



Neutral citation number: [2025] UKFTT 00827 (GRC)

Case Reference: FT/D/2025/0039

**First-tier Tribunal
(General Regulatory Chamber)
Transport**

**Heard by Cloud Video Platform
Heard on: 4th July 2025
Decision given on: 08 July 2025**

Before

JUDGE ARMSTRONG-HOLMES

Between

RAJAN KUMAR AGGARWAL

and

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Appellant

Respondent

Representation:

For the Appellant: in person

For the Respondent: unrepresented

Decision: The appeal is dismissed.

REASONS

1. This is an appeal against the decision of the Registrar of Approved Driving Instructors ("the Registrar"), dated 10th December 2024, refusing the Appellant's application for a second trainee licence.
2. The Appellant had previously been granted a trainee licence, which was valid over the period from 3rd June 2024 to 2nd December 2024. On 14th November 2024, he applied for a third licence.

3. On 20th November 2024, the Registrar notified the Appellant by email that consideration was being given to refusing his application. The Appellant was invited to make written representations in response.
4. The Appellant responded by email on 29th November 2024, providing written representation as follows:
 - a) That he had been relentlessly trying to find a date for his Part 3 test for many months, and having been placed on hold to await a test date in Reading, with expiry of his licence approaching, he had not heard anything further about a potential test. As such he was still waiting for an opportunity to have one of his three attempts at the Part 3 test.
 - b) He stated that he had a few students who were willing to assist him with his Part 3 test in the Reading area.
 - c) It is the lack of a test date within a feasible distance which has been stopping him from becoming qualified, rather than any unwillingness to try. He explained that in order to plan and provide an appropriate lesson, he would need to have appropriate knowledge of the local routes, road conditions and other potential hazards by way of example, and that the distance and location is a legitimate constraint and consideration in what is an already limited pool of available tests.
5. On 10th December 2024, the Respondent gave the Appellant notice under section 129(4) of the Act that he was refusing his application for a second trainee licence. The following reasons were given for this refusal:
 - a) That the Appellant had failed to comply with the conditions of his first licence.
 - b) That the Appellant had already been granted one trainee licences of six months' duration for the purpose of gaining sufficient experience to pass the final part (Part 3) of the ADI qualifying examination.
 - c) That it was not Parliament's intention that candidates should be issues licences for as long as it takes them to pass the examination.
 - d) That the trainee licence system must not be allowed to become an alternative to registration as a fully qualified Approved Driving Instructor.
6. The Appellant was informed in that notice that he may appeal this decision to this Tribunal within 14 days from the date of that notification, and that of he did appeal against the decision of the Registrar, his present licence would continue in force until the appeal has been decided.
6. The Appellant's Notice of Appeal, dated 24th December 2024, was received by the Tribunal on the same date. The reasons for his appeal were stated as follows:

- a) That the unwillingness of the Registrar to acknowledge the challenges in securing a definitive test schedule as a valid mitigating factor for a renewal undermines the assertion that six months is a sufficient time period.
 - b) Part 3 tests are few and far between, particularly in his chosen area of Reading, and in his case no feasible test date has been made available in this area before the expiry of his licence, despite being on hold for a test since early November 2024. Consequently, he has not been given the opportunity to determine whether his ability as an instructor has been sufficiently developed within the six-month period of his licence, or to identify any shortcomings.
 - c) Despite repeated efforts over several months, he has not been able to secure a test date, and it wasn't until 24th December 2024 that he managed to obtain an 'on hold test reference number'.
 - d) Having identified that another member of his driving school was not able to attend a Part 2 test at Reading on 20th December 2024, he spoke with the DVSA to request that the allocated examiner for Reading conduct his Part 3 test instead. Unfortunately, the DVSA advised that this was not possible and that tests may only be swapped for like-for-like tests (i.e. Part 2 for Part 2 or Part 3 for Part 3).
7. In response to the appeal, the Respondent provides the following reasons for refusing the Appellant's application for a second licence:
- a) The purpose of the provisions governing the issue of licences is to afford applicants the opportunity to give instruction to members of the public whilst working towards registration as an Approved Driving Instructor. However, the system of issuing licences must not be allowed to become an alternative to the system of registration.
 - b) The licence granted to applicants is not to enable the instructor to teach for however long it takes to pass the examinations, but to allow recipients up to six months experience of instruction. This provides a very reasonable period within which to reach the qualifying standard in the examination and in particular, to obtain any necessary practical experience in tuition.
 - c) The Appellant has already had the benefit of two trainee licences covering a period of 12 months. Additionally, as the Appellant applied for a second licence before the expiry of the second, that licence has remained in force until the determination of this appeal, permitting him to continue to give paid instruction.
 - d) Since passing his driving ability test (Part 2), the Appellant has failed the instructional ability test (Part 3) twice. Despite this ample time and opportunity, the Appellant has not been able to reach the required standard for qualification as an Approved Driving Instructor.

