



# Road Traffic (New Drivers) Act 1995

## 1995 CHAPTER 13

### *Revocation of licences and re-testing*

#### **5 Restoration of licence without re-testing in certain cases.**

- (1) If the Secretary of State receives notice that a person whose licence has been revoked under [<sup>F1</sup>section 3] is appealing against a conviction or endorsement which was the basis or formed part of the basis for the revocation, he must grant that person free of charge a full licence for a period prescribed by regulations.
- (2) Regulations under subsection (1) may in particular prescribe—
  - (a) a period expiring when the appeal is finally determined or abandoned; or
  - (b) a period expiring on the date on which the revoked licence would have expired if it had not been revoked.
- (3) If the regulations prescribe a period other than that mentioned in subsection (2)(a), a licence granted under subsection (1) shall be treated as revoked if—
  - (a) following the appeal, the penalty points taken into account for the purposes of section 2 [<sup>F2</sup>or (as the case may be) the provision of Northern Ireland law corresponding to that section] are not reduced to a number smaller than six; or
  - (b) the appeal is abandoned.
- (4) If, in the case of a person whose licence has been revoked under [<sup>F3</sup>section 3], the Secretary of State receives notice that a court—
  - (a) has quashed a conviction which was the basis or formed part of the basis for the revocation of the licence,
  - (b) has quashed an endorsement which was the basis or formed part of the basis for the revocation of the licence and has not on doing so ordered him to be disqualified, or
  - (c) has made an order which has the effect of reducing the penalty points taken into account for the purposes of section 2 [<sup>F4</sup>or (as the case may be) the provision of Northern Ireland law corresponding to that section] to a number smaller than six,

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*Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995, Section 5. (See end of Document for details)*

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then, subject to subsection (5), the Secretary of State must grant that person free of charge a full licence for a period expiring on the date on which the revoked licence would have expired if it had not been revoked.

- (5) Subsection (4) does not require the Secretary of State to grant a licence to a person who has been granted a previous licence which has not been surrendered unless that person provides the Secretary of State with an explanation for not surrendering the previous licence that the Secretary of State considers adequate.
- (6) If, in accordance with subsection (1) or (4), the Secretary of State grants a full licence to a person whose licence has been revoked under [<sup>F5</sup>section 3], the licence granted must be one authorising that person to drive all the classes of vehicles in relation to which the revoked licence was issued as a full licence.
- (7) Any licence granted in accordance with subsection (1) or (4) shall have effect for the purposes of the Road Traffic Acts as if it were a licence granted under Part III of the <sup>M1</sup>Road Traffic Act 1988.
- (8) Regulations may make provision for requiring such courts as may be prescribed to give notice to the Secretary of State—
  - (a) that a person whose licence has been or is due to be revoked under section 3(1) is appealing against a conviction or endorsement which is the basis or forms part of the basis for the revocation;
  - (b) that such an appeal has been abandoned.
- (9) Regulations under this section may—
  - (a) include such incidental or supplementary provision as appears to the Secretary of State to be expedient;
  - (b) make different provision for different cases.
- (10) Any regulations made under this section shall be made by the Secretary of State by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F6</sup>(11) Nothing in this section applies in relation to a person whose Northern Ireland licence has been revoked under section 3(1).]

#### Textual Amendments

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| <b>F1</b> | Words in s. 5(1) substituted (11.10.2004) by <a href="#">Crime (International Co-operation) Act 2003 (c. 32)</a> , s. 94(1), <a href="#">Sch. 5 para. 49(a)</a> ; S.I. 2004/2624, art. 2(1)(2)(b) |
| <b>F2</b> | Words in s. 5(3)(a) inserted (11.10.2004) by <a href="#">Crime (International Co-operation) Act 2003 (c. 32)</a> , s. 94(1), <a href="#">Sch. 5 para. 49(b)</a> ; S.I. 2004/2624, art. 2(1)(2)(b) |
| <b>F3</b> | Words in s. 5(4) substituted (11.10.2004) by <a href="#">Crime (International Co-operation) Act 2003 (c. 32)</a> , s. 94(1), <a href="#">Sch. 5 para. 49(a)</a> ; S.I. 2004/2624, art. 2(1)(2)(b) |
| <b>F4</b> | Words in s. 5(4)(c) inserted (11.10.2004) by <a href="#">Crime (International Co-operation) Act 2003 (c. 32)</a> , s. 94(1), <a href="#">Sch. 5 para. 49(b)</a> ; S.I. 2004/2624, art. 2(1)(2)(b) |
| <b>F5</b> | Words in s. 5(6) substituted (11.10.2004) by <a href="#">Crime (International Co-operation) Act 2003 (c. 32)</a> , s. 94(1), <a href="#">Sch. 5 para. 49(a)</a> ; S.I. 2004/2624, art. 2(1)(2)(b) |
| <b>F6</b> | S. 5(11) inserted (11.10.2004) by <a href="#">Crime (International Co-operation) Act 2003 (c. 32)</a> , s. 94(1), <a href="#">Sch. 5 para. 49(c)</a> ; S.I. 2004/2624, art. 2(1)(2)(b)            |

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**Changes to legislation:** There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995, Section 5. (See end of Document for details)

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**Commencement Information**

**II** S. 5 wholly in force; s. 5 not in force at Royal Assent, see s. 10(2); s. 5(1)(2)(8)(9) and (10) in force at 1.3.1997 and s. 5 fully in force at 1.6.1996 by [S.I. 1997/267](#), [art. 2\(1\)\(2\)](#)

**Marginal Citations**

**M1** 1988 c. 52.

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