

Road Traffic (New Drivers) Act 1995

DSA on the RT(ND)Act 1995

http://www.direct.gov.uk/en/Motoring/LearnerAndNewDrivers/NewlyQualifiedDrivers/DG_4022566

The RT(ND)Act 1995 – Office of Public Sector Information

http://www.opsi.gov.uk/Acts/acts1995/ukpga_19950013_en_1

1: What it means

The Road Traffic (New Drivers) Act 1995 came into force on June 1st 1997. The Act declared that newly qualified full-licence holders must go through a *probationary* period of two years after passing the Practical Test.

This act allows for the authorities to revoke a recently-qualified driver's licence if that driver commits certain numbers of certain types of driving offences within the first 2 years after passing the Practical Test. By creating the risk of revocation of the licence, the intention of the authorities is to force newer drivers to take more care during the critical early years of driving, when a person is more likely to have incidents.

In reality this means that if a probationary full-licence holder accumulates six penalty points or more the person will have their licence *revoked* (NB: this is not a "BAN"), and will have to then reapply for a provisional driving licence and re-sit the Theory Test and Practical Test.

2: What about points accrued BEFORE passing the Practical Test?

A provisional licence holder may accrue up to 12 penalty points before receiving a statutory ban (just like a full-licence holder *outside* the 2-year probationary period).

If the points on the provisional licence are *still valid* (see 4, below) at the time of passing the Practical Test, they will be carried forward onto the new, full licence.

If the total points carried forward are **fewer than six** and then a person accrues further points to make the total six or greater, the licence will be revoked and the person will have to re-apply for a provisional driving licence and re-sit the Theory Test and Practical Test.

If the total number of points carried forward from a provisional licence to a full-licence is already equal-to or more than six, then a provisional licence is NOT automatically revoked, however, if the full-licence holder accrues *even one* further point within the first two years, the licence will *then* be revoked.

3: Endorsements, Disqualifications and Convictions

Disqualifications, convictions and acceptance of fixed penalty payments are notified to the Driver and Vehicle Licensing Agency (DVLA) by the Courts. The details are entered

onto the drivers' lifetime computerized record. If the offence attracts points, those points will be also physically recorded on the counterpart of the driver's licence.

Any driver (provisional or full) who accrues 12 points or more within a three year period will likely be automatically disqualified, although under exceptional circumstances a court may rule otherwise. Both the courts and police can obtain full disclosure of a driver's record from the DVLA. For this reason, it is now virtually impossible for an offender to evade justice by using, or providing a false or 'old' licence.

For specifics, see Government leaflet INS57p, here - <http://www.driveall.co.uk/downloads/dvla/ins57p.pdf>

4: How long do points remain on the licence?

Penalty points and disqualifications are valid for either three or 10 years depending on the offence, but stay on your licence for an extra year. If you commit another driving offence that might have to go to court, this extra year allows any previous penalty points and disqualifications (that were valid at the time of the offence) to be taken into account by the court.

- 11 years from the date of the conviction for offences relating to driving while under the influence of drink or drugs, causing death by careless driving while under the influence of drink or drugs, or causing death by careless driving and failing to provide a specimen to be tested.
 - Four years from the date of the conviction for reckless or dangerous driving and offences resulting in disqualification.
 - Four years from the date of the offence in all other cases.
- After the appropriate period,

5: How do I get points removed from my licence at the end of the period?

You can apply to have your penalty points taken off your paper counterpart by filling in an 'Application for a driving licence' (D1) which you can order from www.direct.gov.uk/motoringforms or get from Post Office branches. (You will need to send both the photocard and paper counterpart).

6: Totting-up points

An automatic ban is usually imposed if the points tot up to 12 or more in any given three year period. If a provisional licence holder accrues more than 12 valid points, a more severe penalty or a discretionary ban may be imposed by the court.

Since the introduction of the RT (ND) Act in 1997, there have been over 30,999 licence revocations. Most, 26,319 (84.9%), belonged to drivers aged 17-25.