- e) It is not necessary to hold a trainee licence to sit the Part 3 assessment, nor is it essential for the Appellant to give professional tuition under licence in order to obtain further training. By way of example, he could attend a training course, or study and practise with an Approved Driving Instructor, or give tuition on his own, provided that he does not receive payment of any kind for this.
8. Although not submitted as a reason for refusing the Appellant's trainee licence, the Registrar states that the Appellant has his final attempt at the instructional ability test (Part 3) 'booked to hold' (i.e. awaiting an available date).

Legal Framework

9. The circumstances in which a person may be granted a trainee licence are detailed within Section 129 of the Road Traffic Act 1988 ("The Act"), and the Motor Cars (Driving Instruction) Regulations 2005 ("the Regulations"). The granting of a trainee licence permits applicants to provide instruction for payment before they are qualified and placed on the Register of Approved Driving Instructors. The granting of a trainee licence under section 129(1) of the Act is:

"for the purpose of enabling a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing such part of the examination...as consists of a practical test of ability and fitness to instruct."

10. To qualify as an Approved Driving Instructor, applicants must pass the 'Qualifying Examination', comprised of three parts: the written examination ('Part 1'); the driving ability and fitness test ('Part 2'); and the instructional ability and fitness test ('Part 3').
11. The whole qualifying examination must be completed within two years of passing the Part 1 examination, and whilst there is no restriction on the number of attempts a candidate may take the Part 1 qualifying examination, Parts 2 and 3 permit only three attempts at each. Should an applicant fail to comply with these requirements, the entire examination would need to be retaken (i.e. Parts, 1, 2 and 3). However, they would not be permitted to retake any part of the examination until 2 years after the date when they passed their Part 1 examination – see Regulation 3(3) of the Regulations.
12. Upon passing Part 2, an applicant may be granted a trainee licence. The granting of a trainee licence permits applicants to provide driving instruction for payment before they are fully qualified and on the Register of Approved Driving Instructors (s.123(1) of the Act). It is possible to qualify as an Approved Driving Instructor without having held a trainee licence.
13. Section 129(3) of the Act permits the Registrar to *"refuse to grant a licence under this section to an applicant to whom such a licence has previously been issued"*. However, he must give written notice stating that he is considering the refusal of the application and give particulars of the grounds upon which he is considering this (s.129(7) of the Act). Once notice of this consideration has been given, section 129(8)(c) provides that:

“before deciding whether or not to refuse the application, the Registrar must take into consideration any such representations made within that period.”

14. The period referred to within that section is a period of 14 days from the date when notice was given by the Registrar (s.129(8)(a) of the Act), and the Registrar is not permitted to decide to refuse the application for the licence until after this period has come to an end (s.129(8)(b)).

15. Section 129(6) provides as follows:

“Notwithstanding any provision of regulations made by virtue of subsection (5) above prescribing the period for which a licence is to be in force, where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence shall not expire–

(a) until the commencement of the new licence, or

(b) if the Registrar decides to refuse the application, until the time limited for an appeal under the following provisions of this Part of this Act against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.”

16. The Appellant’s right of appeal and the powers of the Tribunal to determine this appeal are set out within s.131 of the Act. The Tribunal may make such an order as it thinks fit.

17. When making its decision, the Tribunal stands in the shoes of the Registrar and takes a fresh decision on the evidence available to it, giving appropriate weight to the Registrar’s decision as the person tasked by Parliament with making such decisions.

