

**Changes to legislation:** The Road Traffic (New Drivers) (Northern Ireland) Order 1998, PART IV is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 1

#### NEWLY QUALIFIED DRIVERS HOLDING TEST CERTIFICATES

#### PART IV

#### NEWLY QUALIFIED DRIVER WITH FULL AND PROVISIONAL ENTITLEMENTS AND TEST CERTIFICATE

##### *Surrender of licence and test certificate*

7.—(1) Where the circumstances mentioned in Article 4(1) exist with respect to a person to whom this Part applies, sub-paragraph (2) applies instead of Article 4(2).

(2) The court shall send to the Department—

- (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 Article 4(1)(d);
- (b) on their production to the court, the person's licence and its counterpart; and
- (c) on its production to the court, the person's test certificate.

(3) Where—

- (a) the circumstances mentioned in Article 4(3) exist with respect to a person to whom this Part applies; and
- (b) the [<sup>F1</sup>appropriate person] has received the person's test certificate in accordance with paragraph 3(4),

sub-paragraph (4) applies instead of Article 4(4).

(4) The [<sup>F2</sup>appropriate person]—

- (a) shall not return the person's licence and its counterpart under Article 63(3) or (4) or Article 82(1) of the Offenders Order; but
- (b) [<sup>F3</sup>unless the appropriate person is the Department,] shall send them and the person's test certificate to the Department

**F1** Words in Sch. 1 para. 7(3)(b) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, Sch. 2 para. 25(f)(i) (with art. 84); S.R. 2010/370, art. 2(1), Sch. Pt. 1

**F2** Words in Sch. 1 para. 7(4) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, Sch. 2 para. 25(f)(ii)(A) (with art. 84); S.R. 2010/370, art. 2(1), Sch. Pt. 1

**F3** Words in Sch. 1 para. 7(4)(b) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, Sch. 2 para. 25(f)(ii)(B) (with art. 84); S.R. 2010/370, art. 2(1), Sch. Pt. 1

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### *Revocation of licence and test certificate*

8.—(1) Where the Department—

- (a) has received a notice sent to it under paragraph 7(2)(a) of particulars required to be endorsed on the counterpart of a person's licence or has received the licence and its counterpart under paragraph 7(2)(b) or (4)(b); and
- (b) has received the person's test certificate sent to it under paragraph 7(2)(c) or (4)(b) or is satisfied that the person has been issued with a test certificate,

the Department shall by notice served on that person revoke the licence and the test certificate.

[<sup>F4</sup>(1ZA) Where paragraph 7(4) applies and the appropriate person is the Department, the Department must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued revoke that person's licence and test certificate.]

[<sup>F5</sup>(1A) Where the Department serves on the holder of a Great Britain licence a notice under sub-paragraph (1) [<sup>F6</sup>or (1ZA)], the Department must send to the licensing authority in Great Britain particulars of the notice together with the Great Britain licence and the Great Britain test certificate.

(1B) Where the Department is sent by that licensing authority particulars of a notice served on the holder of a licence under paragraph 8(1) [<sup>F7</sup>or (1ZA)] of Schedule 1 to the Road Traffic (New Drivers) Act 1995, the Department must by notice served on that person revoke his licence and test certificate.]

(2) A revocation under [<sup>F8</sup> this paragraph] shall have effect from a date specified in the notice of revocation which shall not be earlier than the date of service of that notice.

[<sup>F5</sup>(3) In this paragraph references to the revocation of a person's Great Britain licence are references to its revocation as respects Northern Ireland; and, accordingly, the person ceases to be authorised by virtue of Article 19E(1) of the Order of 1981 to drive in Northern Ireland a motor vehicle of any class.]

**F4** Sch. 1 para. 8(1ZA) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, **Sch. 2 para. 25(g)(i)** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

**F5** 2003 NI 16

**F6** Words in Sch. 1 para. 8(1A) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, **Sch. 2 para. 25(g)(ii)** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

**F7** Words in Sch. 1 para. 8(1B) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, **Sch. 2 para. 25(g)(iii)** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

**F8** Words in Sch 1 para. 8(2) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, **Sch. 2 para. 25(g)(iv)** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

### *Re-testing*

9.—(1) Subject to Part V, the Department shall not under Part II of the Order of 1981 grant a person whose licence and test certificate have been revoked under [<sup>F9</sup> paragraph 8, or whose Great Britain licence and Great Britain test certificate have been revoked under paragraph 8(1) [<sup>F10</sup>or (1ZA)] of Schedule 1 to the Road Traffic (New Drivers) Act 1995,] a full licence to drive any class of vehicles mentioned in sub-paragraph (4), unless he satisfies the Department that within the relevant period he has passed a relevant driving test.

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- (2) In this paragraph “relevant driving test” means any test which—
- (a) falls within sub-paragraph (a) or (b) of Article 3(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 Department 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 shall (subject to Articles 9 and 70 to 79A of the Order of 1981) 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 Article 14(2) of the Order of 1981<sup>F9</sup>, or under section 98(2) of the Road Traffic Act 1988,] 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 2 years before the date on which the application for the full licence is made.

**F9** 2003 NI 16

**F10** Words in Sch. 1 para. 9 inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, Sch. 2 para. 25(h) (with art. 84); S.R. 2010/370, art. 2(1), Sch. Pt. 1

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 5(6) added by [2016 c. 11 \(N.I.\) s. 20\(4\)\(a\)\(iv\)](#)
- Sch. 1 para. 8(4) added by [2016 c. 11 \(N.I.\) s. 20\(4\)\(c\)\(iv\)](#)
- Sch. 1 para. 5(1ZB)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(a\)\(iii\)](#)
- Sch. 1 para. 5A inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(b\)](#)
- Sch. 1 para. 8(1ZB)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(c\)\(iii\)](#)
- Sch. 1 para. 8A inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(d\)](#)
- art. 5(1ZB)(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 20\(2\)\(c\)](#)
- art. 5(4) added by [2016 c. 11 \(N.I.\) s. 20\(2\)\(d\)](#)
- art. 5A5B inserted by [2016 c. 11 \(N.I.\) s. 20\(3\)](#)