



Neutral citation number: [2025] UKFTT 00739 (GRC)

Case Reference: FT.D.2024.1033

**First-tier Tribunal  
(General Regulatory Chamber)  
Standards & Licensing**

**Determined on the on 19<sup>th</sup> June 2025  
Decision given on 20 June 2025**

**Before**

**HHJ DAVID DIXON**

**Between**

**ANEESA ALI**

**and**

**THE REGISTRAR OF APPROVED  
DRIVING INSTRUCTORS**

Appellant

Respondent

**Decision:** The appeal is dismissed, with the decision being operative from 25<sup>th</sup> July 2025.

## REASONS

### *Background to Appeal*

1. This appeal concerns a decision of the Registrar of Approved Driving Instructors (“the Registrar”) made 13<sup>th</sup> November 2024 to refuse to grant the Appellant a second trainee licence.
2. The Appellant is a trainee driving instructor who was granted a trainee licence under s.129 of the Road Traffic Act 1988<sup>1</sup> (‘the Act’) for a six-month period, but was refused a further licence at the end of the relevant period.
3. The Registrar’s reasons for refusal, in summary, were that the Appellant had not passed the final part of the ADI qualifying examination within the relevant period and as insufficient evidence of loss of training time was supplied that the Appellant had had long enough to progress, and the application to issue a second trainee licence was therefore refused.
4. The Appellant now appeals the Registrar’s decision.

### *Appeal to the Tribunal*

5. The Appellant’s Notice of Appeal, 18<sup>th</sup> November 2024, indicated that she had struggled to get test dates and had suffered three family bereavements during her licensed period. She indicates that “not being able to utilize the trainee licence for the period it has been issued for me to take training or to deliver training during this full period due to the accident, my personal issues with the bereavements and the test availability.” *Whilst the document indicates that there are health issues and “an accident” to consider, no details of the loss of actual training time was indicated.*
6. The Appellant indicates she has spent a lot of money on training, has adhered to her training requirements and if not granted a further licence would feel that her Human Rights had been breached.
7. The Respondent submitted a Response indicating that the decision letter sets out their position. The Registrar points out that the Applicant had sufficient time to progress.
8. The Registrar indicates that the Appellant has been licenced to instruct as a trainee since 6<sup>th</sup> May 2024, and therefore been licensed so far for 13 months. She has failed her Part 3 once and cancelled two other tests. She has a test booked for the 24<sup>th</sup> July 2025.

### *Mode of Determination*

9. The Appeal was listed for a hearing via the CVP video hearing system.
10. The Appellant attended and was unrepresented.

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/1988/52/part/V/crossheading/licences>

11. The Respondent appeared and was represented by ??? from the Registrar's Appeal's Team.
12. The Tribunal considered a bundle of evidence containing 21 pages.

#### *Evidence*

13. The Appellant indicated that her family had suffered a number of bereavements and this impacted on her training time. She normally trains twice a week and she lost 2 to 3 months due to issues from the bereavements.
14. She also fell and broke her ankle resulting in two further months loss of training time.
15. The combined effect of those two issues resulted in a dramatic loss. The remaining time went well, however, under the first licence this was a period of only 6-10 weeks.
16. The Appellant indicated that she had been training consisting during the appeal process. She was taking mock exams with her instructor and was scoring well. She believed she was ready for her examination in July.

#### *The Law*

17. The grant of a trainee licence enables applicants to provide instruction for payment before they are qualified. The circumstances in which trainee licences may be granted are set out in s. 129 of the Act and the Motor Cars (Driving Instruction) Regulations 2005<sup>2</sup>.
18. 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'.*
19. In order to qualify as an Approved Driving Instructor, 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 has to be retaken.
20. If a candidate has passed part 2, they may be granted a trainee licence. However, holding a trainee licence is not a prerequisite to qualification as an Approved Driving Instructor and many people qualify as an Approved Driving Instructor without having held a trainee licence.
21. The powers of the Tribunal in determining this appeal are set out in s. 131 of the Act. The Tribunal may make such order as it thinks fit.
22. When making its Decision, the Tribunal stands in the shoes of the Registrar of approved Driving Instructors and takes a fresh decision on the evidence available to it, giving appropriate weight

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<sup>2</sup> [http://www.legislation.gov.uk/uksi/2005/1902/pdfs/uksi\\_20051902\\_en.pdf](http://www.legislation.gov.uk/uksi/2005/1902/pdfs/uksi_20051902_en.pdf)

to the Registrar's decision<sup>3</sup> as the person tasked by Parliament with making such decisions. The burden of proof in satisfying the Tribunal that the Registrar's decision was wrong rests with the Appellant.

### *Conclusion*

23. The Tribunal considered carefully all the papers before it.
24. Parliament set a six month period as the appropriate timescale during which trainee instructors could obtain the relevant *training* required to pass their Part 3 examinations. Discretion was built into the system to allow the Registrar to extend that period where something outside of the norm was put forward that justified extra time. Here the Appellant provided details of a loss of training opportunity caused by injury and bereavements. The combined effect was well outside of the normal position and would have justified a second licence.
25. The Appellant did not do herself any favours in her communications with the Registrar by failing to provide the detail she gave to the Tribunal. Had the Registrar known of the dramatic loss of training time he would doubtless have determined that a further licence was appropriate. On the evidence available to him the Registrar's decision was entirely understandable.
26. However, even allowing for the loss of time, the Appellant has now been licensed for nearly 13 months, well in excess of Parliament's intended period. She has already, by virtue of the appeal's process, had longer than a second trainee licence. During the time that the appeal has been ongoing she has continued to train and has had the "standard" period and more. The Appellant agrees that she has had the normal training opportunity and indeed that she is hopefully ready for her Part 3.
27. The Tribunal has carefully balanced all of the issues here, but comes to the view that there is no evidence available that supports a contention that the loss of training opportunity merits a further licence. The Appellant has had long enough to train, and thus a further licence cannot be justified. Accordingly this Appeal is dismissed.
28. However, the time taken for the Appeal process and the availability of the next test slot is such that in my view it would be unfair to deprive the Appellant of the opportunity of the next few weeks to cement her training before her Part3 exam in July. Accordingly, as an act of mercy the Tribunal dismisses the Appeal, but the decision is not operative until the 25<sup>th</sup> July 2025, i.e. the day after the booked test. The Tribunal wishes the Appellant well in her examination.
29. The Appeal is dismissed as of 25<sup>th</sup> July 2025.

*(Signed)*

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<sup>3</sup> See *R (Hope and Glory Public House Limited) v City of Westminster Magistrates' Court* [2011] EWCA Civ 31. <http://www.bailii.org/ew/cases/EWCA/Civ/2011/31.html>. Approved by the Supreme Court in *Hesham Ali (Iraq) v Secretary of State for the Home Department* [2016] UKSC 60 at paragraph 45 – see <https://www.supremecourt.uk/cases/docs/uksc-2015-0126-judgment.pdf>.

*HHJ David Dixon*

*DATE: 19<sup>th</sup> June 2025*