



NCN [2025] UKFTT 00636 (GRC)

Case Reference: FT/D/2025/0570

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

**Decided without a hearing
Decision given on: 4 June 2025**

Before

JUDGE HARRIS

Between

KAYLEE HABGOOD

Appellant

and

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Decision: The appeal is struck out and the Registrar's decision dated 8 May 2025 is confirmed.

REASONS

Background to appeal

1. This appeal concerns a decision of the Registrar of Approved Driving Instructors ("the Registrar") made on 8 May 2025 to refuse to grant the Appellant a third trainee licence.
2. The Appellant is a trainee driving instructor who was granted a trainee licence under s.129 of the Road Traffic Act 1988 for a six-month period, and then another, but was refused a further licence at the end of the relevant period.

3. The Registrar's reasons for refusal, in summary, were that the Appellant had not provided evidence of a loss of training time, that the Appellant had had adequate time to pass the final part of the qualifying examination, and the application to issue a third trainee licence was therefore refused.
4. The Appellant now appeals the Registrar's decision.
5. Further to the refusal the Appellant attempted her Part 3 test for a third time on 3 June 2025 and failed. She is now barred from undertaking further instruction unless and until she restarts the process and is granted an initial licence again.

The Law

6. 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 2005.
7. 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'*.
8. In order to qualify as an Approved Driving Instructor, 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 has to be retaken.
9. If a candidate has passed part 2, they may be granted a trainee licence. However, holding a trainee licence is not a prerequisite to qualification as an Approved Driving Instructor and many people qualify as an Approved Driving Instructor without having held a trainee licence.
10. 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.
11. When making its Decision, the Tribunal stands in the shoes of the Registrar of approved Driving Instructors 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 burden of proof in satisfying the Tribunal that the Registrar's decision was wrong rests with the Appellant.

Conclusion

12. The Tribunal considered carefully all the papers before it.

13. In fixing a period of 6 month to allow for trainee instructors to progress Parliament must have had in mind that we are all subject to differing life events that affect our ability to undertake certain tasks. Here the Appellant provided no real basis for a further licence. The backlog in tests is advanced without any further detail, but by granting a second licence the Registrar has allowed for this. The Appeal would have been dismissed on this basis.
14. The Appellant however has failed three attempts at her Part 3 test and is now barred from further paid instruction. There is no prospect of the Appeal succeeding and accordingly the only proper course is to strike it out.

Signed: Judge Harris Date: 4 June 2025