



Neutral citation number: [2025] UKFTT 00860 (GRC)

Case Reference: FT/D/2025/0269

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

**Heard by Cloud Video Platform
Heard on: 9 July 2025
Decision given on: 15 July 2025**

Before

JUDGE SAWARD

Between

ZAHID ALI

and

Appellant

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Representation:

For the Appellant: In person

For the Respondent: Did not attend

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 21 February 2025 to refuse to grant the Appellant a third trainee licence.
2. The proceedings were held by video (CVP). The Tribunal was satisfied that it was fair and just to conduct the hearing in this way. The Appellant joined remotely. It was indicated in advance that the Registrar did not intend to be represented at the hearing. That being so, the Tribunal was satisfied that it was in the interests of justice

to proceed in their absence. In reaching a decision, the Tribunal has fully considered the Respondent's written submissions.

The Appeal

3. In the decision, the Registrar says that the Appellant has already had the benefit of two licences lasting 12 months. The Registrar considers that this has given the Appellant sufficient opportunity to gain the necessary experience. They have failed to provide any evidence of training lost during their second licence period.
4. The Appellant's Notice of Appeal dated 26 February 2025 relies upon the scarcity of Part 3 driving instructor test appointments. The Registrar's Statement of Case dated 1 July 2025 resists the appeal. The Appellant did not provide a reply to the Respondent's Statement of Case.

The Law

5. The grant of a trainee licence enables applicants to provide instruction for payment before they are qualified as an Approved Driving Instructor ("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.
6. 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.'*
7. 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 at Part 3 are permitted. The whole examination must be completed within 2 years of passing Part 1, failing which the whole examination must be retaken.
8. 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.
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.

The Evidence

10. The Tribunal has considered a bundle of evidence composed of 25 pages plus index.

11. This includes evidence of the Appellant's full licence history from the Respondent. It records that the Appellant has failed the Part 3 test twice and had one test cancelled. A further test date is booked for 11 September 2025.
12. The Appellant has provided a copy of the driving test cancellation notification issued to him by the DVSA on 19 December 2024. It confirms that the test booked for 8 January 2025 was cancelled due to the driving examiner no longer being available.
13. At the hearing, the Appellant referred to an email he had sent to the Tribunal and Registrar late evening on 4 July 2025. He said the email explained the circumstances around his failed second attempt. The email is not before me, having been submitted out of time. Nevertheless, I invited the Appellant to tell me about the circumstances.
14. The Appellant explained that on the evening of 19 February 2025, his 7-year-old child who has special needs had a bad fall requiring emergency dental treatment. At the time, the Appellant had just started a lesson with his trainer ready for his test the following day. The Appellant cut the lesson short to go to his family's aid. They returned home late. The Appellant was unable to get much sleep whilst caring for his child who was distressed throughout the night. In consequence, the Appellant was too tired to give full focus to his test, which he then failed.
15. The Appellant is aggrieved that the DVSA cancelled his test booked for 8 January 2025. He was ready to take the test and there were no circumstances that would have affected his ability to do well. Whilst he accepts that it was not the DVSA's fault that he failed the test on 20 February 2025, he feels that the DVSA has responsibility by cancelling the previous test date.
16. In answer to the Registrar's point that the Appellant had failed to provide any evidence of lost training time, the Appellant said that he had "not lost much training". This was because he had done his best to keep up his training whilst waiting for test dates.
17. The Appellant said that after each failed attempt, he was checking online every other day for available test dates.
18. The Appellant is currently able to practice in a driving school franchise car. If his trainee licence is not extended, he says that the car must be returned. He emphasised that he just asks for a short extension until his final attempt at the Part 3 test. He wants to be in the best position to pass. If unsuccessful again, the Appellant says he will have no source of income. He will be in a difficult position and has invested a lot in training.

Relevant facts

19. The Appellant passed Part 1 of the Qualifying Examination on 20 June 2023 and passed Part 2 on 21 November 2023.

20. The Appellant is not now and never has been on the Register of Approved Driving Instructors.
21. Two licences were 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 licences were valid from 19 February 2024 to 18 February 2025.
22. On 3 February 2025 the Appellant applied for a third trainee licence. As the Appellant applied before the licence expired, the Appellant has had the benefit of a trainee licence for over 4 months by the time of the hearing.
23. By letter dated 5 February 2025 the Registrar notified the Appellant that he was considering refusal of the application for a third licence.
24. The Appellant made representations in response on 17 February 2025 explaining the difficulties experienced in obtaining test dates and that one test date had been cancelled. In response, the Registrar explained by email on 18 February 2025 that it is not necessary to hold a licence in order to take the ADI Part 3 test and the refusal of a licence did not prevent him from taking the Qualifying Examination.
25. Having considered those representations, the Registrar gave notice to refuse the licence application on 21 February 2025.
26. In summary, the reasons for the Registrar's decision were:
 - (a) The purposes of the provisions governing the issue of licences is to afford applicants opportunity to give instruction to members of the public whilst endeavouring to achieve registration. The trainee licence system must not be used as an alternative to registration as a fully qualified ADI.
 - (b) A trainee licence is not granted to enable the instructor to teach for however long it takes to pass the examinations. It allows for up to 6 months experience of instruction, which is a very reasonable period. The Appellant has already had two trainee licences covering a period of 12 months. As the Appellant applied for a third licence before the expiry date of the second, that licence has remained in force to the present time and allows him to continue to give paid instruction until determination of the appeal.
 - (c) Since passing his driving ability test, the Appellant has failed the instructional ability test twice. DVSA cancelled one test booked for 8 January 2025. Despite ample time and opportunity, the Appellant has not been able to reach the required standard for qualification as an ADI.
 - (d) The refusal of a third trainee licence does not bar the Appellant attempting the instructional ability test again. A licence is not needed for that purpose.
27. The Appellant's grounds of appeal may be summarised as follows:

- (a) There were no available test dates online when the Appellant tried to book his first attempt at the Part 3 test.
- (b) He had to wait 6 months after telephoning the DVSA and paying the fee to get a Part 3 test date.
- (c) After failing at his first attempt there were again no available test dates online.
- (d) The Appellant joined the waiting list and finally got a test date in January 2025, but that date was cancelled by the DVSA on 19 December 2024.
- (e) The test was re-booked for 20 February 2025, two days after his trainee licence expired on 18 February 2025.

Consideration and Conclusions

- 28. The outcome sought in the Notice of Appeal is an extension of the trainee licence until the Appellant's third and final attempt at the Part 3 examination.
- 29. I accept that the Appellant had difficulty booking his Part 3 test due to a lack of availability of dates from the DVSA. Having failed the Part 3 test twice, the Appellant has secured a further test date on 11 September 2025. I am also sympathetic to the stressful events for the Appellant involving his child on the evening before his test on 20 February 2025 and the overall impact it had.
- 30. Whilst the DVSA did cancel one test, it is simply unknown whether the Appellant would have passed on that occasion. It is a factor that carries little weight in my deliberations. It is only a relatively short time until the Appellant's next test and I realise it would assist him to continue to have use of the driving school franchise car
- 31. However, the Appellant has already had the benefit of trainee licences covering a period of 12 months. Furthermore, I note that the Appellant has had the benefit of a further period of over 4 months up until the date of the hearing.
- 32. 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. Indeed, the Appellant says that he has worked hard to be ready for his next test in September 2025. The trainee licence 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.
- 33. Having weighed all matters in the balance, I am not satisfied that the Registrar's decision was wrong in any way. In all the circumstances, I agree with the Registrar's decision and the appeal is dismissed.

Signed: **Judge Saward**

Date: 14 July 2025