



Neutral citation number: [2025] UKFTT 00909 (GRC)

Case Reference: FT/D/2025/0139

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

**Heard by Cloud Video Platform  
Heard on: 21 July 2025  
Decision given on: 29 July 2025**

**Before**

**JUDGE SAWARD  
MEMBER FRY  
MEMBER RAWSTHORN**

**Between**

**CAMERON ROBERT MAISON**

Appellant

**and**

**REGISTRAR OF APPROVED DRIVING INSTRUCTORS**

Respondent

**Representation:**

For the Appellant: In person

For the Respondent: Mr Russell

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

**REASONS**

**Introduction**

1. This appeal concerns a decision of the Registrar of Approved Driving Instructors ("the Registrar") made on 2 January 2025 to remove the Appellant's name from the Register of Approved Driving Instructors (the "Register") on the grounds that he had ceased to be a fit and proper person to be an Approved Driving Instructor ("ADI"). This was due to the Appellant having been charged with two offences of sexual assault relating to reports made by two of the Appellant's pupils.

2. The proceedings were held by video (CVP). Both parties joined the hearing by telephone. The Tribunal was satisfied that it was fair and just to conduct the hearing in this way.

### **The Appeal**

3. The Appellant's Notice of Appeal dated 27 January 2025 relies on the grounds that there is no truth in the accusations, he has never made sexual advances to any student, it is unprofessional and the thought of a person of his age trying to make advances to someone a third of his age is disgusting. He has provided testimonials/character references in support from former pupils.
4. The Registrar's Statement of Case is incorrectly dated 19 June 2024. It should be 2025. The Registrar resists the appeal on the basis that although the Appellant has not been convicted of any offence, he has been charged with two offences of sexual assault relating to reports made by two former pupils. The conditions of entry onto the Register extend beyond instructional ability alone. Teaching (generally) young people to drive is a responsible and demanding task and should only be entrusted to those with high standards.

### **Preliminary Matter**

5. Prior to the hearing, the Appellant applied to postpone the hearing as the related criminal proceedings against him have been rescheduled for 10 September 2025 following the non-attendance of two witnesses. The application was refused in a decision dated 2 July 2025 and upon reconsideration on 10 July 2025.
6. At the hearing the Appellant did not seek to pursue the point further, but an adjournment or deferral remained one of the options available to the Tribunal. Having heard the evidence, the Tribunal is satisfied that it is fair and just in the all the circumstances to make a determination without deferring its decision.

### **The Law**

7. Conditions for entry and retention on the Register require the applicant to be and continue to be a "fit and proper person" to have his name on the Register as set out in sections 125(3) and 128(2)(e) of the Road Traffic Act 1988 (the "Act").
8. The Registrar can remove a person's name from the Register if satisfied they have ceased to be a fit and proper person to have their name on the Register (section 128(2)(e) of the Act). The Registrar may take the view that a person no longer meets this requirement where there has been a change in circumstances. The Registrar has the burden of showing that a person does not meet the statutory requirement to be a fit and proper person, and the standard of proof is the balance of probabilities.
9. 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 (in accordance with *R. (Hope and Glory Public House Ltd) v City of Westminster Magistrates Court & Ors* [2011] EWCA Civ 31).

10. In *Harris v Registrar of Approved Driving Instructors* [2010] EWCA Civ 808, the Court of Appeal described the "fit and proper person" condition as follows: "... the condition is not simply that the applicant is a fit and proper person to be a driving instructor, it is that he is a fit and proper person to have his name entered in the register. Registration carries with it an official seal of approval...It seems to me that the maintenance of public confidence in the register is important." [paragraph 30]

## **The Evidence**

11. Unfortunately, the original bundle was incomplete, pages were out of sequence, and it had not been suitably redacted. The Tribunal therefore directed that the Registrar review and provide a replacement bundle. This was submitted in time for the hearing.
12. The revised bundle of evidence comprises 33 numbered pages plus index. The revised bundle omitted the Appellant's separate grounds of appeal document, but this was provided to the Tribunal with the Appeal Form. We have read and fully considered the grounds of appeal document alongside the bundle. There was no new information within the bundle that had not already been supplied to the Appellant.
13. At the start of the hearing, the Tribunal made an anonymity order in respect of the alleged victims pursuant to Rule 14(1)(b) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009. Such order prohibits the disclosure or publication of any matter likely to lead members of the public to identify those persons. It was agreed that the individuals should be referred to throughout these proceedings as "Student 1" and "Student 2".
14. During the hearing, the Tribunal heard evidence from the Appellant and submissions from the Registrar's representative. Both answered questions from the Tribunal.

