



NCN: [2025] UKFTT 00699 (GRC)

Case Reference: FT/D/2024/1039

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

**Decided without a hearing
Heard on: 16 June 2025
Decision given on: 16 June 2025**

Before

JUDGE SAWARD

Between

DANIEL BRAGG

Appellant

and

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

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 November 2024 to refuse to grant the Appellant a third trainee licence.
2. 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.
3. I have considered a bundle of evidence containing 19 numbered pages, plus index.

The Appeal

4. The Appellant's Notice of Appeal dated 22 November 2024 relies upon the scarcity of Part 3 driving instructor test appointments.
5. The Registrar's Statement of Case dated 29 May 2025 resists the appeal. The Registrar says that the Appellant has provided no evidence of lost training time or a lack of pupils and has already had the benefit of two licences for twelve months.
6. The Appellant did not provide a reply to the Respondent's Statement of Case.

The law

7. 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.
8. 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.'*
9. 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 are permitted at each part. The whole examination must be completed within 2 years of passing Part 1, failing which the whole examination must be retaken.
10. 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.
11. 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.
12. The burden of proof in satisfying the Tribunal that the Registrar's decision was wrong lies with the Appellant.

Findings of fact

13. The Appellant passed Part 1 of the Qualifying Examination on 27 June 2023 and passed Part 2 on 15 August 2023.

14. The Appellant is not now and never has been on the Register of Approved Driving Instructors.
15. 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 16 October 2023 to 15 October 2024.
16. On 18 September 2024 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 20 months by the time of the hearing.
17. By email dated 8 October 2024 the Registrar notified the Appellant that he was considering refusal of the application for a third licence.
18. The Appellant made representations in response on 14 October 2024 referring to the difficulties he had experienced in securing three tests within the required period due to the lack of availability of examiners/tests. He stated that he has had great success with the pupils he has taught so far and has invested significant time and resources into his training.
19. Having considered those representations, the Registrar gave notice to refuse the licence application on 21 November 2024.
20. 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.
 - (c) Since passing his driving ability test, the Appellant has failed the instructional ability test twice and cancelled three more tests booked for 11 December 2024, 3 January 2025 and 21 March 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.
21. The Appellant's grounds of appeal may be summarised as follows:
 - a) As of November 2024, there were no available test dates with estimated waiting times of between 3 and 5 months.

- b) Due to these extended delays the Appellant states that he has been unable to utilise all three of his allotted attempts under a PDI badge.
- c) He acknowledges that a trainee licence is not a prerequisite for qualifying as an ADI but believes that the current circumstances warrant additional training time.
- d) As the Appellant's final attempt is (as at the date of his appeal) within 6 weeks', he requires additional and continued experience to be fully prepared.
- e) The Appellant provides testimonials from past pupils and downloaded copies of positive online reviews.

Consideration and conclusions

- 22. 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.
- 23. I accept that the Appellant had difficulty booking his Part 3 test due to a lack of availability of dates from the DVSA. However, having failed the Part 3 test twice, the Appellant subsequently cancelled test dates on three occasions for which there is no explanation.
- 24. I further note that the Appellant had his final attempt at the instructional ability test booked for 13 June 2025. If the test went ahead, then the appeal is bound to fail as a trainee licence can only be issued in order that an individual can gain the practical experience required to take the test.
- 25. 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 trainee license 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.
- 26. Whilst recognising the positive testimonials and reviews of the Appellant's teaching abilities, I am not satisfied that the Registrar's decision was wrong in any way. In the circumstances the appeal is dismissed.

Signed: **Judge Saward**

Date: 16 June 2025