

*Changes to legislation:* There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, SCHEDULE 9. (See end of Document for details)

## SCHEDULES

### SCHEDULE 9

Section 95

#### SURRENDER OF LICENCES AND TEST CERTIFICATES BY NEW DRIVERS

1 The Road Traffic (New Drivers) Act 1995 is amended as follows.

##### Commencement Information

- I1** Sch. 9 para. 1 not in force at Royal Assent, see [s. 208\(1\)](#)  
**I2** [Sch. 9 para. 1](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

- 2 (1) Section 2 (surrender of licences) is amended as follows.
- (2) For the heading substitute “Persons to whom section 3(1) applies”.
- (3) Before subsection (1), insert—
- “(A1) Section 3(1) (revocation of licences) applies to a person who—
- (a) is the holder of a licence, and
- (b) satisfies the conditions in subsection (1) or (3).”
- (4) In subsection (1)—
- (a) for “Subsection (2) applies where—” substitute “A person satisfies the conditions in this subsection if—”;
- (b) omit paragraph (a);
- (c) in paragraph (b), for “he” substitute “the person”;
- (d) after paragraph (d), insert—
- “(da) the Secretary of State is required under section 44A(2) of that Act to endorse the person’s driving record with particulars of the offence and the penalty points to be attributed to it;”;
- (e) in paragraph (e)—
- (i) after “person’s” insert “driving record or”;
- (ii) omit “, or that date has been shown by other evidence in the proceedings”;
- (f) in paragraph (f), for “court” substitute “Secretary of State”.
- (5) Omit subsection (2).
- (6) In subsection (3)—
- (a) for “Subsection (4) applies where—” substitute “A person satisfies the conditions in this subsection if—”;
- (b) for paragraph (a), substitute—
- “(a) the person has been given a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 or

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a conditional offer has been issued to the person under section 75 of that Act;”;

(c) for paragraph (c), substitute—

“(c) the Secretary of State is required under section 57A(5) or 77A(2) of that Act to endorse the person’s driving record with particulars of the offence and the penalty points to be attributed to it;”;

(d) in paragraph (d), for “appropriate person” substitute “Secretary of State”;

(e) in paragraph (e), after the first “the” insert “person’s driving record or”;

(f) in paragraph (f), for “appropriate person” substitute “Secretary of State”.

(7) Omit subsection (4).

(8) Omit subsection (7).

#### Commencement Information

**I3** Sch. 9 para. 2 not in force at Royal Assent, see [s. 208\(1\)](#)

**I4** [Sch. 9 para. 2](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

3 (1) Section 3 (revocation of licences) is amended as follows.

(2) For subsection (1) substitute—

“(1) The Secretary of State must, in the case of a person to whom this subsection applies (see section 2), by notice served on the person revoke the person’s licence.”

(3) Omit subsection (1ZA).

(4) In subsection (1A)—

(a) in the words before paragraph (a), omit “or (1ZA)”;

(b) in paragraph (b), at the beginning insert “if the Secretary of State is already in receipt of it.”.

(5) In subsection (1B), omit “or (1ZA)”.

#### Commencement Information

**I5** Sch. 9 para. 3 not in force at Royal Assent, see [s. 208\(1\)](#)

**I6** [Sch. 9 para. 3](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

4 After section 3 insert—

#### “3A Surrender of licences

(1) Where—

(a) the Secretary of State is required under section 3(1) or (1B) to serve a notice on a person revoking the person’s licence, and

(b) the Secretary of State is not already in receipt of the licence,

the notice may also require the person to surrender the licence to the Secretary of State before the end of the period of 28 days beginning with the date on which the notice is served.

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- (2) A person who, without reasonable excuse, fails to comply with a requirement imposed under subsection (1)—
- (a) is guilty of an offence, and
  - (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 pursuant to a requirement to surrender it imposed under subsection (1), the Secretary of State must send it to the licensing authority in Northern Ireland.”

**Commencement Information**

- I7** Sch. 9 para. 4 not in force at Royal Assent, see [s. 208\(1\)](#)  
**I8** [Sch. 9 para. 4](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

- 5 In section 9, for subsection (5) (interpretation: address for sending licences, test certificates etc) substitute—

- “(5) Any requirement under any provision of this Act that—
- (a) a licence, a test certificate or a notice must be sent to the Secretary of State, or
  - (b) a licence or a test certificate must be surrendered to the Secretary of State,
- is a requirement that the licence, test certificate or notice must be sent, or the licence or test certificate must be surrendered, to the Secretary of State at such address as the Secretary of State may determine.”

**Commencement Information**

- I9** Sch. 9 para. 5 not in force at Royal Assent, see [s. 208\(1\)](#)  
**I10** [Sch. 9 para. 5](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

- 6 (1) Schedule 1 (newly qualified drivers holding test certificates) is amended as follows.

- (2) Omit—

- (a) paragraph 1(2A);
- (b) paragraph 2(1);
- (c) paragraph 3 and the heading before it;
- (d) paragraph 4 and the italic heading before it.

- (3) In paragraph 5—

- (a) for sub-paragraph (1) substitute—

“(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

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- (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 test certificate and this sub-paragraph applies to the person instead of section 3(1).";
  - (b) omit sub-paragraph (1ZA);
  - (c) in sub-paragraph (1A)—
    - (i) omit "or (1ZA)";
    - (ii) after "with" insert ", if the Secretary of State is already in receipt of it,";
  - (d) in sub-paragraph (1B), omit "or (1ZA)".
- (4) After paragraph 5 insert—

*"Surrender of test certificate*

5A (1) Where—

- (a) the Secretary of State is required under paragraph 5(1) or (1B) to serve a notice on a person revoking the person's test certificate, and
  - (b) the Secretary of State is not already in receipt of the test certificate,
- the notice may also require the person to surrender the test certificate 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
    - (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 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."

- (5) In paragraph 6(1), omit "or (1ZA)".
- (6) Omit paragraph 7 and the italic heading before it.
- (7) In paragraph 8—
  - (a) for sub-paragraph (1) substitute—

"(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

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- (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).";
  - (b) omit sub-paragraph (1ZA);
  - (c) in sub-paragraph (1A)—
    - (i) omit "or (1ZA)", and
    - (ii) for "the Northern Ireland licence and the Northern Ireland test certificate" substitute "
      - (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.";
  - (d) in sub-paragraph (1B), omit "or (1ZA)".
- (8) After paragraph 8 insert—

*"Surrender of licence and test certificate*

- 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
  - (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."

- (9) In paragraph 9(1), omit "or (1ZA)".
- (10) In paragraph 10(a), omit "or (1ZA)" in both places.

**Commencement Information**

- I11** Sch. 9 para. 6 not in force at Royal Assent, see [s. 208\(1\)](#)
- I12** Sch. 9 para. 6 in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with Pt. 3)

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