



Case Reference: FT/D/2025/0658

Neutral Citation Number: [2025] UKFTT 01011 (GRC)

First-tier Tribunal
(General Regulatory Chamber)
Transport

Decided without a hearing
Decision given on: 21 August 2025

Before

JUDGE HEALD

Between

ADAM FLAD

and

Appellant

THE REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Decision: The Appeal is Struck out

REASONS

1. To qualify as an Approved Driving Instructor an applicant is required to pass a Qualifying Examination. This is in 3 parts and three attempts are allowed at each part. The whole examination (parts 1-3 inclusive) must be completed within two years of passing part 1. Paid driving instruction may not be given unless a person's name is on the Register of Approved Driving Instructors or they hold a (trainee) licence issued pursuant to section 129(1) Road Traffic Act 1988 ("the Act") and The Motor Cars (Driving Instruction) Regulations 2005 ("the 2005 Regs").
2. Regulation 14 of the 2005 Regs provides as follows:-

"14. A licence shall remain in force until –

(a) the expiration of a period of 6 months commencing on the date of the grant, or

(b)the day immediately following the day on which the holder of the licence failed the instructional ability and fitness test at the third attempt, whichever shall first occur.

3. The Appellant was granted two Licences and applied for a third. On 15 May 2025 the Registrar notified the Appellant that he was considering the refusal of this 3rd Licence about which representation were made on 18 May 2025.
4. On 9 June 2025 the Registrar refused the Appellant's request for a 3rd trainee Licence following which this Appeal was issued on 16 June 2025 pursuant to section 131(2)(a) of the Act and as a result of which the Licence remained in force by section 129(6) of the Act. The Registrar responded opposing the Appeal.
5. It appears that on 31 July 2025 the Appellant failed the 3rd attempt at the instructional ability test and thus by reg 14(b) of the 2005 Regs the Licence was no longer in force.
6. By a form GRC5 dated 1 August 2025 the Registrar asked that the Appeal be struck out pursuant to rule 8(3)(c) The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 which provides that:-

"(3) The Tribunal may strike out the whole or a part of the proceedings if (c) the Tribunal considers there is no reasonable prospect of the appellant's case, or part of it, succeeding"

7. The grounds of the application are that the Appellant has failed the 3rd attempt at the instructional ability test and thus by reg 14(b) of the 2005 Regs the Licence is no longer in force.
8. By rule 8(4) 2009 Rules:-

"(4) The Tribunal may not strike out the whole or a part of the proceedings under paragraph...(3)(b) or (c) without first giving the appellant an opportunity to make representations in relation to the proposed striking out"

9. The Registrar in the GRC5 form says at section 4.2 that the Appellant was copied into the strike out application and therefore the Appellant has had an opportunity to make representation. It appears that nothing has been received from the Appellant in response to the application.
10. The Appellant has failed the 3rd attempt at the instructional ability test. There is no reasonable prospect of the Appellant's case succeeding because of this and the provisions of reg 14(b) of the 2005 Regs. It is fair and just that the Appeal is struck out by rule 8(3)(c) 2009 Rules.

Signed Judge Heald

Date: 20 August 2025