



Neutral citation number: [[2025] UKFTT 00899 (GRC)]

Case Reference: FT/D/2025/0162

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

Heard by CVP

**Heard on: 24 July 2025
Decision given on: 28 July 2025**

Before

**DISTRICT JUDGE REBECCA WORTH
(authorised to sit as a Tribunal Judge in the GRC)**

Between

GURNAM SINGH

Appellant

and

REGISTRAR FOR APPROVED DRIVING INSTRUCTORS

Respondent

Representation:

Appellant in person assisted by Shane Limer
For the Respondent: not present and not represented

Decision: The appeal is ALLOWED

Definitions:

"the Act"	.....	The Road Traffic Act 1988
"ADI"	.....	Approved Driving Instructor
"ADI Registrar"	.....	The Registrar of Approved Driving Instructors
"DVSA"	.....	The Driver and Vehicles Licensing Agency
"the Register"	.....	The Register of Approved Driving Instructors

REASONS

Mode of Hearing

1. The Tribunal considered the 20-page bundle provided to it, alongside the Respondent's Certificate of Compliance and the GRC5 from the Respondent seeking permission for the Bundle and Certificate of Compliance to be relied upon despite being lodged late with the Tribunal.
2. Under Rule 36 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, I am satisfied that the ADI Registrar had notice of the hearing and I considered it in the interests of justice to proceed with the hearing in their absence.

The Law

3. 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 Qualifying Examination has to be retaken.
4. If a candidate has passed Part 2, they may be granted a trainee licence. The grant of a trainee licence enables applicants to provide instruction for payment before they are qualified. The circumstances in which trainee licences may be granted are set out in s.129 of the Act and the Motor Cars (Driving Instruction) Regulations 2005¹.
5. A licence under s129(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.
6. Holding a trainee licence, however, is not a pre-requisite to qualification as an ADI and people do qualify as an ADI without having held a trainee licence.
7. The Powers of the Tribunal in determining this appeal are set out in s.131 of the Act. The Tribunal may make such order as it thinks fit.
8. When making its Decision, the Tribunal stands in the shoes of the ADI Registrar and takes a fresh decision on the evidence available to it, giving appropriate weight to the ADI Registrar's decision as the person tasked by Parliament with making such decisions². The burden of proof in satisfying the Tribunal that the ADI Registrar's decision was wrong rests with the Appellant.

¹ https://www.legislation.gov.uk/uksi/2005/1902/pdfs/uksi_20051902_en.pdf

² See *R (Hope and Glory Public House Limited) v City of Westminster Magistrates' Court* [2011] EWCA Civ 31, see <https://www.bailii.org/ew/cases/EWCA/Civ/2011/31.html>; approved by the Supreme Court in *Hesham Ali (Iraq) v Secretary of State for the Home Department* [2016] UKSC 60 at paragraph 45, see <https://www.supremecourt.uk/cases/docs/uksc-2015-0126-judgment.pdf>

Background

9. Gurnam Singh passed Part 1 of the Qualifying Examination on 19 September 2023 and passed Part 2 on 21 November 2023. Mr Singh applied for a Trainee Licence which was granted and was valid from 06 January 2024. He was unable (due to DVSA unavailability) to take a Part 3 Test until 06 September 2024, he therefore applied for, and was granted, a Second Trainee Licence, which was valid until 7th January 2024. On 23 December 2024, Mr Singh applied for a Third Trainee Licence. As Mr Singh applied, each time, before the Licence expired, this means that, at the date of the hearing, Mr Singh has been the beneficiary of a Trainee Licence for a few days in excess of 1 year and 6 months.
10. Mr Singh took, and failed, the Part 3 test on 06 September 2024 and 10 January 2025, he has a third (and final) Part 3 test booked to take place on 19 September 2025. It is of note that, by the time that third Part 3 test is being taken, more than 2 years will have passed since Mr Singh passed the Part 1; he is only permitted to complete the Part 3 test as it was booked prior to the expiry of the 2-year period.
11. When Mr Singh applied for a Third Trainee Licence, the ADI Registrar was considering refusing that application (see email dated 30 December 2024, numbered page 16 in the bundle). An opportunity to make representations was provided. The ADI Registrar took into account the representations that Mr Singh had made and refused to grant a Third Trainee Licence in a letter dated 22 January 2025 and that is the decision which Mr Singh appeals to this Tribunal.

Appeal to the Tribunal

12. Mr Singh's written grounds of appeal are:
 - 12.1. He believed that the process allowed 3 attempts at the Part 3 Test.
 - 12.2. He has undertaken all the training that was required.
 - 12.3. He has been "on hold" for Part 3 Tests, meaning that 4 or more months were lost.
 - 12.4. In November and December 2024, he was not feeling too well and did not conduct so many lessons as he usually would.
 - 12.5. His wife underwent surgery the same week as his test in January 2025 which reduced his ability to practice with pupils as he was working reduced hours to support his wife at home.
13. The ADI Registrar, in his Response, noted that as at that time (09 July 2025) Mr Singh had made 2 attempts at Part 3; with a final attempt booked for 19 September 2025 (a date after the 2-year period had expired). The ADI Registrar resisted the appeal on the grounds:

- 13.1. A Trainee Licence is not and must not be allowed to become an alternative to the system of registration.
- 13.2. A Trainee Licence is not granted to enable an instructor to reach for as long as they need to pass Part 3 but to allow up to 6 months' experience of instruction.
- 13.3. Mr Singh has failed the part 3 test on two occasions.
- 13.4. Despite ample opportunity Mr Singh has not been able to reach the required standard for qualification as an ADI.

