



Road Traffic (New Drivers) Act 1995

1995 CHAPTER 13

Revocation of licences and re-testing

2 Surrender of licences

- (1) Subsection (2) applies where—
- (a) a person is the holder of a licence;
 - (b) he is convicted of an offence involving obligatory endorsement;
 - (c) the penalty points to be taken into account under section 29 of the Road Traffic Offenders Act 1988 on that occasion number six or more;
 - (d) the court makes an order falling within section 44(1)(b) of that Act in respect of the offence;
 - (e) the person's licence shows the date on which he became a qualified driver, or that date has been shown by other evidence in the proceedings; and
 - (f) it appears to the court, in the light of the order and the date so shown, that the offence was committed during the person's probationary period.
- (2) Where this subsection applies, 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 subsection (1)(d); and
 - (b) on their production to the court, the person's licence and its counterpart.
- (3) Subsection (4) applies where—
- (a) a person's licence and its counterpart have been sent to the fixed penalty clerk under section 54(7) of the Road Traffic Offenders Act 1988 or delivered to the fixed penalty clerk in response to a conditional offer issued under section 75 of that Act;
 - (b) the offence to which the fixed penalty notice or the conditional offer relates is one involving obligatory endorsement;
 - (c) the fixed penalty clerk endorses the number of penalty points to be attributed to the offence on the counterpart of the licence;

Status: This is the original version (as it was originally enacted).

- (d) the penalty points to be taken into account by the fixed penalty clerk in respect of the offence number six or more;
 - (e) the licence shows the date on which the person became a qualified driver; and
 - (f) it appears to the fixed penalty clerk, in the light of the particulars of the offence endorsed on the counterpart of the licence and the date so shown, that the offence was committed during the person's probationary period.
- (4) Where this subsection applies, the fixed penalty clerk—
- (a) may not return the licence and its counterpart under section 57(3) or (4) or 77(1) of the Road Traffic Offenders Act 1988; but
 - (b) must send them to the Secretary of State.
- (5) For the purposes of subsection (3)(d) the penalty points to be taken into account by the fixed penalty clerk in respect of the offence are the penalty points which would have been taken into account under section 29 of the Road Traffic Offenders Act 1988 if—
- (a) the person in question had been convicted of the offence; and
 - (b) the number of penalty points to be attributed to the offence on that occasion had been determined in accordance with section 28(3) of that Act.