



Neutral citation number: [2025] UKFTT 00846 (GRC)

Case Reference: FT/D/2025/0182

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

**Decided without a hearing
Heard on: 9 July 2025
Decision given on: 10 July 2025**

Before

JUDGE SAWARD

Between

MIRAJ UDDIN

and

Appellant

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Decision: The appeal is dismissed. The Registrar's decision is upheld.

REASONS

1. This is an appeal against a decision of the Registrar of Approved Driving Instructors ('the Registrar') made on 24 January 2025 to refuse to grant the Appellant a third trainee licence.
2. The parties and the Tribunal agreed that the appeal could be determined on the papers pursuant to Rule 32 (a) and (b) of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009.
3. I have considered a bundle of evidence containing 20 numbered pages, plus index.

The Appeal

4. The Appellant's Notice of Appeal dated 4 February 2025 relies upon the scarcity of Part 3 driving instructor test appointments and the impact of the delays on his progression.
5. The Registrar's Statement of Case dated 17 June 2025 resists the appeal. The Registrar says that the Appellant did not provide any evidence of lost practice time or a lack of pupils and has already had the benefit of two licences for 12 months.
6. The Appellant did not provide a reply to the Respondent's Statement of Case.

The law

7. The grant of a trainee licence enables applicants to provide instruction for payment before they are qualified as an Approved Driving Instructor ('ADI'). A trainee licence may be granted in the circumstances set out in section 129 of the Road Traffic Act 1988 ('the Act') and the Motor Cars (Driving Instruction) Regulations 2005.
8. A licence under section 129(1) of the Act is granted: *'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.'*
9. To qualify as an ADI, applicants must pass the Qualifying Examination. This comprises: the written examination ('Part 1'); the driving ability and fitness test ('Part 2'); and the instructional ability and fitness test ('Part 3'). Three attempts are permitted at each part. The whole examination must be completed within 2 years of passing Part 1, failing which the whole examination must be retaken.
10. If a candidate has passed Part 2, they may be granted a trainee licence. However, holding a trainee licence is not necessary in order to qualify as an ADI, and many people qualify without having held a trainee licence.
11. The powers of the Tribunal in determining this appeal are set out in section 131 of the Act. The Tribunal may make such order as it thinks fit (section 131(3)). 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.
12. The burden of proof in satisfying the Tribunal that the Registrar's decision was wrong lies with the Appellant.

Findings of fact

13. The Appellant passed Part 1 of the Qualifying Examination on 19 June 2023 and passed Part 2 on 18 October 2023. He failed the Part 3 test on 27 June 2024 and 10 January 2025 and cancelled tests booked for 15 March 2025 and 28 April 2025.

14. The Appellant is not now and never has been on the Register of Approved Driving Instructors.
15. Two licences were granted to the Appellant under section 129 of the Act to gain practical experience to assist in passing Part 3 of the Qualifying Examination. The licences were valid from 9 January 2024 to 8 January 2025.
16. On 8 December 2025 the Appellant applied for a third trainee licence. As the Appellant applied before the licence expired, the Appellant has had the benefit of a trainee licence for 18 months by the time of the hearing.
17. By email sent on 2 January 2025 the Registrar notified the Appellant that he was considering refusal of the application for a third trainee licence.
18. The Appellant sent representations in response on 7 January 2025. He referred to the difficulties he had experienced in securing Part 3 test dates and how waiting times have significantly delayed his progress. The Appellant expressed concern that if he did not pass his second attempt scheduled for 10 January 2025, he would need more time and practice to improve his teaching skills. Obtaining a further trainee licence would allow the Appellant to continue to refine his skills and gain the necessary experience to succeed.
19. Having considered those representations, the Registrar gave notice to refuse the licence application on 24 January 2025.
20. In summary, the reasons for the Registrar's decision were:
 - (a) The purpose of the provisions governing the issue of licences is to afford applicants opportunity to give instruction to members of the public whilst endeavouring to achieve registration. The trainee licence system must not be used as an alternative to registration as a fully qualified ADI.
 - (b) A trainee licence is not granted to enable the instructor to teach for however long it takes to pass the examinations. It allows for up to 6 months experience of instruction, which is a very reasonable period to reach the qualifying standard.
 - (c) Since passing his driving ability test, the Appellant has failed the instructional ability test twice and cancelled two more tests booked for 15 March 2025 and 28 April 2025. Despite ample time and opportunity, the Appellant has not been able to reach the required standard for qualification as an ADI.
 - (d) The refusal of a third trainee licence does not bar the Appellant attempting the instructional ability test again. A licence is not needed for that purpose.
21. The Appellant's grounds of appeal may be summarised as follows:
 - a) The Registrar's decision is wrong because of significant delays in scheduling his Part 3 test.

- b) The Appellant applied for a test date on 22 January 2024. The first available date was 26 June 2024, almost a 6-month wait. The Appellant applied again on 11 July 2024 and was given a test date for 10 January 2025.
- c) When the Appellant applied on 14 January 2025 for his third attempt, the test has once again been delayed. It is uncertain how long he will need to wait.
- d) The continued delay is preventing the Appellant progressing in his training and it is impacting upon his ability to develop his teaching skills. Without a trainee licence, the Appellant believes that it will significantly affect his ability to teach and develop further as an instructor.

Consideration and conclusions

- 22. The outcome sought in the Notice of Appeal is an extension of the trainee licence until the Appellant's third and final attempt at the Part 3 examination, which is booked for 17 July 2025.
- 23. I accept that the Appellant had difficulty booking his Part 3 test due to a lack of availability of dates from the DVSA. However, having failed the Part 3 test twice, the Appellant subsequently cancelled test dates on two occasions for which he has provided no explanation.
- 24. The overall period in which the Appellant has been able to give driving instruction should have provided a reasonable opportunity to obtain the practical experience envisaged by the Act. The trainee license is not a substitute for taking and passing the test. It is not the purpose of trainee licences to keep renewing them until all attempts at passing Part 3 have been taken.
- 25. The Appellant has already had the benefit of a trainee licence for 18 months. But for the appeal, a third licence would have expired had it been granted. In effect the Appellant has already had the benefit of a third 6-month trainee licence.
- 26. In the circumstances, I am not satisfied that the Registrar's decision was wrong in any way. In the circumstances the appeal is dismissed.

Signed: **Judge Saward**

Date: 9 July 2025