

New Drivers and the New Drivers Act

What is the New Drivers Act and who does it apply to?

The Road Traffic (New Drivers) Act 1995 applies to every motorist who passed their first full test after 1 June 1997.

The Act imposes a probationary period on new drivers for the first 2 years after the test is passed. During this time, a new driver will be subject to immediate revocation of their licence, if they reach 6 or more penalty points. This can mean new drivers are given one chance of accepting a Fixed Penalty and receiving 3 points but if two Fixed Penalties were accepted, or a more serious offence resulted in 6 points being awarded, the licence would then be revoked.

Motoring offences can carry different amounts of penalty points depending on their severity and nature. The New Driver Rules do not distinguish whether the points are accrued in one go or are as a result of two minor offences. All that matters is whether 6 points are accrued on the licence before the two year probationary period is up.



What happens if my driving licence is revoked as a new driver?

If your driving licence is revoked it would be with immediate effect once you are awarded 6 penalty points. The licence would remain revoked until a new application for a driving licence is made. If you apply for a new licence you will receive a provisional licence and will therefore have to retake both the theory and practical test. If and when both the theory and practical driving tests are passed, a full licence will be reissued but the points will remain valid for 3 years from the date of the offence.

Can the DVLA revoke my licence without pre-warning?

The DVLA can revoke your licence without prior warning as the process is automatic. If you have accumulated 6 penalty points on your licence within your first 2 years of driving then your licence will be automatically revoked without warning or a court appearance. The DVLA, Police and the courts do not have any obligation to notify you in advance, as a new driver you should be familiar with the provisions of the Road Traffic (New Drivers) Act 1995.

Would my provisional licence also be revoked?

Your provisional licence will not be revoked as the New Drivers Act only applies to full UK licences.

Can I avoid having my licence revoked?

For some offences it may be possible to obtain a short period of disqualification as a punishment instead of penalty points. If you can avoid accumulating penalty points then it may be possible to avoid your licence being revoked. In order to obtain a short disqualification you would need to attend court and try to persuade the court to impose a short disqualification from driving instead of awarding penalty points. Significant mitigation must be prepared and presented to the Court as it is important to present a strong case to the Court. Under these circumstances it is advisable to seek the help of a specialist motoring lawyer as technical knowledge of the law will be required. A legal representative will be able to assist you to present your case to the court.

If you receive a short ban you would simply serve the disqualification period and your licence would then be reinstated. If the ban is in excess of 56 days, you would have to formally apply for your licence to be returned.

Continued overleaf >

Contact our Transport team:

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'Keepmeontheroad' is the collective name for the Road Transport Law & Motorist Defence team at Rotheras Solicitors.

The team at Rotheras solicitors like to do things differently. Our Nottingham based legal experts offer the kind of legal expertise that really counts, and our reputation pays testament to the fact we deliver the right results for our clients.

Can I appeal if my licence has been revoked?

If you have accepted fixed penalties and been awarded 6 points on your licence there is no appeal process via the DVLA. Therefore you have to apply to retake your driving test (both parts). If your licence has been revoked as a result of a Court hearing, you may be able to appeal that decision to a higher Court. You would have 21 days to lodge an appeal and the revocation would be suspended pending the outcome of the appeal hearing if you lodge a copy of the appeal with the DVLA.

I have received 6 points as a new driver but I have not received notification that my licence has been revoked, does this mean that I am still entitled to drive?

Usually the DVLA will write to you and give you 5 days' notice of revocation of your licence. However it is possible that the letter may have got lost or been delayed in the post. If you think that your licence may have been revoked it is always advisable to check with the DVLA and establish the status of your licence. If your licence has been revoked and you continue to drive, you may then be liable to further offences of driving otherwise than in accordance with your licence and without valid insurance as your insurance would be invalid without a full licence.

If I retake my test am I subject to the New Drivers Act again?

If your licence is revoked once under the New Drivers Act and you then re-pass your test, you will not be subject to the New Drivers Act again. Any penalty points will remain valid for 3 years from the date of the offence. If you reach 12 points within a 3 year period, you would be subject to a totting up disqualification from driving of 6 months.

I already had a licence for driving a car and I have recently passed my bike test, does this mean that I am subject to the New Drivers Act?

The New Drivers Act only applies to the first driving test that you pass. If you add a further category to your licence you would not be subject to the New Drivers Act again.

What happens if I had a foreign driving licence?

The New Drivers Act will only come into force when you pass a full UK driving test. If you have been granted a licence without having to pass a driving test, the New Drivers Act does not apply.

If however you have to take a driving test then you will be subject to the New Drivers Act as it would be the first UK driving licence that you would have taken.

When should I seek legal advice?

It is always advisable to seek assistance from a specialist motoring solicitor as soon as you receive a charge sheet or summons for any driving offence. It is best to seek advice as soon as possible in order to put a defence forward or to keep any disqualification to the shortest possible period.

We offer professional expert advice in relation to new drivers and the New Drivers Act, in order to find out how to proceed please contact us at the earliest opportunity.

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