Road Traffic (New Drivers) Act 1995

1995 CHAPTER 13

Introductory

1 Probationary period for newly qualified drivers

(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 Road Traffic Act 1988;

(b) any test of competence to drive conducted under the law of another EEA State or Gibraltar.

(3) In subsection (2) "EEA State" means a State which is a contracting party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein.

(4) In subsection (3) "EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.

Revocation of licences and re-testing

2 Surrender of licences

(1) Subsection (2) applies where—

(a) a person is the holder of a licence;

(b) he is convicted of an offence involving obligatory endorsement;

(c) the penalty points to be taken into account under section 29 of the 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;

(e) the person's licence shows the date on which he became a qualified driver, or that date has been shown by other evidence in the proceedings; and

(f) it appears to the court, in the light of the order and the date so shown, that the offence was committed during the person's probationary period.

(2) Where this subsection applies, the court must send to the Secretary of State—

(a) a notice containing the particulars required to be endorsed on the counterpart of the person's licence in accordance with the order referred to in subsection (1)(d); and

(b) on their production to the court, the person's licence and its counterpart.

(3) Subsection (4) applies where—

(a) a person's licence and its counterpart have been sent to the fixed penalty clerk under section 54(7) of the Road Traffic Offenders Act 1988 or delivered to the fixed penalty clerk in response to a conditional offer issued 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;

(c) the fixed penalty clerk endorses the number of penalty points to be attributed to the offence on the counterpart of the licence;

(d) the penalty points to be taken into account by the fixed penalty clerk in respect of the offence number six or more;

(e) the licence shows the date on which the person became a qualified driver; and

(f) it appears to the fixed penalty clerk, in the light of the particulars of the offence endorsed on the counterpart of the licence and the date so shown, that the offence was committed during the person's probationary period.

(4) Where this subsection applies, the fixed penalty clerk—

(a) may not return the licence and its counterpart under section 57(3) or (4) or 77(1) of the Road Traffic Offenders Act 1988; but

(b) must send them to the Secretary of State.

(5) For the purposes of subsection (3)(d) the penalty points to be taken into account by the fixed penalty clerk in respect of the offence are the penalty points which would have been taken into account under section 29 of the 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.

3 Revocation of licences

(1) Where the Secretary of State receives—

(a) a notice sent to him under section 2(2)(a) of particulars required to be endorsed on the counterpart of a person's licence, or

(b) a person's licence and its counterpart sent to him in accordance with section 2(2)(b) or (4),

the Secretary of State must by notice served on that person revoke the licence.

(2) A revocation under subsection (1) 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.

4 Re-testing

(1) Subject to subsection (5) and section 5, the Secretary of State may not under Part III of the Road Traffic Act 1988 grant a person whose licence has been revoked under section 3(1) a full licence to drive any class of vehicles in relation to which the revoked licence was issued as a full licence unless he satisfies the Secretary of State that within the relevant period he has passed a relevant driving test.

(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.

(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 in relation to which the revoked licence was issued as a full 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) Subsection (1) does not apply to a person whose licence has been revoked under section 3(1) if, 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).

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 section 3(1) 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 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 section 3(1), 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 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 section 3(1), 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 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.

(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.

Miscellaneous and general

6 Newly qualified drivers holding test certificates

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

7 Early termination of probationary period

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

(a) an order is made in relation to him under section 36 of the 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 section 3(1), 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 paragraph 5(1) of Schedule 1, or his licence and test certificate are revoked under paragraph 8(1) 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.

8 The Crown

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

9 Interpretation etc

(1) Expressions used in this Act which are also used in Part III of the 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 Road Traffic Offenders Act 1988 shall be construed in the same way as in that Act.

(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 as it applies to a notice served under any of the sections referred to in that section.

(5) Any requirement under any provision of this Act that a licence and its counterpart, a test certificate or a notice must be sent to the Secretary of State is a requirement that the licence and its counterpart, the test certificate or the notice must be sent to the Secretary of State at such address as the Secretary of State may determine.

10 Short title, commencement, extent etc

(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.