



Neutral citation number: [2025] UKFTT 00367 (GRC)

Case Reference: FT/D/2024/0807

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

**Heard by Cloud Video Platform on: 26 March 2025**

**Decision given on: 27 March 2025**

**Before**

**JUDGE DAMIEN MCMAHON  
JUDGE HARRIS**

**Between**

**PAUL TREVOR**

**and**

**Appellant**

**THE REGISTRAR OF APPROVED DRIVING INSTRUCTORS**

**Respondent**

**Representation:**

The appellant attended and represented himself.

Neither the respondent nor a representative of it attended.

**Decision:** The appeal is Dismissed

The decision of the Respondent dated 5 September 2024 is confirmed.

**REASONS**

1. The appellant appeals against the decision made by the Registrar of Approved Driving Instructors (the Registrar) on 5 September 2024 to refuse his application for a third trainee licence.

2. The appellant had been granted two trainee licences. They were valid from 28 August 2023 to 27 August 2024. On 4 August 2024 the appellant applied for a third trainee licence.
3. On 5 August 2024 the respondent notified the appellant that consideration was being given to refusing his application. He was invited to make representations.
4. The appellant responded by email on 7 August 2024. He stated that there was a lack of test availability in his local area with waiting time being from 3 to 7 months, and that he had had a test cancelled at short notice. He advised that he had his Part 3 test booked for 22 October 2024.
5. The respondent gave the following reasons for the decision made on 5 September 2024:
  - a. The appellant provided no evidence of lost training time and cancelled two Part 3 tests himself.
  - b. The appellant had the benefit of two trainee licences for a period of 12 months, which is considered more than adequate time to gain sufficient experience to pass a Part 3.
  - c. Parliament's intention was not to licence candidates for as long as it takes them to pass the examination.
  - d. The trainee licence must not become an alternative to registration as a fully qualified ADI.
  - e. It is not necessary to hold a trainee licence in order to sit the part 3 examination.
6. The appellant lodged a notice of appeal dated 9 August 2024. In his notice of appeal, the appellant does not explain why he considers that the respondent's decision is wrong. He states that the current system for examination is "broken and needs to be looked at and fixed". He states that he wishes to have a third licence to enable him to attend further training sessions before taking his part 3 test in October 2024.
7. The respondent in its response dated 13 November 2024 reiterated the above reasons for refusal. In addition, it noted that the appellant has failed to provide any evidence of lost training time or a lack of pupils and that the appellant claims a lack of test availability, yet has cancelled three tests (booked for 4 January 2024, 22 March 2024 and 29 July 2024) during the period of his trainee licences. The DVSA also cancelled one test booked for 22 May 2024. The results history at page 20 of the bundle records that the appellant failed his part 3 test on 22 October 2024 and again on 4 November 2024, with a final attempt awaiting a test date.
8. The hearing took place by video and there were no objections to this as a suitable method of hearing. The appellant attended and gave evidence. The Tribunal heard

submissions from him which it took into account when making this decision together with the documents contained in the appeal bundle.

9. The circumstances in which a person may be granted a trainee licence are set out in Section 129 of the Road Traffic Act 1988 (the Act) and the Motor Cars (Driving Instruction) Regulations 2005 (the Regulations).
10. The appellant's right of appeal and the powers of the Tribunal to determine this appeal are set out in s.131 of the Act. The Tribunal will make a fresh decision on the evidence before it and may make such order as it thinks fit.
11. It is for the appellant to show on balance of probabilities that the respondent's decision was wrong.
12. The essence of the respondent's decision is that the appellant has been provided, under his previous two licences, with more than adequate time to sit the required tests to become an ADI. The appellant has already had two trainee licences, and because the application for his third licence was made before the expiry of his second licence, he has had the benefit of a continuing licence while his appeal has been pending, which has been valid for 19 months to date. The appellant can continue to provide instruction, so long as it is without payment, if he considers that he needs further experience before sitting the test. He can also sit the part 3 test without a trainee licence.
13. When asked about why he had cancelled three tests, the appellant said that it was because he had no suitable pupils to take with him to the test. The Tribunal did not accept this as a reason why a third trainee licence should be granted; there is no prescription as to the necessary qualities of the person to whom instruction is given in the Part 3 test.
14. Pursuant to Regulation 3, the qualifying examination consists of three parts: a written examination (part 1); a driving ability and fitness test (part 2); and an instructional ability and fitness test (part 3).
15. A candidate is permitted three attempts at each part. The whole examination must be completed within two years of passing part 1, failing which the candidate must retake the whole examination. Once a candidate has passed Part 2 they may be granted a trainee licence. The appellant said that if he was not granted a third trainee licence then he would need to begin the process again because 2 years had elapsed. The Tribunal's reading of Regulation 3(4)(c) of the Regulations is that a person is permitted to sit Part 3 and, having passed, to apply for registration as an ADI, as long as that person has passed parts 1 and 2 and also made an application to take part 3 within 2 years of passing part 1. So while the appellant has failed Part 3 twice, the Tribunal saw no reason why he should not be able to make a final attempt at part 3 because he had fulfilled the requirements of Regulation 3(4)(c). The Tribunal therefore did not accept that the appellant would be required to start

the process of qualification again if a third trainee licence was not granted. If he failed part 3 for the third time, he would, however, have to begin the process again.

16. In relation to the criticisms made by the appellant of the system for booking and taking tests, he accepted during the hearing that relief from this was not within the Tribunal's power.
17. In reaching its decision, the Tribunal has taken into account all the evidence submitted to it in advance of the hearing and considered all the circumstances relevant to this appeal.
18. In all the circumstances, the Tribunal finds that the appellant has not persuaded it that the Registrar's decision was wrong in any way and accordingly dismisses the appeal.

Signed     Judge Harris

Date: 27 March 2025