



NCN: [2025] UKFTT 00310 (GRC)

Case Reference: FT/D/2024/0684

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

Heard: Determined on the papers on 13 December 2024

Decision given on: 13 March 2025

Before

TRIBUNAL JUDGE FINDLAY

JORDAN ASHER LEAVINS

Appellant

and

THE DRIVER AND VEHICLE STANDARDS AGENCY

Respondent

Decision: The appeal is dismissed.

REASONS

1. 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.
2. Section 123(1) of the Road Traffic Act 1988 (the Act) prohibits the giving of instruction paid for by or in respect of a pupil in the driving of a motor car unless the instructor's name is on the Register

of Approved Driving Instructors or he is the holder of a current licence issued under Section 129(1) of the Act.

3. The Appellant is not now and has never been on the said Register.
4. A licence under Section 129 of the Act was granted to the Appellant for the purpose of enabling him to gain practical experience to undergo the examination of his ability to give instruction in the driving of motor cars and was valid from 1 January 2024 to 30 June 2024.
5. On 27 June 2024 the Appellant applied for a second licence. In an email dated 9 July 2024 the Appellant was notified that the Respondent was considering the refusal of his application for a second licence. In an email received on 11 July 2024 the Appellant made representations. He stated that he had done all the training required and DVSA cancelled a Part 3 test attempt. He stated that he was a full time teacher and his sponsoring school do not have any trainers in his area who can accommodated his work schedule.
6. After considering these representations the Respondent decided to refuse the Appellant's application on the grounds that he had failed to comply with the conditions of his first licence as he had not provided evidence of the mandatory additional training, having failed to return the training record form AD1 21AT. He would have been aware of his responsibilities and time constraints before starting the qualification process.
7. The Respondent gave the Appellant notice of the decision in accordance with Section 129(4) of the Act in an email dated 31 July 2024.
8. The reasons for refusing the application for a second licence were as follows:
 - a. The purpose of the provisions governing the issue of licences is to afford applicants the opportunity of giving instruction to members of the public while endeavouring to achieve registration. The system of issuing licences is not and must not be allowed to become an alternative to the system of registration.
 - b. The licence granted to applicants is not to enable the instructor to teach for however long it takes to pass the examinations, but to allow up to six months experience of instruction. This provides a very reasonable period in which to reach the qualifying standard in the examination and, in particular, to obtain any necessary practical experience in tuition. Moreover, by virtue of the Appellant having applied for a second licence before the expiry date of the first, that licence has remained in force to the date of the decision and will allow him to continue to give paid instruction until determination of the appeal.
 - c. Since passing his driving ability test the Appellant has yet to take the instructional ability test. Despite ample time and opportunity the Appellant has not been able to reach the required standard for qualification as an Approved Driving Instructor.
 - d. The refusal of a second licence does not bar the Appellant from attempting the instructional ability test of the Register examinations. He does not need to hold a licence for that purpose, nor is it essential for him to give professional tuition under licence in order to obtain further training. The Appellant could attend a training course, or study and practice with an

Approved Driving Instructor or give tuition on his own (provided that he does not receive payment of any kind for this). These alternatives are used by some trainees who acquire registration without obtaining any licences at all.

9. The Respondent submitted that the Appellant had his first attempt at the instructional ability test booked for 13 November 2024.
10. The Appellant submitted the following points:
 - a. His AA Driving School assigned instructors only provide training Monday to Friday from 9.00am until 2.00pm and he is a full-time teacher so his schedule is constrained.
 - b. During the time he held his trainee licence despite his best efforts he was unable to complete his in-car training and he did not have a suitable pupil with the 15-20 hours of driving experience needed for the supervised training sessions.
 - c. He has been unable to complete the training due to his Driving School's lack of trainers.
 - d. He would not have been able to take time out of paid work to complete the hours due to the financial burden.
 - e. Although he usually has time off over the summer holiday he has to teach four children by a court order.
 - f. He has made every effort to continue his training and pass the Part 3 test.
11. In all the circumstances there is not sufficient evidence of significant gravity presented to upset the Respondent's decision and accordingly the appeal is refused.

(Signed)

Judge J Findlay

Dated: 6 March 2025

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