
STATUTORY INSTRUMENTS

1999 No. 2864

The Motor Vehicles (Driving Licences) Regulations 1999

PART III

TESTS OF COMPETENCE TO DRIVE

Requirements at tests

Examiner's right to refuse to conduct test

39.—(1) Subject to paragraphs (2) and (3), where a person submitting himself for—

- (a) a theory test fails to satisfy the person authorised to conduct it that he has complied with any requirement imposed by regulation 38(3), or
- (b) a practical or unitary test fails to satisfy the person authorised to conduct it that he has complied with any requirement imposed by paragraphs (4) to (10) of regulation 37 or by paragraph (4), (5), (7) or (8) of regulation 38,

the person authorised to conduct the test must refuse to do so.

(2) Where a person—

- (a) fails to produce an appropriate licence as required under paragraph (3)(a)(i) or (5)(a) of regulation 38, or
- (b) where he has submitted himself for a practical or unitary test, fails to produce a document required to be produced under paragraph (4) or (8) of that regulation,

if the person authorised to conduct the test—

- (i) is satisfied from other evidence that the document in question exists, and
- (ii) in the case of a person who has failed to produce a licence, is satisfied that the requirements of regulation 38(3)(a)(ii) or (5)(b) have been complied with,

he may conduct the test.

(3) Where a person with special needs has failed to give to the person conducting a theory test such notice of those needs (being not less than 15 working days) as he may reasonably require the person authorised to conduct the test may refuse to do so.

(4) Where a person who requires the assistance of an interpreter at the theory test attends at the test with an interpreter who—

- (a) is not approved by the Secretary of State to act as such, or
- (b) appears to be acquainted with the test candidate,

the person authorised to conduct the test must refuse to do so.

(5) In this regulation, “special needs” means a reasonable requirement for special treatment during the test arising by virtue of—

- (a) the test not being available in a language which the test candidate understands,

- (b) the test candidate having reading difficulties, or
- (c) the test candidate being physically disabled.