



Neutral citation number: [2025] UKFTT 00708 (GRC)

Case Reference: Enter case reference

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

**Decided without a hearing.  
Heard on: 16 June 2025  
Decision given on: 16 June 2025**

**Before**

**JUDGE SAWARD**

**Between**

**GRIGORE ARSENE**

**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 October 2024 to refuse to grant the Appellant a second 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 24 numbered pages, plus index.

## **The Appeal**

4. The Appellant's Notice of Appeal dated 30 October 2024 relies on the grounds that during their training, the Appellant experienced substantial gaps in their attendance and learning due to an extended illness. The Appellant submits that these absences greatly limited their ability to complete the necessary training as scheduled.
5. In addition, the Appellant says that their primary instructor was away on holiday for part of their training period. This disrupted the continuity and consistency the Appellant needed to meet the training standards. Adding to all these difficulties, the Appellant was also managing increased responsibilities due to family illness.
6. The Registrar's Statement of Case dated 29 May 2025 resists the appeal. In summary, the reasons for the Registrar's decision to refuse the second licence application were:
  - a) The Appellant failed to comply with the conditions of their first licence by completing all the required training. Although medical evidence was provided, the Appellant was still training during this time.
  - b) One trainee licence of 6 months' duration has already been granted for the purpose of gaining sufficient experience to pass the final part of the Approved Driving Instructor ("ADI") qualifying examination.
  - c) A trainee licence is not granted to enable the instructor to teach for however long it takes. The trainee licence system must not be used as an alternative to registration as a fully qualified ADI. As the Appellant applied for a second licence before expiry of the first, that licence has remained in force up to the date of the hearing.
  - d) Since passing their driving ability test, the Appellant has failed the instructional ability and fitness test twice and cancelled one more test booked for 11 December 2024. The DVSA cancelled one such test booked for 15 November 2024. Despite ample time and opportunity, the Appellant has not been able to reach the required standard for qualification as an ADI.
  - e) The refusal of a second trainee licence does not bar the Appellant attempting the instructional ability test again. A licence is not needed for that purpose.
7. The Appellant did not provide a reply to the Registrar's Statement of Case.

## **The law**

8. The grant of a trainee licence enables applicants to provide instruction for payment before they are qualified as an 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.
9. 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.'*

10. 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.
11. 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.
12. 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.
13. The burden of proof in satisfying the Tribunal that the Registrar's decision was wrong lies with the Appellant.

#### **Relevant facts**

14. The Appellant passed Part 1 of the Qualifying Examination on 3 November 2023 and Part 2 on 11 January 2024.
15. The Appellant is not now and never has been on the Register of Approved Driving Instructors.
16. A trainee licence was 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 licence was valid from 8 April 2024 to 7 October 2024.
17. On 1 October 2024 the Appellant applied for a second trainee licence. As the Appellant applied before the first licence expired, the Appellant has had the benefit of a trainee licence for 14 months by the time of the hearing.
18. By email sent on 2 October 2024 the Registrar notified the Appellant that he was considering refusal of the application for a second trainee licence.
19. The Appellant made representations in response on 3 October 2024 referring to being unable to train sufficiently due to several factors. His availability was already limited as a full-time bus driver, added to which his trainer was unavailable for a month, his father was unwell and the Appellant himself was also unwell and signed off work.
20. Having considered those representations, the Registrar gave notice of the decision in accordance with section 129(4) of the Act by email sent on 24 October 2024.

## **Consideration and conclusions**

21. It is noted that the Appellant has secured a further date for his third and final attempt at the Part 3 test on 9 July 2025.
26. I accept that the Appellant has had various personal issues which, alongside his full-time job as a bus driver, have made it difficult for him to find time to practice under his trainee licence.
27. I note that the Appellant has already had the benefit of a trainee licence covering a period exceeding 12 months up to today. 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 Appellant can continue to study and practice and is able to continue to gain experience and take the test without a trainee licence.
28. 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.
29. Having weighed all matters in the balance, the Appellant has not satisfied me that the Registrar's decision was wrong. In all the circumstances, I agree with the Registrar's decision and the appeal is dismissed.

Signed: **Judge Seward**

Date: 16 June 2025