

*Status: Point in time view as at 30/11/2022.*

*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

*F1* ...

#### Textual Amendments

**F1** 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)

**F17** .....

#### *Revocation of licence and test certificate*

8 <sup>F2</sup>(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).]

<sup>F3</sup>(1ZA) .....

<sup>F4</sup>(1A) Where the Secretary of State serves on the holder of a Northern Ireland licence a notice under sub-paragraph (1) <sup>F5</sup>..., the Secretary of State must send to the licensing authority in Northern Ireland particulars of the notice together with <sup>F6</sup>—

- (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.]

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- (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) <sup>F7</sup>..., he 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 may not be earlier than the date of service of that notice.
- [<sup>F9</sup>(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

- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)

#### *[<sup>F10</sup>Surrender of licence and test certificate*

#### Textual Amendments

- F10** 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

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- (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 <sup>M1</sup>Road Traffic Act 1988 grant a person whose licence and test certificate have been revoked under [<sup>F11</sup>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)]<sup>F12</sup>... 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 [<sup>F13</sup>, 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**

**F11** 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)

**F12** 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)

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**F13** 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)

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**Marginal Citations**

**M1** 1988 c. 52.

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