

**Changes to legislation:** *The Road Traffic (New Drivers) (Northern Ireland) Order 1998, PART V is up to date with all changes known to be in force on or before 25 August 2022. 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*

## SCHEDULES

### SCHEDULE 1

#### NEWLY QUALIFIED DRIVERS HOLDING TEST CERTIFICATES

#### 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- (a) a person's test certificate has been revoked under<sup>[F1]</sup> paragraph 5 (or a person's Great Britain test certificate has been revoked under paragraph 5(1) <sup>[F2]</sup>or (1ZA)] of Schedule 1 to the Road Traffic (New Drivers) Act 1995) or his licence and test certificate have been revoked under<sup>[F1]</sup> paragraph 8 (or a person's Great Britain licence and Great Britain test certificate have been revoked under paragraph 8(1) <sup>[F2]</sup>or (1ZA)] of Schedule 1 to the Road Traffic (New Drivers) Act 1995); 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.

**F1** 2003 NI 16

**F2** Words in Sch. 1 para. 10(a) 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(i) (with art. 84); S.R. 2010/370, art. 2(1), Sch. Pt. 1

*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<sup>[F3]</sup> paragraph 5], or a person's licence and test certificate under<sup>[F3]</sup> paragraph 8], 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<sup>[F3]</sup> or (as the case may be) section 2 of the Road Traffic (New Drivers) Act 1995.] to a number smaller than 6.

(2) Regulations under sub-paragraph (1) may in particular make provision for—

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- (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<sup>[F3]</sup> paragraph 5] or<sup>[F3]</sup> paragraph 8];
  - (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.

**F3** 2003 NI 16

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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\(3\)](#)