

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995, SCHEDULE 1. (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 ^{M1}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).
- ^{F1}(2A)
- ^{F2}(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

- F1** 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)
- F2** 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

- M1** 1988 c. 52.

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Application of Schedule

- 2 ^{F3}(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.
- [^{F4}(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

F3 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)

F4 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

^{F5} ...

Textual Amendments

F5 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)

^{F6}3

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Textual Amendments

- F6** 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

F7 ...

Textual Amendments

- F7** 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)

F74

Revocation of test certificate

- 5 ^{F8}(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).]

^{F9}(1ZA)

^{F10}(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under sub-paragraph (1) ^{F11}..., the Secretary of State must send to the licensing authority in Northern Ireland particulars of the notice together with ^{F12}, 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) ^{F13}..., he must by notice served on that person revoke his test certificate.]

(2) A revocation under ^{F14}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.

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[^{F15}(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

- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)

[^{F16}Surrender of test certificate

Textual Amendments

- F16** 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.

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- (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 ^{M2}Road Traffic Act 1988 grant a person whose test certificate has been revoked under [^{F17}paragraph 5, or whose Northern Ireland test certificate has been revoked under a provision of Northern Ireland law corresponding to paragraph 5(1) ^{F18}...,] 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 ^{M3}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

F17 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)

F18 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

M2 1988 c. 52.

M3 1988 c. 52.

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PART IV E+W+S

NEWLY QUALIFIED DRIVER WITH FULL AND
PROVISIONAL ENTITLEMENTS AND TEST CERTIFICATE

F19 ...

Textual Amendments

F19 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)

F197

Revocation of licence and test certificate

8 [F20(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).]

F21(1ZA)

[F22(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under sub-paragraph (1) F23 ..., the Secretary of State must send to the licensing authority in Northern Ireland particulars of the notice together with [F24—
(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) F25 ..., he must by notice served on that person revoke his licence and test certificate.]

(2) A revocation under [F26this 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.

[F27(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.]

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Textual Amendments

- F20** 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)
- F21** 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)
- F22** 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)
- F23** 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)
- F24** 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)
- F25** 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)
- F26** 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)
- F27** 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)

^{F28}*Surrender of licence and test certificate*

Textual Amendments

- F28** 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 ^{M4}Road Traffic Act 1988 grant a person whose licence and test certificate have been revoked under [^{F29}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)]^{F30}... 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 [^{F31}, 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

- F29** 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)
- F30** 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)
- F31** 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

- M4** 1988 c. 52.

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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 [^{F32}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) ^{F33}...)] or his licence and test certificate have been revoked under [^{F34}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) ^{F33}...)], 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

- F32** 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)
- F33** 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)
- F34** 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 [^{F35}paragraph 5], or a person's licence and test certificate under [^{F35}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 [^{F36}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 [^{F35}paragraph 5] or [^{F35}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

- F35** 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)
- F36** 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)
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Commencement Information

- I1** Sch. 1 para. 11 in force (1.3.1997) by [S.I. 1997/267, art. 2\(1\)](#)

Changes to legislation:

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