insert “and
(d) to an offence under paragraph 3(5) of Schedule 1 to the Road Traffic (New Drivers) Act 1995.”

Changes to legislation:

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