



Neutral citation number: [2024] UKFTT 00936 (GRC)

Case Reference: FT/D/2024/0410

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

**Considered on the papers on: 23 September 2024
Decision given on: 24 October 2024**

Before

TRIBUNAL JUDGE CHRIS HUGHES

Between

GARY ROBINSON

Appellant

and

THE REGISTRAR, DVSA

Respondent(s)

Decision: The appeal is Dismissed

REASONS

1. In order to be paid to teach pupils to drive an individual needs to be on the Register of Approved Driving Instructors or be the holder of a current licence issued under Section 129(1) of the Act which enables the individual to gain practical experience to undergo the examination of his ability to give

instruction in the driving of motor cars. Such licences are issued for a six month period and the regulatory framework was created on the basis that a six month period would be sufficient in most circumstances for a trainee instructor to gain the necessary skills to pass the examination.

2. The Appellant was granted his first trainee licence on 20 March 2023. This was renewed and his second licence was due to expire on 19 March 2024. He applied for a third licence on 12 March, this was refused on 18 April. The Appellant has appealed against this refusal, it falls to the tribunal to determine whether a third licence be granted, until such time as the tribunal determines the matter the previous licence is extended. As at the date of this consideration the extension has lasted longer than the third licence would have.
3. The Appellant booked his first attempt at the part 3 test (the final stage of qualification as an ADI) for 28 September 2023, he cancelled it a week before having become infected with COVID-19. He took and failed the test on 13 December 2023 and again on 3 April 2024. In applying for the renewal of his licence shortly before he took the test on 3 April he wrote *"I have every confidence that I'll be successful on the next attempt at the Part 3, but the stress of not having a valid PDI licence and having to try and get a third weeks before my test isn't helping with my preparation. I do hope this provides enough information to allow me to continue up to my test next week"*
4. Despite this confidence he failed on 3 April. He booked another test on 30 May 2024 and cancelled it (for reasons which are not disclosed by the papers before me). In his appeal document (dated 1 May 2024) he blamed his 13 December failure on the pupil he took with him and provided evidence of difficulties he had had due to an error by his training company which led to him receiving few pupils and also the difficulties in getting a date for his test due to the difficulties at DVSA.
5. The response to the appeal (dated 23 May) records the two failed and two cancelled tests. At the date of consideration there was no further evidence before the tribunal. The Appellant at that stage had had the benefit of a trainee licence for 18 months. Despite the difficulties caused by the slow recovery of DVLA from the disruption due to Covid-19 and his own difficulties for a period of months with obtaining pupils he has felt confident enough to take the test twice and cancelled a final test set for four months ago. He has had more than enough opportunity to pass the final part of the qualification and in the meantime has, while unable to demonstrate competence, been able to teach for 18 months.
6. This appeal entirely lacks merit and is dismissed.

Signed

Hughes

Date: 3 October 2024