

SCHEDULES

SCHEDULE 1

NEWLY QUALIFIED DRIVERS HOLDING TEST CERTIFICATES

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 [F1appropriate person] 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,

[F2Article 4(4) does not apply but if the appropriate person is the fixed penalty clerk sub-paragraph (4) applies instead.]

(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.

F1 Words in Sch. 1 para. 4(3)(b) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, Sch. 2 para. 25(c)(i) (with art. 84); S.R. 2010/370, art. 2(1), Sch. Pt. 1

F2 Words in Sch. 1 para. 4(3) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, Sch. 2 para. 25(c)(ii) (with art. 84); S.R. 2010/370, art. 2(1), Sch. Pt. 1

Revocation of test certificate

5.—(1) Where the Department—

Changes to legislation: The Road Traffic (New Drivers) (Northern Ireland) Order 1998, PART III is up to date with all changes known to be in force on or before 02 February 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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.

[^{F3}(1ZA) Where Article 4(4) is disapplied by paragraph 4(3) and the appropriate person is the Department, the Department must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued revoke that person's test certificate.]

[^{F4}(1A) Where the Department serves on the holder of a Great Britain licence a notice under sub-paragraph (1) [^{F5}or (1ZA)], the Department must send to the licensing authority in Great Britain particulars of the notice together with the Great Britain test certificate.

(1B) Where the Department is sent by that licensing authority particulars of a notice served on the holder of a licence under paragraph 5(1) [^{F6}or (1ZA)] of Schedule 1 to the Road Traffic (New Drivers) Act 1995, the Department must by notice served on that person revoke his test certificate.]

(2) A revocation under[^{F7} this paragraph] 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.

[^{F4}(4) In this paragraph and paragraph 8 references to the revocation of a person's Great Britain test certificate are references to its revocation as respects Northern Ireland.

(5) The effect of the revocation of a person's Great Britain test certificate as respects Northern Ireland is that any prescribed conditions to which his Great Britain provisional licence ceased to be subject when he became a qualified driver shall again apply for the purposes of Article 19E(1) of the Order of 1981.]

F3	Sch. 1 para. 5(1ZA) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, Sch. 2 para. 25(d)(i) (with art. 84); S.R. 2010/370, art. 2(1) , Sch. Pt. 1
F4	2003 NI 16
F5	Words in Sch. 1 para. 5(1A) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, Sch. 2 para. 25(d)(ii) (with art. 84); S.R. 2010/370, art. 2(1) , Sch. Pt. 1
F6	Words in Sch. 1 para. 5(1B) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, Sch. 2 para. 25(d)(iii) (with art. 84); S.R. 2010/370, art. 2(1) , Sch. Pt. 1
F7	Words in Sch. 1 para. 5(2) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, Sch. 2 para. 25(d)(iv) (with art. 84); S.R. 2010/370, art. 2(1) , Sch. Pt. 1

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[^{F8} paragraph 5, or whose Great Britain test certificate has been revoked under paragraph 5(1) [^{F9}or (1ZA)] of Schedule 1 to the Road Traffic (New Drivers) Act 1995] 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.

Changes to legislation: *The Road Traffic (New Drivers) (Northern Ireland) Order 1998, PART III is up to date with all changes known to be in force on or before 02 February 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(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.

F8 2003 NI 16

F9 Words in Sch. 1 para. 6(1) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, Sch. 2 para. 25(e) (with art. 84); S.R. 2010/370, art. 2(1), Sch. Pt. 1

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 5(6) added by [2016 c. 11 \(N.I.\) s. 20\(4\)\(a\)\(iv\)](#)
- Sch. 1 para. 8(4) added by [2016 c. 11 \(N.I.\) s. 20\(4\)\(c\)\(iv\)](#)
- Sch. 1 para. 5(1ZB)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(a\)\(iii\)](#)
- Sch. 1 para. 5A inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(b\)](#)
- Sch. 1 para. 8(1ZB)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(c\)\(iii\)](#)
- Sch. 1 para. 8A inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(d\)](#)
- art. 5(1ZB)(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 20\(2\)\(c\)](#)
- art. 5(4) added by [2016 c. 11 \(N.I.\) s. 20\(2\)\(d\)](#)
- art. 5A5B inserted by [2016 c. 11 \(N.I.\) s. 20\(3\)](#)