



Neutral citation number: [2024] UKFTT 001027 (GRC)

Case Reference: FT/D/2024/0501

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

**Heard on: GRC - CVP on 12 November 2024.  
Decision given on: 21 November 2024**

**Before**

**Judge Brian Kennedy KC**

**Between**

**IMRAN ARIF**

**and**

Appellant

**THE DRIVER AND VEHICLE STANDARDS AGENCY**

Respondent

**Representation:**

For the Appellant: Imran Arif

For the Respondent: N/A

**Decision:** The appeal is Allowed.

**Substituted Decision Notice:** The Appellant is granted an extension to his Second training licence or in the alternative a Third training licence (which alternative is at the discretion of the Respondent under of the Road Traffic Act 1988) until 12 December 2024.

**REASONS**

1. 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.
2. The Appellant is not now and has never been on the said Register.
3. Two licences under Section 129 of the Act were 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 were valid from 03 April 2023 to 02 April 2024 **(D1)**.
4. On 15 April 2024 the Appellant applied for a third licence **(D2)**. By way of an email dated 01 May 2024 **(D3)** the Appellant was notified that the Respondent was considering the refusal of his application for a third licence. By way of an email received on 04 May 2024 **(D4)** the Appellant made representations which were of a confidential nature concerning important childcare issues in his family life.
5. After considering these representations the Respondent decided to refuse the Appellant's application on the grounds that he provided no evidence of lost training time or a lack of pupils and has had the benefit of two trainee licences for twelve months. I gave him notice of my decision in accordance with Section 129(4) of the Act by an email dated 21 May 2024 **(D5)**.
6. The reasons given for refusal were as follows:
  - (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. The Appellant has already had two trainee licences which cover a period of 12 months. Moreover, by virtue of the Appellant having applied for a third licence before the expiry date of the second, 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 and cancelled one more such test booked for 09 November 2024 **(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 third 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.

7. It is noted that the Appellant has his second attempt at the instructional ability test booked on hold, awaiting a test date which he now confirms to the Tribunal is booked for a test on 11 December 2024.
8. The Appellant appeared before the Tribunal and in essence disputes the assertion that he provided no evidence of lost training time and has produced to the Tribunal some detailed evidence of significant childcare issues for his children. It is not appropriate to provide details of these confidential issues here, but I am satisfied they severely affected his availability and time for training at a time when he was training for further tests.
9. The Appellant confirmed (as is often the case) that it is extremely difficult to obtain a date for a test, but he is fortunate enough to have been able to book a test for 11 December 2024 and is quite optimistic that he will pass this test.
10. For these reasons I have decided to grant his appeal for an extension of his trainee licence or in the alternative be granted a third licence (according to the Respondents discretion under Section 129 of the Act) either way with effect up to 12 December 2024.

Signed Brian Kennedy KC

Date: 13 November 2024.