



Neutral citation number: [2024] UKFTT 00851 (GRC)

Case Reference: FT/D/2024/0243

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

**Determined on the papers
On: 20 September 2024**

Decision given on: 24 September 2024

Before

JUDGE DAMIEN MCMAHON

Between

RAJEEV CHADHA

Appellant

-and-

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Decision: The appeal is Dismissed. The Decision of the Respondent made on 7 March 2024 is confirmed.

REASONS

1. This appeal was listed for determination on the papers only, with the agreement of the parties.

2. The Appellant appealed against a decision of the Respondent dated 7 March 2024, to refuse the Appellant's application for a further, third, trainee driving instructor licence made on 10 February 2024. The decision of the Respondent was made, taking account of representations made by the Appellant on 24 February 2024, namely, that there were mitigating circumstances [that were undefined]; that he wanted a third trainee licence to avoid going back to the start of the Approved Driving Instructor ('ADI') qualifying process; and that he was currently in financial hardship [a situation that is outside the statutory purpose for which a trainee licence is issued], on the grounds that the Appellant had been granted two trainee licences, covering a period of 12 months in total, from 13 February 2023 to 12 February 2024, to gain sufficient expertise in driving instruction to pass a Part 3 test, a time period that, it was submitted, was more than adequate; that it was not the intention of Parliament that a trainee licence be issued for however long it might take a candidate to become an ADI; that the trainee licence system must not be allowed to become an alternative to registration as a fully-qualified ADI; that refusal of the Appellant's application did not prevent him undertaking a Part 3 test (subject to there being a maximum permitted number of attempts); that a trainee licence was not required to undertake a Part 3 test and that the Appellant's existing second trainee licence remained valid until determination of this appeal (as his application for a third trainee licence had been made before the expiry of his second trainee licence), providing him, in practical terms, with a total trainee licence period of some 19 months.
3. The Appellant submitted an appeal on 19 March 2024 against the Respondent's said decision on the following grounds:
 - a lack of availability of test dates to undertake his second attempt at passing Part test (having failed his first attempt on 16 August 2023);
 - his second booking for December 2023 was on hold;
 - his first trainee licence was issued on 11 October 2021 but his father tragically fell ill in early 2022 and died on 7 May 2022;
 - that he had to visit India twice in 2022;
 - that he experienced stress, anxiety and mental health problems, resulting in hm being unable to operate at his full physical capabilities and unable to undertake training and tests;
 - that he would undertake another Part 3 test on any available date;
 - that he wanted a third trainee licence to continue teaching [that is, to receive payment for teaching], that would lessen his financial burden [something that is outside the statutory purpose of a trainee licence];
 - that he had had a difficult 2.5 years.

The Appellant provided certain supporting documentation in connection with his father but did not expressly or adequately address the reasons for the Respondent's decision.

4. The Respondent, in their Response dated 22 April 2024, submitted, in addition, that the Appellant previously had been issued with a trainee licence for the 6 month period from March 2021 to September 2021; there was no evidence adduced by the Appellant of lost training time or a lack of pupils; that even the six months duration of one trainee licence was a very reasonable period in which to reach the qualifying

standard in a Part 3 test and, in particular, to obtain any necessary practical experience in tuition and that the Appellant had a second attempt at a Part 3 test booked for 27 June 2024, the outcome of which was unknown to the Tribunal.

5. This appeal concerns a decision of the Respondent to refuse the Appellant's application for a further, third, ADI trainee licence. The powers of the Tribunal in determining this appeal are set out in s.131 of the Road Traffic Act 1988 ('the Act'). In determining the appeal, the Tribunal may make such order as it thinks fit, standing in the shoes of the Respondent, considering the decision afresh on the evidence available to it, giving appropriate weight to the Respondent's reasons for their decision. The burden of proof in satisfying the Tribunal that the Respondent's decision was wrong rests with the Appellant.
6. The essential basis of the Respondent's decision was that the Appellant had been provided, under two trainee licences, more than adequate time to gain sufficient experience to pass his Part 3 test.
7. An appeal to this Tribunal against the Respondent's decision proceeds as an appeal by way of re-hearing, that is, the Tribunal makes a fresh decision on the evidence before it. The Tribunal must give such weight as it considers appropriate to the Respondent's reasons for its decision as the Respondent is the regulatory authority tasked by Parliament with making such decisions. The Tribunal does not conduct a procedural review of the Respondent's decision-making process.
8. 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.
9. There was little or no dispute as to the material facts of this case.
10. Accordingly, the appeal is dismissed.

Signed: ***Damien McMahon,***

Tribunal Judge

Date: 20 September 2024