



Neutral Citation Number: [2025] UKFTT 00684 (GRC)

Case Reference: FT/D/2024/1012

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

**Heard by Cloud Video Platform
Heard on 9 June 2025
Decision given on: 13 June 2025**

Before

**JUDGE J FINDLAY
JUDGE K SAWARD**

Between

SAIF ALI

and

Appellant

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Representation:

For the Appellant: Did not attend.
For the Respondent: Did not attend.

Decision: The appeal is dismissed.

REASONS

Procedural matters

1. The Respondent had indicated in advance that she would not be represented at the hearing. The Appellant had been sent notification of the hearing and the link to join the proceedings on 7 January 2025. Before the hearing opened, the Tribunal clerk telephoned the Appellant to ascertain if he proposed to attend. The Appellant answered the call, identified himself and hung up. He then failed to join the hearing

despite the Tribunal waiting around 20 minutes. In the meantime, further calls from the clerk went unanswered. In the circumstances the Tribunal considered it in the interests of justice to proceed to determine the appeal in the absence of the parties.

2. The Tribunal received a bundle of documents comprised of 23 paginated pages plus index, which we have fully considered.

Findings and consideration

3. 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.
4. The Appellant is not now and has never been on the said Register.
5. 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 22 April 2024 to 21 October 2024 (page 16).
6. On 10 October 2024 the Appellant applied for a second licence (page 17). By way of an email dated 14 October 2024 (page 18) the Appellant was notified that the Respondent was considering the refusal of his application for a second licence. By way of an email received on 28 October 2024 (page 19) the Appellant made representations. He stated that he had childcare responsibilities and described other personal circumstances that had meant he had struggled to train.
7. After considering these representations the Respondent decided to refuse the Appellant’s application. He did not comply with the conditions of his first trainee licence, as he completed additional training rather than the supervised training he had selected to do on his application.
8. The Respondent gave notice to the Appellant of the decision in accordance with Section 129(4) of the Act by an email dated 6 November 2024 (page 22).
9. The reasons for the Respondent’s decision to refuse the application for a second licence are 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 present time and will allow him to continue to give paid instruction until the determination of the appeal.

- c) Since passing his driving ability test the Appellant has failed the instructional ability test once (page 23). 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. The Appellant 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.
10. It is noted that the Appellant has his second attempt at the instructional ability test booked to hold, awaiting an available date.
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 dismissed.

Signed:

Judge J Findlay

Judge K Seward

Date: 9 June 2025