



Neutral citation number: [2025] UKFTT 00314 (GRC)

Case Reference: FT/D/2024/61

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

**Heard by Cloud Video Platform
On: 24 February 2024**

Before

**JUDGE DAMIEN MCMAHON
TRIBUNAL MEMBER DAVID RAWSTHORN
TRIBUNAL MEMBER MARTIN SMITH**

Between

ABDULLAH SHOKAT RAVAT

Appellant

-and-

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Representation:

For the Appellant: Ms. C. Gillespie, Advocate.

For the Respondent: Mr. D. Russell.

Decision:

The appeal is Dismissed. The Decision of the Respondent made on 20 December 2023 is confirmed.

REASONS

1. This appeal was listed for oral hearing by CVP on 24 February 2025 by CVP as directed by the GRC Registrar. The Appellant attended and gave oral evidence. Oral submissions were made by the Appellant's representative. Oral evidence and submissions were given by the Respondent's representative.
2. The Appellant appealed against a decision of the Respondent dated 20 December 2023 to refuse the Appellant's application to have his name entered onto the Register of Approved Driving Instructors ('the Register'), pursuant to section 125(3)(e) of the Road Traffic Act 1988 ('the Act') on the basis that, having taken account of representations made by the Appellant, in writing, by email on 18 December 2023, he was not a fit and proper person to have his name entered onto the Register due to him having been convicted of a motoring offence on 12 September 2023, in respect of an offence committed on 6 April 2022, namely, failure to give information as to the identity of the driver of his vehicle in respect of which the Appellant received 6 penalty points and a fine of £660.00.
3. The Appellant submitted an appeal on 1 January 2024, against the Respondent's said decision on the following grounds, in terms:
 - that he had failed to declare the alleged offence due to a misunderstanding;
 - that there had been a lack of communication between himself and 'the justice department';
 - that he had moved out of 93 Oxford Avenue, Southampton at the start of September 2022, the address to which the court had sent the Summons in March 2023;
 - that he had received notice of the penalty from the court but could not provide information as to the identity of the driver as he had not been aware of the situation;
 - that he could not declare the conviction to the Respondent as he was unaware of it;
 - that he had been issued with two trainee licences and no issue had been raised concerning the conviction;
 - that he was going to the Magistrates' Court to re-open the case.
4. While all of the evidence, and submissions, both written and oral from, and on behalf of, the parties, was considered by the Tribunal, it did not alter the Tribunal's decision to dismiss this appeal as the written and oral evidence and submissions before the Tribunal were not of sufficient persuasive value to do otherwise.
5. The Appellant made representations on 18 December 2023. These were taken into account by the Respondent prior to the decision under appeal being made by it.

6. In his said representations, the Appellant stated, in terms:
- he was not operating the 'offending vehicle' on the relevant date [although he was the sole keyholder of the vehicle];
 - the Summons and any letters in connection with the matter in question were sent to his old address; he did not receive them and was, therefore, unable to contest and defend the alleged offence;
 - he did get an email from the court concerning the penalty imposed on him;
 - he had paid the fine assuming the matter would be 'sorted' without any 'effects';
 - he had held a driving licence for six years and had a clear record;
 - that he was a responsible driver committed to upholding high standards of safety;
 - that miscommunication and a lack of awareness on his part had led to an erroneous attribution of the incident on his record.
7. The basis of the Respondent's decision was that the Appellant did not fulfil the criteria to be a 'fit and proper person', as required by s.125(3)(e) of the Act by reason of his conviction for the said motoring offence.
8. Conditions require that an applicant for entry onto the Register (the Appellant in this case) to be a 'fit and proper person'. This requires account to be taken of an applicant's character, behaviour and standards of conduct. This involves consideration of all material matters, including convictions, and other relevant behaviour, placing all matters in context, and balancing positive and negative features as appropriate.
9. In oral submissions, the Appellant's representative stated that the Appellant had been referred to her in August 2024; that no correspondence had been received by him; that he was not aware he could have challenged the conviction and that he paid the fine as he was scared. She stated that the Appellant was not driving the 'offending vehicle' at the time and was, indeed, teaching; that English was not the Appellant's first language and submitted that there was no proof that he was the driver of the 'offending vehicle'. She denied that the Appellant was using this appeal before the Tribunal to challenge the conviction. She confirmed that the Appellant had held an ordinary licence for 6 years and relied on being a driving instructor as this was his only source of income. She concluded by confirming there had been no developments since putting in a challenge to the conviction on 18 December 2024.
10. In response to questions from the Tribunal, the Appellant's representative maintained that the Appellant knew nothing of the conviction until he received the said email on 14 September 2023 advising him of the penalty imposed upon him. She confirmed that, on 18 December 2024, the Appellant made an out of time

appeal to re-open the conviction - to make a Statutory Declaration - but that there had been no progress in that regard, save confirmation of receipt of the application.

