

## SCHEDULES

### SCHEDULE 1

#### NEWLY QUALIFIED DRIVERS HOLDING TEST CERTIFICATES

#### 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.

*Status: This is the original version (as it was originally made).*

(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V, the Department shall not under Part II of the Order of 1981 grant a person whose licence and test certificate have been revoked under paragraph 8(1) a full licence to drive any class of vehicles mentioned in sub-paragraph (4), unless he satisfies the Department that within the relevant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.