

Status: Point in time view as at 11/10/2004.

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

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 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);
 - (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 section 2(3) exist with respect to a person to whom this Part of this Schedule applies, and
 - (b) the fixed penalty clerk has received the person's test certificate in accordance with paragraph 3(4),
- sub-paragraph (4) applies instead of section 2(4).
- (4) The fixed penalty clerk—
- (a) may not return the person's licence and its counterpart under section 57(3) or (4) or 77(1) of the ^{M1}Road Traffic Offenders Act 1988; but
 - (b) must send them and the person's test certificate to the Secretary of State.

Marginal Citations

M1 1988 c. 53.

Revocation of licence and test certificate

- 8 (1) Where the Secretary of State—
- (a) has received a notice sent to him under paragraph 7(2)(a) of particulars required to be endorsed on the counterpart of a person's licence or has

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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 him under paragraph 7(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 licence and the test certificate.

[^{F1}(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under sub-paragraph (1), the Secretary of State must send to the licensing authority in Northern Ireland particulars of the notice together with the Northern Ireland licence and 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), he must by notice served on that person revoke his licence and test certificate.]

(2) A revocation under sub-paragraph (1) [^{F2} or (1B)] 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.

[^{F3}(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.]

Textual Amendments

- F1** 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)
- F2** Words in Sch. 1 para. 8(2) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), s. 94(1), [Sch. 5 para. 57\(b\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F3** 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)

Re-testing

9 (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 licence and test certificate have been revoked under [^{F4}paragraph 8, or whose Northern Ireland licence and Northern Ireland test certificate have been revoked under a provision of Northern Ireland law corresponding to paragraph 8(1),] 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

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(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^{F5}, 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

- F4** 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)
- F5** 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

- M2** 1988 c. 52.

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