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STATUTORY INSTRUMENTS

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**2009 No. 788**

**The Motor Vehicles (Driving Licences)  
(Amendment) Regulations 2009**

**Amendment of the principal Regulations**

**17.** In regulation 39 (examiner’s right to refuse to conduct test)—

(a) in paragraph (1)(b)—

(i) after “practical” insert “test (other than in relation to a vehicle of a class included in category A or P)”; and

(ii) for “, (7) or (8)” substitute “or (7)”; and

(b) after paragraph (1) insert—

“(1A) Subject to paragraphs (2) and (3), the person authorised to conduct a test in relation to a vehicle of a class included in category A or P must refuse to do so where—

(a) a person submitting to a manoeuvres test fails to satisfy the person conducting the test that any requirement imposed by paragraph (4) of regulation 37, by paragraph (4), (5), (7) or (8) of regulation 38 or by paragraph (1A)(a) of regulation 40A has been complied with; or

(b) a person submitting to a practical test fails to satisfy the person conducting the test that any requirement imposed by paragraph (4) of regulation 37, by paragraph (4), (5), (7), (8), (8A) or (8B) of regulation 38 or by paragraph (1A)(c) of regulation 40A has been complied with.”; and

(c) in paragraph (2)(b)—

(i) for “practical” substitute “manoeuvres test, practical test”; and

(ii) for “under paragraph (4) or (8)” substitute “in accordance with paragraph (4), (8), (8A) or (8B)”.