

SCHEDULES

SCHEDULE 1

Article 8.

NEWLY QUALIFIED DRIVERS HOLDING TEST CERTIFICATES

PART I

GENERAL

Interpretation

1.—(1) In this Schedule “test certificate” means a certificate or other document which by virtue of regulations under Article 5 of the Order of 1981 is evidence that a person has not more than 2 years previously passed a test of competence to drive prescribed by virtue of such regulations.

(2) In this Schedule “prescribed conditions” means the prescribed conditions referred to in Article 13(3) of that Order (subject to which provisional licences are granted).

Application of Schedule

2.—(1) Part II applies to any person to whom Part III or IV applies.

(2) Part III applies to a person who holds—

- (a) a licence issued as a provisional licence; and
- (b) a test certificate.

(3) Part IV applies to a person who falls within sub-paragraph (4) or (5).

(4) A person falls within this sub-paragraph if—

- (a) he holds a licence issued as a full licence in relation to a class or certain classes of vehicles;
- (b) he is treated under Article 14(2) of the Order of 1981 as authorised by a provisional licence to drive another class or other classes of vehicles; and
- (c) he holds a test certificate which relates to that other class of vehicles or any of those other classes of vehicles.

(5) A person falls within this sub-paragraph if he holds—

- (a) a licence issued as a full licence in relation to a class or certain classes of vehicles and as a provisional licence in relation to another class or other classes of vehicles; and
- (b) a test certificate which relates to that other class of vehicles or any of those other classes of vehicles.

PART II

DUTY TO PROVIDE TEST CERTIFICATE

3.—(1) Sub-paragraph (2) applies where—

- (a) a person to whom this Part applies is prosecuted for an offence involving obligatory endorsement; and
- (b) the time at which the offence for which he is prosecuted is alleged to have occurred is a time during his probationary period.

(2) Any obligations imposed on the person under Article 11 of the Offenders Order as respects his licence and its counterpart shall also apply as respects his test certificate.

(3) If, in a case where sub-paragraph (2) applies—

- (a) the person is convicted in the proceedings in question of an offence involving obligatory endorsement; and
- (b) he has not previously caused his test certificate to be delivered or posted it to the clerk of the court,

he shall produce his test certificate to the court.

(4) In a case where—

- (a) the licence of a person to whom this Part applies has (with its counterpart) been sent to the fixed penalty clerk under Article 60(7) of the Offenders Order or delivered to the fixed penalty clerk in response to a conditional offer issued under Article 80 of that Order;
- (b) the offence to which the fixed penalty notice or the conditional offer relates is one involving obligatory endorsement and occurring during his probationary period; and
- (c) the person proposes to pay the fixed penalty to the fixed penalty clerk,

the person shall ensure that when the fixed penalty is paid his test certificate is sent to the fixed penalty clerk to whom the payment is made.

(5) A person who without reasonable excuse fails to comply with sub-paragraph (3) or (4) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART III

NEWLY QUALIFIED DRIVER WITH PROVISIONAL LICENCE AND TEST CERTIFICATE

Surrender of test certificate

4.—(1) Where the circumstances mentioned in Article 4(1) exist with respect to a person to whom this Part applies, sub-paragraph (2) applies instead of Article 4(2).

(2) The court shall send to the Department—

- (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 Article 4(1)(d); and
- (b) on its production to the court, the person's test certificate.

(3) Where—

- (a) the circumstances mentioned in Article 4(3)(a) to (d) and (f) exist with respect to a person to whom this Part applies;
 - (b) the fixed penalty clerk has received the person's test certificate in accordance with paragraph 3(4); and
 - (c) the test certificate shows the date on which the person became a qualified driver,
- sub-paragraph (4) applies instead of Article 4(4).
- (4) The fixed penalty clerk shall send to the Department—
 - (a) a notice containing the particulars endorsed on the counterpart of the person's licence; and
 - (b) the person's test certificate.

Revocation of test certificate

- 5.—(1) Where the Department—
- (a) has received a notice sent to it under paragraph 4 of particulars required to be endorsed or endorsed on the counterpart of a person's licence; and
 - (b) has received the person's test certificate sent to it under paragraph 4(2)(b) or (4)(b) or is satisfied that the person has been issued with a test certificate,
- the Department shall by notice served on that person revoke the test certificate.
- (2) A revocation under sub-paragraph (1) shall have effect from a date specified in the notice of revocation which shall not be earlier than the date of service of that notice.
 - (3) The effect of the revocation of a person's test certificate is that any prescribed conditions to which his provisional licence ceased to be subject when he became a qualified driver shall again apply.

