

## 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- (a) a person's test certificate has been revoked under paragraph 5(1) or his licence and test certificate have been revoked under paragraph 8(1); but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.

(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- (c) re-issuing a test certificate which has been revoked under paragraph 5(1) or 8(1);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).

**Status:** This is the original version (as it was originally made).

- (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.