



NCN: [2025] UKFTT 00858 (GRC)

Case Reference: FT/D/2025/0145

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

**Heard by Cloud Video Platform
Heard on: 14 July 2025
Decision given on: 15 July 2025**

Before

TRIBUNAL JUDGE KIAI

Between

AMIT RANA

Appellant

and

**THE REGISTRAR OF APPROVED
DRIVING INSTRUCTORS**

Respondent

Decision: The proceedings are struck out under Rule 8(3)(a), (b) and (c) of *The Tribunal Procedure (First-tier Tribunal)(General Regulatory Chamber) Rules 2009*.

REASONS

1. The Appellant lodged his appeal using the GRC1 form on 26th January 2025.
2. On 9th May 2025, the Respondent filed a GRC5 inviting the Tribunal to strike out the appeal under Rule 8(3)(c) on the basis that the appeal has no reasonable prospects of success. The Respondent stated that Regulation 14(b) of the Motor Cars (Driving Instruction) Regulations stipulates that a trainee licence expires the day following the trainee's third unsuccessful attempt at the instructional ability test and that,

according to his records, the Appellant has failed that test for the third time on 8th May 2025.

3. On 2nd June 2025, Registrar Bamawo gave the following directions:
 - a. The Appellant had failed to provide a completed Case Management Questionnaire and had therefore failed to comply with previous case management directions;
 - b. The parties were directed to serve any additional evidence on which they intended to rely, a finalised bundle, skeleton arguments and certificates of compliance.
4. On 12th June 2025, Judge Sanger directed the Appellant to make representations in relation to the proposed strike out. In those directions she stated:

“5. If the Appellant concedes that they have failed the test for a third and final time, the matter will be struck out under Rule 8(3)(c).

6. The Appellant is therefore required to confirm their position as set out above. If no response is received, the Appellant is on notice that the Tribunal may strike out the appeal without further directions”.
5. The Appellant failed to respond to Judge Sanger’s directions.
6. No further documents were served on the Tribunal by either party.
7. The case was listed for hearing on 14th July 2025¹. Neither party attended the hearing.
8. The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 state:

8. (3) The Tribunal may strike out the whole or a part of the proceedings if –

(a) the appellant has failed to comply with a direction which stated that failure by the appellant to comply with the direction could lead to the striking out of the proceedings or part of them;

(b) the appellant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings fairly and justly; or

(c) the Tribunal considers there is no reasonable prospect of the appellant's case, or part of it, succeeding.

¹ The case was initially listed for a Compliance hearing on 4th July 2025, however this was vacated by the Tribunal.

9. I find that the test under Rule 8(3)(a) is met: the Appellant has failed to comply with a direction which stated that failure to comply could lead to the striking out of the proceedings (as set out in the directions of Judge Sanger). The Appeal is struck out for this reason.
10. I further conclude that the test under Rule 8(3)(b) is met: the Appellant has failed to co-operate with the Tribunal (by failing to confirm if he has failed the test for a third time) to such an extent that the Tribunal cannot deal with the proceedings fairly or justly. The Appeal is also struck out for this reason.
11. I further conclude that the test under Rule 8(3)(c) is met: there is no reasonable prospect of the Appellant's case succeeding. I accept the Respondent's evidence that the Appellant failed his third attempt at the test on 8th May 2025 (the Appellant has been given various opportunities to dispute this and has not done so). As such, and in accordance with Regulation 14(b) of the Motor Cars (Driving Instruction) Regulations, the Appellant is no longer permitted to take further instructions for reward or payment. As such his appeal must fail.
12. The overriding objective in Rule 2 of the *Procedure Rules* requires the Tribunal to deal with cases fairly and justly. For completeness, I add that I find it is fair and just to strike out the proceedings. The Appellant has now had various opportunities to let the Tribunal know if he disputes the Respondent's claim that he has failed the instructional ability test for a third time. He has not provided any explanation for the failure. He has not provided any reason why the appeal should not be struck out.

Signed

Gilda Kiai

Date:

14th July 2025