Re-testing

- 6.—(1) Subject to Part V, the Department shall not under Part II of the Order of 1981 grant a person whose test certificate has been revoked under paragraph 5(1) a full licence to drive any class of vehicles that, immediately before his test certificate was revoked, he was permitted to drive without observing prescribed conditions, unless he satisfies the Department that within the relevant period he has passed a relevant driving test.
- (2) In this paragraph "relevant driving test" means, in relation to a person whose test certificate has been revoked, any test which—
 - (a) falls within sub-paragraph (a) or (b) of Article 3(2); and
 - (b) is a test of competence to drive any vehicle included in any class of vehicles that, immediately before his test certificate was revoked, he was permitted to drive without observing prescribed conditions.
 - (3) If the Department 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 shall (subject to Articles 9 and 70 to 79A of the Order of 1981) be one authorising that person to drive all the classes of vehicles that, immediately before his test certificate was revoked, he was permitted to drive without observing prescribed conditions.
 - (4) In sub-paragraph (1) "the relevant period" means the period beginning—
 - (a) after the date of the revocation of the test certificate; and
 - (b) not more than 2 years before the date on which the application for the full licence is made.

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 Article 4(1) exist with respect to a person to whom this Part applies, sub-paragraph (2) applies instead of Article 4(2).

(2) The court shall send to the Department—

- (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 Article 4(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 Article 4(3) exist with respect to a person to whom this Part 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 Article 4(4).

(4) The fixed penalty clerk—

- (a) shall not return the person’s licence and its counterpart under Article 63(3) or (4) or Article 82(1) of the Offenders Order; but
- (b) shall send them and the person’s test certificate to the Department.

Revocation of licence and test certificate

8.—(1) Where the Department—

- (a) has received a notice sent to it under paragraph 7(2)(a) of particulars required to be endorsed on the counterpart of a person’s licence or has 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 it under paragraph 7(2)(c) or (4)(b) or is satisfied that the person has been issued with a test certificate,

the Department shall by notice served on that person revoke the licence and the test certificate.

(2) A revocation under sub-paragraph (1) shall have effect from a date specified in the notice of revocation which shall not be earlier than the date of service of that notice.

Re-testing

9.—(1) Subject to Part V, the Department shall not under Part II of the Order of 1981 grant a person whose licence and test certificate have been revoked under paragraph 8(1) a full licence to drive any class of vehicles mentioned in sub-paragraph (4), unless he satisfies the Department 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 sub-paragraph (a) or (b) of Article 3(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 Department 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 shall (subject to Articles 9 and 70 to 79A of the Order of 1981) 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 Article 14(2) of the Order of 1981 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 2 years before the date on which the application for the full licence is made.

PART V

SUPPLEMENTARY

Effect of disqualification until test is passed on re-testing rule

- 10.** Where—
- (a) a person’s test certificate has been revoked under paragraph 5(1) or his licence and test certificate have been revoked under paragraph. 8(1); but
 - (b) before he passes a relevant driving test, an order is made in relation to him under Article 41 of the Offenders Order (disqualification until test is passed),
- paragraph 6(1) or, as the case may be, paragraph 9(1) shall not apply to him.

Regulations made by the Department

11.—(1) The Department may by regulations make provision for cases where, after the Department has revoked a person’s test certificate under paragraph 5(1), or a person’s licence and test certificate under paragraph 8(1), it receives notice—

- (a) that the person is appealing against a conviction or endorsement which was the basis or formed part of the basis for the revocation;
- (b) that a court has quashed a conviction which was the basis or formed part of the basis for the revocation;
- (c) that a court has quashed an endorsement which was the basis or formed part of the basis for the revocation and has not on doing so ordered that person to be disqualified;
- (d) that a court has made an order which has the effect of reducing the penalty points taken into account for the purposes of Article 4 to a number smaller than 6.

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

- (2) Regulations under sub-paragraph (1) may in particular make provision for—
 - (a) issuing licences for such period as may be prescribed;
 - (b) licences issued under the regulations to be treated as revoked in such circumstances as may be prescribed;
 - (c) re-issuing a test certificate which has been revoked under paragraph 5(1) or 8(1);
 - (d) suspending or terminating any prescribed conditions applied by virtue of paragraph 5(3).
- (3) The Department, after consultation with the Lord Chancellor, may by regulations make provision requiring such courts as may be prescribed to give notice to the Department of the matters mentioned in sub-paragraph (4).
- (4) The matters referred to are—
 - (a) that a person whose certificate has been or is due to be revoked under paragraph 5(1) or whose licence and certificate have been or are due to be revoked under paragraph 8(1) is appealing against a conviction or endorsement which is the basis or forms part of the basis for the revocation;
 - (b) the final determination of such an appeal;
 - (c) that such an appeal has been abandoned.
- (5) Any regulations under this paragraph may include such incidental or supplementary provision as appears to the Department to be expedient and shall be subject to negative resolution.