

Status: Point in time view as at 31/03/2009.

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

SCHEDULES

SCHEDULE 1

NEWLY QUALIFIED DRIVERS HOLDING TEST CERTIFICATES

PART III

NEWLY QUALIFIED DRIVER WITH PROVISIONAL LICENCE AND TEST CERTIFICATE

Surrender of test certificate

- 4 (1) Where the circumstances mentioned in section 2(1) exist with respect to a person to whom this Part of this Schedule applies, sub-paragraph (2) applies instead of section 2(2).
- (2) 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 section 2(1)(d); and
 - (b) on its production to the court, the person's test certificate.
- (3) Where—
- (a) the circumstances mentioned in section 2(3)(a) to (d) and (f) exist with respect to a person to whom this Part of this Schedule applies,
 - (b) the ^[F1]appropriate person] has received the person's test certificate in accordance with paragraph 3(4), and
 - (c) the test certificate shows the date on which the person became a qualified driver,
- ^[F2]section 2(4) does not apply but if the appropriate person is the fixed penalty clerk sub-paragraph (4) applies instead.]
- (4) The fixed penalty clerk must send to the Secretary of State—
- (a) a notice containing the particulars endorsed on the counterpart of the person's licence; and
 - (b) the person's test certificate.

Textual Amendments

- F1** Words in Sch. 1 para. 4(3)(b) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 27(4)(a); S.I. 2008/3164, art. 3(b)
- F2** Words in Sch. 1 para. 4(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 27(4)(b); S.I. 2008/3164, art. 3(b)

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Revocation of test certificate

- 5 (1) Where the Secretary of State—
- (a) has received a notice sent to him under paragraph 4 of particulars required to be endorsed or endorsed on the counterpart of a person's licence, and
 - (b) has received the person's test certificate sent to him under paragraph 4(2)(b) or (4)(b) or is satisfied that the person has been issued with a test certificate,
- the Secretary of State must by notice served on that person revoke the test certificate.
- [^{F3}(1ZA) Where section 2(4) is disappplied by paragraph 4(3) and the appropriate person is the Secretary of State, the Secretary of State must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued revoke that person's test certificate.]
- [^{F4}(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under sub-paragraph (1) [^{F5}or (1ZA)], the Secretary of State must send to the licensing authority in Northern Ireland particulars of the notice together with 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) [^{F5}or (1ZA)], he must by notice served on that person revoke his test certificate.]
- (2) A revocation under [^{F6}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.
- [^{F7}(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

- F3** Sch. 1 para. 5(1ZA) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), **Sch. 1 para. 27(5)(a)**; S.I. 2008/3164, art. 3(b)
- F4** 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)
- F5** Words in Sch. 1 para. 5(1A)(1B) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), **Sch. 1 para. 27(5)(b)**; S.I. 2008/3164, art. 3(b); S.I. 2008/3164, art. 3(b)
- F6** 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)
- F7** 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)

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Re-testing

- 6 (1) Subject to Part V of this Schedule, the Secretary of State may not under Part III of the ^{M1}Road Traffic Act 1988 grant a person whose test certificate has been revoked under [^{F8}paragraph 5, or whose Northern Ireland test certificate has been revoked under a provision of Northern Ireland law corresponding to paragraph 5(1) [^{F9}or (1ZA)],] 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 ^{M2}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

- F8** 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)
- F9** Words in Sch. 1 para. 6(1) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 1 para. 27\(6\)](#); S.I. 2008/3164, art. 3(b)

Marginal Citations

- M1** 1988 c. 52.
M2 1988 c. 52.

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