



Neutral citation number: [2025] UKFTT 00429 (GRC)

Case Reference: FT/D/2024/0871

**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
(TRANSPORT)**

**Determined on the Papers
On: 15 April 2025**

Decision given on: 16 April 2025

Before

JUDGE MCMAHON

Between

ADAM RALPH PARK

Appellant

-and-

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Decision: The appeal is Dismissed. The Decision of the Respondent made on 1 October 2024 is confirmed.

REASONS

1. This appeal was listed for oral determination remotely, by CVP, today to commence at 12.00 noon. The Appellant did not appear. At my direction, the clerk contacted the Appellant by telephone at 12.23. The Appellant advised he was at work and had forgotten about his hearing today. However, he advised the clerk that he was content that the Tribunal proceed and determine his appeal on the papers alone without a hearing. The Appellant had not been attempting to join the remote hearing, nor had any contact been made by him or on his behalf. He had, however, requested a hearing in his Notice of Appeal. No representative of the Respondent

appeared, nor had any contact been received from the Respondent in that regard. The Tribunal was satisfied that it could properly determine the issues in this appeal without a hearing. The Tribunal proceeded on that basis at 12.27.

2. The Appellant appealed against a decision of the Respondent dated 1 October 2024, to refuse the Appellant's application for a further, and third, trainee driving instructor licence made on 31 August 2024. The decision of the Respondent was made, taking account of representations made by the Appellant on 11 September 2024, namely, that there was a long waiting list for dates to undertake a Part 3 test and that he was undertaking additional training to help himself develop further. The decision under appeal was made on the basis that the Appellant had not provided evidence of lost training time and that he had been granted two trainee licences covering a period of 12 months in total from 25 September 2023 to 24 September 2024 for the purpose of gaining sufficient experience in driving tuition to pass a Part 3 test, a period that was claimed to be more than adequate; that it was not the intention of Parliament that trainee licences be issued for as long as it takes an applicant to pass their Part 3 test and that the trainee licence system could not be an alternative to registration as a fully-qualified Approved Driving Instructor ('ADI'). The decision under appeal also stated, correctly, that it was not necessary to hold a trainee licence to undertake a Part 3 test and, again correctly, that the decision under appeal did not prevent the Appellant undertaking a Part 3 test. Finally, the decision under appeal correctly confirmed that because the Appellant had applied for a third trainee licence before his second trainee licence had expired, that licence remained valid until this appeal was determined. Accordingly, the Appellant had the benefit of a trainee licence for a total of almost 18 months in total.
3. In its Response dated 18 November 2024, the Respondent noted, in addition, that there was no evidence of the Appellant having a lack of pupils, while also reiterating the various submissions set out in the decision under appeal. The Respondent, however, also confirmed that the Appellant had failed the Part 3 test on two occasions, namely, 5 March 2024 and 30 August 2024. The potential importance of this was that if the Appellant failed a Part 3 test on a third occasion, any application for a further trainee licence could not be entertained and any appeal in those circumstances would automatically fail. As at the date of the Respondent's Response, the Appellant had not booked his final attempt at a Part 3 test. The Respondent also submitted, again correctly, that it is not necessary to hold a trainee licence to undertake further training: he could attend a training course or, study or practice with an Approved Driving Instructor ('ADI') or, give unpaid tuition and that there were precedents where aspiring ADI applicants did undertake such options.
4. The Appellant submitted an appeal on 10 October 2024 against the Respondent's said decision on the following grounds:
 - that due to waiting times to take a Part 3 test, he had only managed to undertake one attempt during the currency of each of his trainee licences;
 - that he lost practice time due to his trainer being on emergency leave for a long time *[but no detail of this submission was provided]*;
 - that his pupils were achieving a driving test pass rate of 55% - 60% pass rate;

- that his faults on Part 3 tests were 5 per test on average (compared to a national average of 6 faults);
- he was achieving wanted a third trainee licence to enable him to have the best chance of succeeding in his third and final attempt to pass his Part 3 test.

The grounds advanced by the Appellant did not, in fact, essentially, address the reasons advanced by the Respondent for the decision under appeal.

5. This appeal concerns a decision of the Respondent to refuse the Appellant's application for a further, third, trainee licence. The powers of the Tribunal in determining this appeal are set out in s.131 of the Road Traffic Act 1988 ('the Act'). In determining the appeal, the Tribunal may make such order as it thinks fit, standing in the shoes of the Respondent, considering the decision afresh on the evidence available to it, giving appropriate weight to the Respondent's reasons for their decision. The burden of proof in satisfying the Tribunal that the Respondent's decision was wrong rests with the Appellant.
6. The essential basis of the Respondent's decision was that the Appellant had been provided, under two trainee licences, more than adequate time to gain sufficient experience to pass his Part 3 test.
7. An appeal to this Tribunal against the Respondent's decision proceeds as an appeal by way of re-hearing, that is, the Tribunal makes a fresh decision on the evidence before it. The Tribunal must give such weight as it considers appropriate to the Respondent's reasons for its decision as the Respondent is the regulatory authority tasked by Parliament with making such decisions. The Tribunal does not conduct a procedural review of the Respondent's decision-making process.
8. In reaching my decision I have taken into account all of the written evidence and submissions that I received, and considered all of the circumstances relevant to this appeal.
9. There was little or no dispute as to the material facts of this case.
10. Accordingly, the appeal is dismissed.

Signed: *Damien McMahon*,

Tribunal Judge

Date: 15 April 2025