## **Relevant Facts**

15. The Appellant's name was first entered in the Register in March 2024. Over the normal course of time, his certificate of registration would expire on 31 March 2028.
16. On 3 December 2024, the Registrar was informed by email sent by the Police Service of Scotland that the Appellant had been arrested and charged that evening with two offences of sexual assault under section 3 of the Sexual Offences (Scotland) Act 2009 relating to reports made by two pupils, as below:

(1) *Between August 2023 and May 2024 Maison has put his hand under ones [sic] comp knee by her thigh and squeezed and pulled her hair, he has made a comment regarding dreaming of him - she has taken this to be sexually motivated.*

*(2) Between June 2023 and September 2023 Maison has rubbed her leg, arm and placed his hand on top of hers on the gear stick.*

17. On 4 December 2024 the Registrar gave the Appellant written notice that he was considering removing the Appellant's name from the Register as he was not a fit and proper person. The Registrar asked for a reply within 28 days. At the same time, the Appellant was notified of the Registrar's decision to suspend his registration as an ADI with immediate effect because the Registrar believed he would pose a significant threat to the safety of members of the public.
18. By letter dated 17 December 2024, the Appellant denied making any sexual advances to any student at any time.
19. With regard to Student 1, the Appellant submitted that it became clear to him that the student was having difficulty with clutch control and finding the biting point. He placed his fist beneath the steering wheel above the student's left knee so that when they lifted the clutch, they could touch the bottom of the Appellant's fist avoiding moving past the biting point and stalling the car. This method also gave a visual reference and a clear idea of leg placement. It worked and the student gained better control afterwards. The Appellant stated that he explained to Student 1 what he was going to do before encroaching into their personal space. Student 1 did not ask the Appellant to not provide aid in this way.
20. The Appellant denied touching or pulling Student 1's hair. He did tell Student 1 that it was best to tie their hair up and away from the face to improve field of vision. During a test it would allow the examiner to see their head movement more clearly when checking mirrors.
21. The Appellant further denied saying anything inappropriate to Student 1 about dreaming of him. There was a conversation the day before the student's test to remind them "mirrors mirrors mirrors", which they tended not to check regularly. Student 1 proceeded to tell the Appellant that they would not sleep that night due to nerves and all that would be in their head or dream was the Appellant saying, "mirrors mirrors mirrors".
22. Student 1 failed their test. Their parents blamed the Appellant despite being informed that they were not ready. The Appellant and student's parents had arguments around late payment and a lot of last-minute cancellations. Student 1 went to another Instructor. Student 1 attempted to recommence lessons with him, but he was unwilling to do so due to the issues over non-payments, cancelling, not taking instruction and constant aggressive conversations with their parents. The Appellant last heard from Student 1 in mid to late March 2024.
23. In terms of Student 2, the Appellant acknowledged that he did "connect with the student's hand". This occurred when the student attempted to down shift from fifth to first gear at excess of 45mph on an extremely busy road. This action would have caused major damage to the vehicle and the potential to cause a major road traffic accident. The Appellant had dipped the clutch and grabbed the gear stick whilst the

student's hand was on the stick. The Appellant denied making any other contact with Student 2.

24. The Appellant submitted that Student 2 did not have the funds to take lessons. They would cancel and ask for refunds. They would tell him of their financial issues and attempted to discuss their personal life. The Appellant said that he advised Student 2 not to discuss these things with him and to concentrate on the lessons. He also had to cancel driving lessons due to Student 2 smelling of cannabis on multiple occasions.
25. Student 2 is an acquaintance of a family member. Their last lesson with the Appellant was in September 2023. On 15 July 2024, Student 2 contacted the Appellant to recommence lessons. The Appellant refused due to the issues around funding and their use of cannabis.
26. The Appellant said that he has worked for the ambulance service, as a public transport worker, and also coached an under 16's football team, and never had accusations or complaints about his conduct.
27. The Appellant explained the impact upon him and his family. He is the only person working in his family. He has no income and no money. His good name and reputation have been damaged. His diary was full. He has contacted previous female customers and asked if they would give statements. All have said 'yes'. The Appellant said he had been unable to sleep and is "totally stressed".
28. Having considered the Appellant's representations, the Registrar's decision to remove his name from the Register was confirmed on 2 January 2025.

### **The Hearing**

29. At the hearing, the Appellant elaborated upon the circumstances giving rise to each incident that led to the complaints. With regard to Student 1, the Appellant explained that the tuition car was sitting on a steep hill at traffic lights. The student was constantly stalling the car as they were releasing the clutch too soon. The third time it happened, the car started to roll back. Other motorists were blasting their car horns. Having explained what he would do, the Appellant placed the palm of his hand on the top of Student 1's knee so that they could feel the pressure of the clutch coming up. He then turned his hand to make a fist to "give muscle movement" and so that Student 1 could not stall the car again.
30. When asked by the Tribunal whether this was a recognised training method, the Appellant replied: "I wouldn't say so." It was a method he used to teach clutch control. He confirmed that the car was a Vauxhall Corsa with dual control. In answer the Tribunal's question as to why he had not dropped the clutch on his side instead, the Appellant said he did use the clutch on his side of the car, but the car becomes uncontrolled.
31. Mr Russell for the Registrar confirmed that using the hand in instructional control as described by the Appellant was not a recognised teaching method. The best course

of action would have been to take control of the situation by getting the student to “set the gas and for the Instructor to do everything else”. He considered that there were many ways of giving instruction without touching a pupil.

