

*Status: Point in time view as at 11/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic (New Drivers) Act 1995, Part V. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### NEWLY QUALIFIED DRIVERS HOLDING TEST CERTIFICATES

#### PART V

#### SUPPLEMENTARY

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

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Where—

- (a) a person's test certificate has been revoked under [<sup>F1</sup>paragraph 5 (or a person's Northern Ireland test certificate has been revoked under a provision of Northern Ireland law corresponding to paragraph 5(1))] or his licence and test certificate have been revoked under [<sup>F2</sup>paragraph 8 (or a person's Northern Ireland licence and Northern Ireland test certificate have been revoked under a provision of Northern Ireland law corresponding to paragraph 8(1))], but
- (b) before he passes a relevant driving test, an order is made in relation to him under section 36 of the Road Traffic Offenders Act 1988 (disqualification until test is passed),

paragraph 6(1) or, as the case may be, paragraph 9(1) shall not apply to him.

#### **Textual Amendments**

- F1** Words in Sch. 1 para. 10(a) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 59\(a\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F2** Words in Sch. 1 para. 10(a) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 59\(b\)](#); S.I. 2004/2624, art. 2(1)(2)(b)

#### *Regulations*

- 11 (1) The Secretary of State may by regulations make provision for cases where, after the Secretary of State 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], he 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;

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- (d) that a court has made an order which has the effect of reducing the penalty points taken into account for the purposes of section 2 [<sup>F4</sup>or (as the case may be) the provision of Northern Ireland law corresponding to that section] to a number smaller than six.
- (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 [<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);
  - (e) requiring such courts as may be prescribed to give notice to the Secretary of State of the matters mentioned in sub-paragraph (3).
- (3) 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) that such an appeal has been abandoned.
- (4) Any regulations under this paragraph may—
- (a) include such incidental or supplementary provision as appears to the Secretary of State to be expedient;
  - (b) make different provision for different cases.
- (5) Any regulations under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Textual Amendments**

- F3** Words in Sch. 1 para. 11(1) substituted (11.10.2004) by virtue of [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 60\(a\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F4** Words in Sch. 1 para. 11(1)(d) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 60\(b\)](#); S.I. 2004/2624, art. 2(1)(2)(b)

#### **Commencement Information**

- I1** Sch. 1 para. 11 in force (1.3.1997) by [S.I. 1997/267, art. 2\(1\)](#)

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