18. It is for the Appellant to show, on the balance of probabilities, that the Respondent’s decision was wrong.

The Appeal Hearing

19. The hearing took place by video link with the Appellant in attendance. The Respondent was not in attendance. The Appellant was joined by his father, Rajan Aggarwal (sharing the same name save for the Appellant having a middle name), who was additionally permitted to speak on his son’s behalf during the hearing.

20. The Tribunal heard submissions from the Appellant, which were considered alongside the documents contained within the 27-page bundle, including the Notice of Appeal and the previous representations made to the Registrar following notification that consideration was being given to refusing the application for a third licence.

21. The Appellant explained that he was neurodivergent and had been confirmed as having Attention Deficit Hyperactivity Disorder (ADHD). This had in fact been documented to some degree in his Notice of Appeal, but he stated that he can sometimes be anxious, and he finds it difficult, given the lack of familiarity with the surroundings and the need for planning a lesson, to take a test outside of his area of Reading. Despite trying to book a Part 3 test in Reading since October 2024, and having been placed on the 'book to hold' list, he confirmed that he is yet to be provided with a test date in Reading. His father, who is an Approved Driving instructor himself, informed the Tribunal that he had also been trying to book a test for his son in the Reading area, but despite daily checks, a date was still not forthcoming.
22. The Appellant explained that the Reading test centre had not been operational for a considerable time, and that all tests for that area had been moved to a different area, adding to the difficulty in finding a suitable test date. Despite this, the Appellant, found alternative dates and sat two tests in Swindon and Salisbury on 19th February 2025 and 20th May 2025 respectively. He had not wanted to sit these tests in another area, as he was unfamiliar with those areas, which make it more difficult for him to plan lessons which incorporated the necessary elements of a pupil's regular driving test. His increased anxiety made this more difficult, and he explained that these issues largely accounted for him failing these tests. He explained that even the examiner, who was the same individual for both tests, queried why he was taking his tests in unfamiliar surroundings, particularly on the second occasion.
23. The Appellant explained that this father had taken over his training when his original trainer passed away in December 2023, and he had helped him to carry out the remainder of his required training. Additionally, he did use another instructor for a short period, who carried out 40 hours of training with him.
24. However, the main thrust of the Appellant's appeal is that the poor availability of tests is such that this has prevented him from taking his final test. This is so because he realises that he needs to take his test in Reading, where his issues do not make the test more onerous than it should be. Whilst I am sympathetic to the clear difficulty that the Appellant has encountered in securing a Part 3 test in his usual area of Reading, it is clear that had he been granted a second licence, then it would ordinarily have expired in June 2025. However, by virtue of this appeal, his second trainee licence runs until the conclusion of this appeal under section 129(6)(b) of the Road Traffic Act 1988. He has therefore had the benefit of more time than would have been permitted had he been granted a second trainee licence.
25. Despite it being a common misunderstanding, it is not the case that individuals are entitled to the continual renewal of trainee licences until they pass their Part 3 test. The six-month period of such licences is set on the basis that this is an adequate period to prepare for the Part 3 assessment, as it is not necessary to hold a trainee licence in order to either prepare for or take the Part 3 test. It is submitted by the Respondent that six months is a very reasonable period within which to reach the

qualifying standard in the examination, and in particular, to obtain any necessary practical experience in tuition.

26. Whilst the Appellant wishes to be granted more time to permit him to receive payment for instruction, I must have regard to the fact that it was clearly not Parliament's intention that candidates should be issued licences for as long as it takes them to pass the examination, and that the trainee licence system must not be allowed to become an alternative to registration as a fully qualified Approved Driving Instructor. I remind myself that it is not necessary for someone to hold a trainee licence to sit the Part 3 test, nor it is a requirement to give professional tuition under licence to obtain further training. Whilst receiving continued payment for instruction would be favourable to the Appellant, or indeed anyone endeavouring to become an Approved Driving Instructor, this is not a consideration for this Tribunal.
27. In the circumstances, I am not persuaded that the Responded was wrong to refuse a second trainee licence in this instance.
28. The appeal is dismissed.

Signed

Judge Armstrong-Holmes

Date:

4th July 2025