



Neutral citation number: [2025] UKFTT 00848 (GRC)

Case Reference: FT/D/2024/0973

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

**Decided without a hearing
Decision given on: 10 July 2025**

Before

JUDGE SAWARD

Between

MOHAMMED ATAUR ALI

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 6 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 26 numbered pages, plus index.

The Appeal

4. The Appellant's Notice of Appeal dated 12 December 2024 relies upon personal medical reasons and family circumstances impacting on his ability to train.
5. The Registrar's Statement of Case dated 7 April 2025 resists the appeal. The Registrar says that the medical evidence provided by the Appellant shows his hospital appointments and diagnosis, but the evidence pre-dates his second trainee licence. It does not evidence any lost training time during the period of his second licence. He would have already been aware of his medical issues before applying for his last licence. He has already had the benefit of two trainee licences for 12 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 1 February 2023 and passed Part 2 on 9 June 2023. He failed his first attempt at Part 3 on 3 April 2024 and

failed his second attempt on 3 March 2025. In between those dates he had cancelled tests on 2 July 2024 and 29 August 2024 with another test recorded as 'non-completed' on 7 January 2025

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 6 November 2023 to 5 November 2024.
16. On 10 October 2024 the Appellant applied for a third trainee licence. As the Appellant applied before the second licence expired, the Appellant has had the benefit of a trainee licence for 20 months by the time of the hearing.
17. By email sent on 11 October 2024 the Registrar notified the Appellant that he was considering refusal of the application for a third licence. The Appellant replied by email that same day. He referred to having missed some training due to the severity of his illness requiring hospital treatment. The time consumed with medical appointments also left him unable to drive a lot of the time. He is now able to train and is working hard to ensure he passes his test.
18. Having considered those representations, the Registrar gave notice to refuse the licence application on 6 November 2024.
19. 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 to reach the qualifying standard.
 - (c) Since passing his driving ability test, the Appellant has failed the instructional ability test twice and cancelled two more tests booked for 2 July 2024 and 29 August 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.
20. The Appellant's grounds of appeal may be summarised as follows:
 - (a) Unfortunately, the Appellant has been unable to fully utilise the trainee licence to its best capacity due to being unable to drive because of illness. Details of the illness are given but not repeated here for reasons of confidentiality. The

Appellant has provided evidence of hospital attendance and appointments between February to May 2024 and his diagnosis.

- (b) The Appellant has his test booked and has been working really hard. If granted the trainee licence, the Appellant can make sure he has brushed up on all the skills needed.
- (c) Also, it would enable the Appellant to carry on the journey with the students he is teaching until they pass their test.
- (d) Since October (2024), the Appellant has been unable to teach following the birth of his child for the personal reasons articulated.

Consideration and Conclusions

- 21. The outcome sought in the Notice of Appeal is an extension of the trainee licence.
- 22. It is unclear why the Registrar considers it relevant that the Appellant's health condition was present prior to his application for a second licence. Without elaboration, the Registrar's argument on this point carries little weight. I accept that the Appellant's ability to train was impacted for medical reasons during part of 2024. I further accept that the Appellant's personal circumstances have meant that he has been unable to teach for reasons that do not appear to have been put before the Registrar.
- 23. Even taking account of all these factors, the overall period in which the Appellant has had opportunity to give driving instruction should have provided a reasonable period 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.
- 24. Having failed the Part 3 test twice, the Appellant had still not (as of 7 April 2025) booked his third and final attempt at the instructional ability test. I further note that the Appellant has had the benefit of a trainee licence for around 20 months. But for the appeal, the third licence would have expired had it been granted. In effect the Appellant has already had the benefit of a third 6-month trainee licence.
- 25. Whilst recognising the impact of the Appellant's personal circumstances, I am not satisfied that the Registrar's decision to refuse a third licence was wrong. In the circumstances the appeal is dismissed.

Signed: **Judge Saward**

Date: 9 July 2025