The Hearing

- 14. The proceedings were held using Cloud Video Platform ("CVP"). The Tribunal was satisfied that it was fair and just to conduct the hearing in this way. The Tribunal heard from Mr Singh who was accompanied (and assisted) by Shane Limer, who has been doing his training; and who Mr Singh said could speak on his behalf. Except for at paragraph 14.6 below, I do not differentiate as to which of Mr Singh and Mr Limer was making which submission.
- 15. The submissions at the hearing can be summarised as follows:
 - 15.1. The grounds argued in the GRC1 are maintained.
 - 15.2. Mr Singh failed the test booked for 10 January 2025 as his mind was on his wife, who had had a medical procedure, which meant that he was not concentrating so much on planning for and preparing for the Part 3 test. He assured me that, despite this distraction, he was safe to carry out the supervision of a driving pupil; he simply had not had time to properly prepare, but did not want to cancel the test as he wanted to show willing.
 - 15.3. DVSA do not provide sufficient tests to enable a person to make 3 attempts at the Part 3 test within the 6 months (which they should) and further fail to enable 3 tests to be taken within 12 months.
 - 15.4. Whilst the Mr Singh could have bought an earlier test at a cost of £111, it is not fair that there is an additional cost when it is DVSA's fault that there are insufficient test opportunities within the 6- or 12-month period.
 - 15.5. Mr Singh has been on "book and hold" meaning that DVSA have his money to pay for a test but nothing is happening with it.
 - 15.6. Mr Singh told me that he wants the opportunity to do a third attempt at Part 3 with the benefit of a Trainee Licence as he can then pick the most suitable pupil to take to that Part 3 with a view to passing on this final attempt.

16. During the hearing, I asked Mr Singh to explain why he did not mention in his email to DVSA send on 31 December 2024 at 3:12:03 PM (see page 17 of the numbered pages in the bundle) that he had been feeling unwell and that his wife's medical procedure was impacting (or had impacted) his ability to learn. He said:
 - 16.1. At the time of seeking a Third Trainee Licence, he and his wife did not know the date of the hospital procedure. In any event, he any submissions he wrote were written in the hope that he would pass the Part 3 booked for 10 January 2025.
 - 16.2. Neither of these reasons really account for his lack of telling DVSA, on 31 December 2024, all that was going on and all the reasons that he needed a further 6-month Trainee Licence.
17. I also asked Mr Singh why he did not provide any documentary proof about his wife's medical procedure; it appeared to me that he did not think that that he needed to prove anything for these proceedings. I will proceed on the basis that he is telling the truth about that procedure and that it was the same week as his test and caused him to be distracted from preparation for the Part 3 test.

Discussion and reasons for decision

18. On balance, I accept what was said about there being problems for Trainee Instructors to get a Part 3 test; the documents provided indicate support for this contention. It is fair to consider these additional submissions as the ADI Registrar had the opportunity to attend the hearing and could have put forward their own submissions about this, they chose to not attend.
19. It does not, however, automatically flow from there being a problem that the appeal must succeed. For an additional £111, a Part 3 test could have been booked earlier than the current date of 19 September 2025, indeed in advance of this hearing. Whilst it may feel unfair that there is an additional cost to get an earlier test, it is known that paying an additional amount is a way around the issues of booking through DVSA. Mr Singh made a conscious decision not to pay that and to risk not having a Trainee Licence at the time of his booked Part 3 test.
20. However, the medical procedure should have been disclosed to DVSA at the time so they could take that into account when deciding on the Third Trainee Licence.
21. Placing myself in the shoes of the Regulator, I consider that Mr Singh has, in fact, had the ability to have 3 attempts at the Part 3 test whilst he was the holder of a Trainee Licence. The first and second were taken and failed; the third is the opportunity by paying an additional amount in order to be able to do the test within the time that his Trainee Licence was valid as it remained valid whilst the appeal process was on-going.
22. However, I also consider that, if the ADI Registrar had, at the time of making their decision, been aware of Mr Singh's wife's medical procedure and its distraction to him; it is likely that they would have (a) rearranged the test in January 2025 (this would

have freed up a Part 3 test for someone ready to take and pass it) and (b) enabled Mr Singh to take a Part 3 test whilst holding a Trainee Licence.

23. Whilst I do not consider that Parliament, when initially enacting a 6-month period for practice and Part 3, envisaged that a person could assume that they may make 3 attempts at Part 3 over a period of some 18 to 24 months; I consider that here there are specific circumstances which mean that it is right to change the decision of the ADI Registrar and allow the appeal.
24. For the above reasons, I allow the appeal.

Signed *Judge Worth*

Date: 25 July 2025