32. Turning to Student 2, the Appellant described the car as travelling on a high-speed road when the student went to change from fifth to first gear. The Appellant said he reacted quickly and instinctively by putting his hand on top of the gearstick. If he had allowed the gear change to happen it could not only have caused serious damage to the car, but the car could also have gone down the embankment.
33. The Appellant insisted that he genuinely does not understand why the complaints have been made. He suggested that Student 1 may be using the complaint as a means of getting their money back. They had booked driving tests before being ready and he was blamed for not teaching them properly. The student had ended up paying a far higher hourly rate for 20 hours of tuition with another instructor to pass their test. The Appellant believes that Student 2 got annoyed with him for refusing to take them on lessons on three occasions when he suspected they had been smoking cannabis.
34. The Appellant submitted that both students went to another instructor and then asked to come back to him, which they would not have done if the allegations were true. He has pleaded “not guilty” to the charges. The next stage is a procedural meeting in August to ensure the parties are ready to proceed. The trial date is fixed in September 2025.
35. The DVSA did not conduct its own investigation given that criminal charges had already been brought against the Appellant. The DVSA would only investigate if a complaint was made direct to them. The Registrar had issued a proposal to revoke the Appellant's registration, an invitation for representations and suspended the Appellant simultaneously on 4 December 2024. Having received representations from the Appellant dated 10 and 17 December 2024, the Registrar revoked the Appellant's registration on 2 January 2025.

### **Consideration and Conclusions**

36. We have assessed the facts on the basis that it is imperative that the honesty, integrity and probity of ADIs is maintained, given the substantial level of trust that is placed on ADIs by pupils, parents and other ADIs as well as the public and the DVSA. The public are entitled to know that the Registrar will ensure that often young and impressionable pupils are being instructed by those who behave properly and adhere to high standards of personal conduct. A charge for a serious criminal offence such as these are clearly relevant to the Registrar's assessment, in circumstances where an ADI is teaching pupils as young as 17 years old without another person present.
37. If an ADI's name is allowed to remain on the Register when they have demonstrated behaviours which are relevant to fitness, this will diminish the standing of the Register and undermine the public's confidence in the Register. This includes behaviour relating to driving and other matters of responsibility, trustworthiness, inappropriate personal conduct or commission of criminal offences.

38. The Tribunal is mindful that it has only heard the Appellant's version of events. We are not in a position to be able to decide whether his version of events is accurate. We do not know whether the Appellant did, in fact, commit the offences. Although the Appellant is confident that he will be acquitted, we also do not know what the outcome of the criminal proceedings is likely to be. Nonetheless, it is not in dispute that the Appellant has been investigated and charged with serious offences against two former pupils.
39. Notwithstanding the outcome of those separate criminal proceedings, the Appellant admits that he intentionally placed the palm of his hand on the knee of Student 1. We are satisfied that this was not a recognised teaching method. Whatever the circumstances, which may have been fraught with tension, it is the Tribunal's view that it was wholly inappropriate for an ADI to hold a pupil's knee. There were other options available. It showed a severe lack of judgement.
40. The Tribunal's view is reinforced by the voluntary "ADI code of practice", which sets the framework within which all ADIs should operate. It does not have the force of law, but even if the Appellant has not agreed to follow the code, it is useful guidance on the expected standards of conduct. It provides that ADIs agree at all times to behave in a professional manner towards clients. They should avoid inappropriate physical contact with clients and avoid circumstances and situations which are, or could be, perceived to be of an inappropriate nature.
41. The nature of the admitted conduct involving the touching of Student 1's knee is sufficiently serious to give the Tribunal cause for concern. Added to which there was seemingly no recognition that such an unconventional teaching approach amounted to inappropriate physical contact. It makes no difference that the Appellant says that the pupil did not object to the contact.
42. This is against a backdrop of outstanding criminal charges. We note the previous roles the Appellant has performed without complaint over his conduct. We further note the testimonials provided. Nevertheless, in the circumstances of this case we do not consider that it would be appropriate for the Appellant to be permitted to work as an ADI as things stand. If the Appellant is acquitted or the charges are dropped, the Registrar can reconsider if it would be appropriate to put the Appellant's name back on the Register.
43. We find on the balance of probabilities that the Appellant does not currently meet the statutory requirement to be a fit and proper person. In all the circumstances, we conclude that the Registrar's decision to remove the Appellant's name from the Register as he was not a fit and proper person was correct. We dismiss this appeal.

Signed: **Judge Saward**

Date: 29 July 2025