



Neutral citation number: [2025] UKFTT 102 (GRC)

Case Reference: FT/D/2024/0895

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

**Determined on the papers
On: 30 January 2025**

Decision given on: 6 February 2025

Before

JUDGE DAMIEN MCMAHON

Between

TEWELDE TEFAY WELDEGHERTGISH

Appellant

-and-

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Decision: The appeal is Dismissed. The Decision of the Respondent made on 21 October 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 21 October 2024, to refuse the Appellant's application for a further, third, trainee driving instructor licence made on 26 September 2024. The decision of the Respondent was made, taking account of representations made by the Appellant, in writing, on 4 October 2024, namely, that, due to stated continual illness over the past year,

namely, excessive flatulence, in respect of which his GP, who found nothing abnormal, had referred him to hospital for routine investigation on 6 August 2024: the referral was not treated as urgent. Nevertheless, the Appellant stated that due to this, he had not taken enough training to gain sufficient experience to pass a Part 3 test. The Respondent, however, made their decision refusing the application for a third trainee licence on the basis that the referral to hospital and attending his GP did not substantiate a basis for lost practice time; that the Appellant had been granted two trainee licences, covering a period of 12 months in total, from 2 October 2023 to 1 October 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 almost 16 months.

3. The Appellant submitted an appeal on 22 October 2024 against the Respondent's said decision, reiterating his said representations. He also stated that he had booked a Part 3 test that was on hold pending notification of a test date and, he submitted, the grant of a third trainee licence would allow him to become a 'productive instructor in society'.
4. The Respondent, in their Response dated 28 November 2024, submitted, in addition to the contents of their decision letter, that the Appellant had failed a Part 3 test on two occasions, namely, 27 June 2024 and 9 July 2024, and that his third, and final attempt, had been booked but was on hold pending notification of a test date. The Respondent also pointed out that the Appellant, if he wished could prepare for his final attempt at passing a Part 3 test by attending a training course, studying or practising with an ADI or provide unpaid tuition, steps for which precedents existed whereby applicants succeeded in becoming registered as fully-qualified ADIs without ever having held any trainee licence.
5. Again, the purpose of a trainee licence, that is of six months' duration, is to allow an ADI applicant the opportunity of gaining practical experience in driving tuition in order to reach the required standard to pass a Part 3 test and, thereby, become registered as a fully-qualified ADI and it is not necessary to hold a trainee licence in order to undertake a Part 3 test. It must be emphasised that the Appellant in this case had, in practical terms, the benefit of a trainee licence for almost 16 months.
6. 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.

7. The essential basis of the Respondent's decision was that the Appellant had been provided, under two trainee licences (albeit, in practical terms, he had the benefit of a trainee licence for almost 18 months) that was more than adequate time to gain sufficient experience to pass his Part 3 test and that his assertion that he had lost practice time due to illness was not substantiated to a degree that would allow that assertion to be accepted as a basis for granting the Appellant a third trainee licence.
8. 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.
9. In reaching my decision I have taken into account all of the evidence and submissions received, written and oral, and considered all of the circumstances relevant to this appeal.
10. There was little or no dispute as to the material facts of this case.
11. Accordingly, the appeal is dismissed.

Signed: *Damien McMahon*,

Tribunal Judge

Date: 30 January 2025