11. In response to questions from the Tribunal, the Appellant confirmed that he had moved address at the start of September 2022; that he had received notice of the penalty imposed on him, by email on 14 September 2023. He stated that he was unaware of his conviction until March 2023 and when he became aware, he had paid the monetary penalty 'out of fear'. However, he maintained he was unaware of the penalty points imposed upon him. He confirmed that he was the sole keyholder of the 'offending vehicle' and, at the time of the alleged offence, he was giving a driving lesson in another vehicle. He maintained he had advised both the Respondent and the DVLA of his change of address. The Appellant advised that he was a taxi driver and suggested the taxi was, perhaps, the 'offending vehicle'. He confirmed he still had that vehicle. He maintained that he had advised the DVLA of his change of address for the purposes of both vehicles and his driving licence. However, he went on to say that, in fact, he was not in possession of the taxi when he changed address (but was in possession of it at the date of the alleged offence). He confirmed that, when he changed address, he did not put a postal re-direct facility in place, but did go to his old address to check on mail and that his former landlord had given him mail. He confirmed that in respect of the incident in April 2022, the police had sent him a letter, about 6-8 weeks after the alleged offence, to ask if he was involved and he advised them that he was not involved and that he had not heard again from the police. He stated that, through fear, he felt he had no choice but to act as he did. He confirmed he had taken no advice.
12. The Respondent's representative had no questions for the Appellant.
13. The Appellant's representative had nothing further to add.
14. The Appellant confirmed he was trying his best to be honest and that he had passed his Part 3 test through hard work.
15. 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.
16. The Respondent, in its Response dated 27 November 2024, confirmed that the Appellant had applied to have his name entered onto the Register on 20 November 2023, but referred to the motoring offence, committed on 6 April 2022, of which the Appellant had been convicted on 12 September 2023 as a result of which it found the Appellant was not a fit and proper person to be entered onto the Register; that conditions for entry onto the Register extended beyond mere driving instructional ability, taking account of the applicant's character, behaviour and standards of conduct; that an ADI was expected to have higher standards of driving and behaviour than those expected of an ordinary motorist; that driving instruction was a responsible and demanding task, that should only be entrusted to those with high standards and a keen regard for road safety, something that was not shown by the

Appellant's commission of the said offence; that government had increased penalties for motoring offences as they contributed to a significant number of casualties; that the Appellant's behaviour leading to the said conviction could not be condoned as, to do so, would effectively, sanction such behaviour and that it was offensive to other ADIs and persons trying to qualify as ADIs, who had been scrupulous in observing the law, to ignore the motoring offence committed by the Appellant.

17. In oral evidence and submissions, the Respondent's representative submitted that the Appellant had given no explanation for his conviction for the said offence and had not challenged the conviction. He submitted that it was a driver's responsibility to update DVLA of changes of address and submitted that the Appellant had not met the standards expected of an ADI.
18. In response to questions from the Tribunal, the Respondent's representative confirmed that two trainee licences had been issued to the Appellant - on 5 January 2023 and 5 July 2022, respectively - but that he did not know whether the conviction in the Magistrates' Court had been re-opened.
19. The Appellant's representative had no questions for the Respondent's representative.
20. As a matter of law, the standing of the Respondent could be substantially diminished, and the public's confidence undermined, if it were known that a person whose name was included in the Register when they had demonstrated behaviours or been convicted in relation to an offence, substantially material to the question of fitness. This can be in respect of behaviour pertaining to motoring matters and other matters of responsibility, trustworthiness and prudence; indeed, it would, indeed, be unfair to others who have been scrupulous in their behaviour, and in observing the law, if such matters were ignored or overlooked.
21. The judgment of the Court of Appeal in *Harris v. Registrar of Approved Driving Instructors* [2010] EWCA Civ 808 confirmed that -

“..... 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 the maintenance of public confidence in the Register is important. For that purpose, the Registrar must be in a position to carry out his function of scrutiny effectively, including consideration of the implications of any convictions of an applicant or a Registered Approved Driving Instructor. That is why there are stringent disclosure requirements.”
22. In reaching the Decision, the Tribunal took into account all of the evidence and submissions received, written and oral, and considered all of the circumstances relevant to this appeal.
23. The Tribunal must bear in mind the significant importance which attaches to the integrity of the Register. For the public to have trust in it, the Respondent must act

in a way that encourages belief that those on it have high standards. Allowing those who do not meet those standards would undermine the trust placed in it with serious consequences for those who do maintain the necessary high standards. These are matters of wider, and public interest, which attract significant weight even where, as in this case, being refused entry onto the Register, potentially may have significant consequences for the Appellant.

24. The Tribunal particularly considered the question of whether it was proportionate to dismiss this appeal. On the balance of probabilities, the Tribunal concluded that, in view of the gravity of the particular said motoring offence dictated that refusal to enter the Appellant's name onto the ADI Register was entirely proportionate in all the circumstances.
25. Taking all these factors into account and, noting that the Tribunal needs to maintain public trust in the Register and to prioritise consumer protection over the interests of the Appellant as an individual driving instructor, the Tribunal concluded that the Appellant, at the time of this appeal, was not a fit and proper person to have his name entered onto the Register.
26. Accordingly, the appeal is dismissed.

Signed: *Damien McMahon*,

Tribunal Judge

Date: 15 April 2025

