



Neutral citation number: [2025] UKFTT 00430 (GRC)

Case Reference: FT/D/2024/0876

**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
(TRANSPORT)**

**Determined orally in a CVP Hearing
On: 15 April 2025**

Decision given on: 17 April 2025

Before

JUDGE MCMAHON

Between

ZEESHAN ALI MEHMOOD

Appellant

-and-

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Representation

Appellant

The Appellant appeared on his own behalf.

Respondent

No representative of the Respondent appeared.

Decision: The appeal is struck out as having no reasonable prospect of success, pursuant to Regulation 8(3)(c) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 ('the Regulations') on the application of the Respondent in writing dated 26 February 2025.

REASONS

1. This appeal was listed for oral hearing by CVP at 15.00 by direction of the GRC Legal Officer in Case Management Directions dated 9 January 2025. The Appellant attended, having been contacted by the clerk today just before the time scheduled to commence the hearing. The Appellant stated he had overlooked the fact that his hearing was fixed for today. After resolving certain technical difficulties experienced by the Appellant, the hearing commenced at 15.15. The Appellant confirmed that he had no representative and was alone in his location. He confirmed he was content to proceed. No representative of the Respondent appeared.
2. The Appellant had appealed against a decision of the Respondent dated 1 October 2024 to refuse the Appellant's application for a third trainee driving instructor licence made on 30 August 2024. The decision of the Respondent was made, taking account of representations made by the Appellant on 13 September 2024, namely, that he had had had suffered long-term illness *[that was not detailed]*; that he had suffered a family bereavement *[no details being provided]*; that he had caring responsibilities for 'unwell family members *[that turned out to be his partner alone, both in hospital out-patient visits and at home, in respect of which certain medical evidence, to which little weight could be attached, was provided]* and that there were long waiting lists to get a booking for a Part 3 test *[but little weight could be attached to that submission either as the Appellant had taken, and failed two Part 3 tests on 21 May 2024 and 5 November 2024, respectively, and, indeed, had taken, and failed again, his third and last permissible attempt at a Part 3 test on 26 February 2025]*.
3. The decision under appeal was based on the grounds that the Appellant had received two trainee licences covering the 12 month period from 11 September 2023 to 10 September 2024, a period that, it was submitted, that was more than adequate for the purpose of gaining sufficient experience to pass a Part 3 test; that the supporting evidence provided by the Appellant pre-dated the grant of his second trainee licence (so that he would have been aware of his limitations in obtaining practical driving tuition experience before applying for his third trainee licence); that it was not the intention of Parliament to issue trainee licences for however long it might take the Appellant to pass a Part 3 test; that the trainee licence system could not be allowed to become an alternative to registration as a fully-qualified Approved Driving Instructor ('ADI'); that holding a trainee licence was not required to undertake a Part 3 test; that refusal of the Appellant's application for a third trainee licence was not a bar to him undertaking a Part 3 test and his existing second trainee licence remained valid until the determination of this appeal (as his application for a third trainee licence had been made before expiry of his second trainee licence). The Appellant, therefore, in practical terms, had the benefit of a trainee licence for almost 19 months, during which time, he had unsuccessfully undertaken the maximum permitted three attempts to pass the Part 3 test.
4. The Respondent had written to the Appellant, copied to the Tribunal, on 5 March 2025, noting that the Appellant had failed his third and final permissible attempt to pass his Part 3 test on 26 February 2025 and inviting him, in those circumstances,

to withdraw his appeal, failing which it, the Respondent, made application to the Tribunal to strike out the appeal as having no reasonable prospect of success, pursuant to the provisions of Regulation 8(3)(c) of the Regulations.

5. The Appellant did not withdraw his appeal and, indeed, in oral evidence, where he confirmed having failed his third attempt to pass his Part 3 test on 26 February 2025, stated he was not aware, despite the said communication in writing from the Respondent dated 5 March 2025 that, pursuant to legislation, any appeal brought by him in respect of a refusal by the Respondent (or the Tribunal on appeal) to grant a further trainee licence in those circumstances, must automatically be refused.
6. In its written Response dated 1 October 2024, the Respondent reiterated all of the submissions set out in its decision.
7. The Appellant submitted an appeal dated 13 October 2024 against the Respondent's said decision, essentially on the same grounds set out in his written representations to the Respondent before it made the decision under appeal. However, he also stated that he wanted a third trainee licence to enhance his ability to teach and become a fully qualified ADI - something for which holding a trainee licence was not necessary. He repeated this submission in his oral evidence. However, in any event, the validity of his existing trainee licence still existed when he undertook his third and final permissible unsuccessful attempt to pass his Part 3 test on 26 February 2025.
8. The grounds advanced by the Appellant did not, in fact, essentially, address the reasons advanced by the Respondent for the decision under appeal.
9. Of particular significance, however, to the Tribunal's Decision and determination of this appeal was a new circumstance, namely, the fact that the Respondent, by email to the Appellant dated 5 March 2025, invited the Appellant to withdraw his appeal since he had failed, on 26 February 2025, his third and final permissible attempt to pass his Part 3 test. The said email also advised the Appellant that, should he not withdraw his appeal in those circumstances, the Respondent would ask the Tribunal to consider striking out this appeal, pursuant to Rule 8(3)(c) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, as amended, on the basis that the appeal, in those circumstances, had no reasonable prospect of success. The Appellant did not make any representations in response to the potential striking out of his appeal.
10. I strike out this appeal in the circumstances outlined in the preceding paragraph.
11. In reaching my decision I have taken into account all of the evidence and submissions that I received, written and oral, and considered all of the circumstances relevant to this appeal
12. Accordingly, the appeal is struck out as having no reasonable prospect of success.

Signed: *Damien McMahon,*

Tribunal Judge

Date: 15 April 2025