



Neutral citation: [2025] UKFTT 00227 (GRC)

First-tier Tribunal
(General Regulatory Chamber)
Transport

Appeal Number: FT/D/2024/0791

Determined on the paper and
Decision given on 25 February 2025

Before

JUDGE OF THE FIRST-TIER TRIBUNAL B. KENNEDY KC

Between

ADIL AFTAB

Appellant

and

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

DECISION

1. The appeal is dismissed and the respondent's decision of 05 September 2024 is confirmed.

REASONS

Background

2. The Appellant appeals against the decision made by the Registrar of Approved Driving Instructors (the respondent) on 05 September 2024 to refuse his application for a second trainee licence.
3. Section 123(1) of the Road Traffic Act 1988 ('the Act') prohibits the giving of instruction paid for by or in respect of a pupil in the driving of a motor car unless the instructor's name is on the Register as an Approved Driving Instructor ("ADI") or he is the holder of a current licence issued under Section 129(1) of the Act.
4. The Appellant is not now and has never been on the said Register.

5. A licence under Section 129 of the Act was granted to the Appellant for the purpose of enabling him to gain practical experience to undergo the examination of his ability to give instruction in the driving of motor cars and was valid from 12 February 2024 to 11 August 2024 (D1).
6. On 28 July 2024 the Appellant applied for a second licence (D2). By way of an email dated 07 August 2024 (D3) the Appellant was notified the Respondent was considering the refusal of his application for a second licence. By way of an email received on 07 August 2024 (D4) the Appellant made representations. He stated that he experienced a lack of pupils, difficulty obtaining a test date and also suffered ill health and had family caring responsibilities.
7. After considering these representations the Respondent decided to refuse the Appellant's application. It has also to be Noted that the Appellant has failed to comply with the conditions of his first licence as the training objectives on his ADI 21AT training record form (D5) were not completed within the first three months of the licence period.
8. The Respondent gave the Appellant notice of their decision in accordance with Section 129(4) of the Act by an email dated 05 September 2024 (D6).
9. The Respondents reasons for refusing the application for a second licence were:
 - (i) The purpose of the provisions governing the issue of licences is to afford applicants the opportunity of giving instruction to members of the public whilst endeavouring to achieve registration. The system of issuing licences is not and must not be allowed to become an alternative to the system of registration.
 - (ii) The licence granted to applicants is not to enable the instructor to teach for however long it takes to pass the examinations, but to allow up to six months experience of instruction. This provides a very reasonable period in which to reach the qualifying standard in the examination and in particular, to obtain any necessary practical experience in tuition. Moreover, by virtue of the Appellant having applied for a second licence before the expiry date of the first, that licence has remained in force to the present time and will allow him to continue to give paid instruction until determination of the appeal;
 - (iii) Since passing his driving ability test the Appellant has failed the instructional ability test once. (Annex A). Despite ample time and opportunity the Appellant has not been able to reach the required standard for qualification as an Approved Driving Instructor; and
 - (iv) the refusal of a second licence does not bar the Appellant from attempting the instructional ability test of the Register examinations. He does not need to hold a licence for that purpose, nor is it essential for him to give professional tuition under licence in order to obtain further training. The Appellant could attend a training course, or study and practice with an Approved Driving Instructor or give tuition on his own

(provided that he does not receive payment of any kind for this). These alternatives are used by some trainees who acquire registration without obtaining any licences at all.

10. It should also be noted that the Appellant had his second attempt at the instructional ability test booked for 22 January 2025 and at the hearing of this appeal the Appellant indicated he had booked another test for March 2025.
11. The Appellant lodged a Notice of Appeal dated 17 September 2024. In his grounds of appeal, the Appellant stated essentially that the protracted delay in securing a test date is causing him and his family financial hardship and he seeks more time for additional training and a badge extension to allow him additional time to prepare himself for his final part 3 examination.
12. In determining the appeal, I have considered the all of the documents and exchanges between the parties provided in the Hearing Bundle.

The law:

13. The Appeal relates to the refusal of a trainee licence which may be issued to a candidate who is preparing to sit the qualifying examination to become an ADI. The circumstances in which a person may be granted a trainee licence are set out in section 129 of the Act, and the Motor Cars (Driving Instruction) Regulations 2005 (the Regulations).
14. The purpose of the trainee licence is to enable a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing such part of the examination referred to in section 125(3)(a) of the Act as consists of a practical test of ability and fitness to instruct, which is part of the qualifying examination to become an ADI.
15. The Appellant has a right of appeal against the Respondent's decision pursuant to section 131 of the Act. On appeal the tribunal may make such order as it thinks fit. It is for the Appellant to show on the balance of probabilities that the Respondent's decision was wrong.

Findings and reasons:

16. The Respondent has set out their reasons set out above and has provided a formal statement including as follows:

“Section 123(1) of the Road Traffic Act 1988 ('the Act') prohibits the giving of instruction paid for by or in respect of a pupil in the driving of a motor car unless the instructor's name is on the Register of Approved Driving Instructors, or he is the holder of a current licence issued under Section 129(1) of the Act.”
17. After considering the Appellants representations the Respondent decided to refuse the Appellant's application and has provided reasons for doing so.
18. Holding a trainee licence is not a prerequisite to qualifying as an ADI and nor is it a

prerequisite to sitting part 3 of the examination. Aside from giving professional instruction under a trainee licence, there are other ways in which the Appellant could gain the skills needed to pass part 3. These are alternatives which mean that some trainees obtain pass the qualifying examination and obtain registration without ever having held a trainee licence.

19. The Tribunal find that the Appellant has failed to show that the time he has had has been inadequate to acquire sufficient experience to pass the test. It is not necessary for the Appellant to have a trainee licence in order to sit part 3 and he has not shown that he is unable to obtain the necessary skills and experience by alternative means.
20. On consideration of the papers in the Hearing Bundle provided and all the available evidence the Tribunal find on balance that the Respondent was justified in refusing the Appellant's application and it was not unreasonable for them to do so. I therefore must dismiss this appeal.

Judge Brian Kennedy KC

10 February 2025.