



Neutral citation number: [2025] UKFTT 01042 (GRC)

Case Reference: FT.D.2025.0142

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

**Determined on the
on 28th August 2025**

Before

HHJ DAVID DIXON

Between

SZYMON SLAWOMIR JABLONSKI

and

**THE REGISTRAR OF APPROVED
DRIVING INSTRUCTORS**

Appellant

Respondent

Decision: The appeal is dismissed with immediate effect.

REASONS

Background to Appeal

1. This appeal concerns a decision of the Registrar of Approved Driving Instructors (“the Registrar”) made on 13th January 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 1988¹ (‘the Act’) 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 passed the final part of the ADI qualifying examination within the relevant period and as insufficient evidence of loss of training time was supplied that the Appellant had had long enough to progress, and the application to issue a third trainee licence was therefore refused.
4. The Appellant now appeals the Registrar’s decision.

Appeal to the Tribunal

5. The Appellant’s Notice of Appeal, 27th January 2025, indicates that he was involved in a car accident on 24th July (*no year provided*) and was unable to train for 6 weeks. Subsequently he had found it very hard to book Part 3 tests due to a shortage in the system. He sought an extension to his licence to 14th April 2025 when his Part 1 pass would lapse.
6. The Respondent submitted a Response indicating that the decision letter sets out their position. The Registrar points out that the Applicant had sufficient time to progress.
7. Subsequently the Respondent filed a GRC5 strike out application on the basis that the Appellant had failed his final Part 3 attempt on 14th May 2025. By virtue of Regulation 14(b) of the Motor Cars (Driving instruction) Regulations 2005 the Appellant’s provisional instruction licence ceased to be in force after that unsuccessful third attempt.
8. By Case Management Directions, dated 25th June 2025, the Tribunal indicated that unless the Appellant provided evidence to the contrary the Appeal may be struck out on the aforesaid application. No such evidence has been provided.

Mode of Determination

9. The Appeal was listed for a paper determination, both parties having agreed to such a disposal. The Tribunal carefully considered the papers and came to the view that in accordance with the Tribunal Rules such a determination was fair and appropriate.

¹ <http://www.legislation.gov.uk/ukpga/1988/52/part/V/crossheading/licences>

10. The Tribunal considered a mixed bundle of documents, consisting of the decision letter, appeal document, response and other case management materials.

The Law

11. 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 2005².
12. 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’.
13. 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.
14. 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.
15. 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.
16. 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 decision³ 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

17. The Tribunal considered carefully all the evidence and papers before it.
18. Here the Appellant has tried three times to pass his Part 3 examination unsuccessfully. His licence has ceased as a result.

² http://www.legislation.gov.uk/uksi/2005/1902/pdfs/uksi_20051902_en.pdf

³ See *R (Hope and Glory Public House Limited) v City of Westminster Magistrates’ Court* [2011] EWCA Civ 31. <http://www.bailii.org/ew/cases/EWCA/Civ/2011/31.html>. Approved by the Supreme Court in *Hesham Ali (Iraq) v Secretary of State for the Home Department* [2016] UKSC 60 at paragraph 45 – see <https://www.supremecourt.uk/cases/docs/uksc-2015-0126-judgment.pdf>.

19. Further to this it seems from the appeal document provided by the Appellant that it may be more than 2 years since he passed his Part 1 and accordingly that would be a further bar to his licence being extended.
20. His appeal must fail as a result and it is dismissed with immediate effect.

(Signed)

HHJ David Dixon

DATE: 28th August 2025