



Neutral citation number: [2025] UKFTT 110 (GRC)

Case Reference: D/2024/0063

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

**Heard by Cloud Video Platform  
Heard on: 13 January 2025  
Decision given on: 5 February 2025**

**Before**

**TRIBUNAL JUDGE MATON  
TRIBUNAL MEMBER MARTIN SMITH  
TRIBUNAL MEMBER GARY ROANTREE**

**Between**

**IBRAHIM SORI KABA**

Appellant

**and**

**THE REGISTRAR OF APPROVED DRIVING INSTRUCTORS**

Respondent

**Representation:**

For the Appellant: in person

For the Respondent: Darren Russell, Deputy Registrar

**Decision:** The appeal is Dismissed.

**REASONS**

1. This is an appeal by the Appellant against the decision of the Registrar dated 20 December 2023 not to grant the Appellant a trainee licence as a driving instructor.

**Procedural matters**

2. The Tribunal received and considered the Appellant's Notice of Appeal, the Registrar's Response and other documents, and the parties attended an oral hearing. No bundle was provided.

3. The Registrar's Response refers to, but does not attach, supporting documents. The Tribunal considered whether these omissions were material to the Appeal and decided that, although this was inconvenient, the Appeal could be decided fairly and justly without them, as the relevant points could be seen in other documents or raised in the hearing, or were otherwise not material to the decision.
4. The Appellant and the Registrar's representative, Mr Russell, attended the hearing by Cloud Video Platform ("CVP"). Mr Russell did not make any comments during the hearing and, due to a misunderstanding of the capacity in which he was attending, the Panel did not direct any questions to him. Shortly after the hearing the Panel spoke with Mr Russell via CVP, and he confirmed that there were no comments which he wished to make and that he was content for the Panel to proceed to make its decision on the basis of what it had heard.
5. The Tribunal is satisfied that this was a fair and just way to decide the Appeal.

### **Relevant law**

6. The grant of a trainee licence enables applicants to provide driving instruction for payment before they are qualified.
7. A trainee licence may be granted in the circumstances set out in s129 of the Road Traffic Act 1988 ("the Act") and the Motor Cars (Driving Instruction) Regulations 2005.
8. A licence under s129(1) of the Act is granted: "for the purpose of enabling a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing such part of the examination [...] as consists of a practical test of ability and fitness to instruct."
9. Under s129(2) of the Act, the Registrar must grant a licence to an applicant who fulfils specified conditions. One of these conditions, set out in s125(3)(e), is that the applicant is a fit and proper person to have his name entered in the register of approved driving instructors. The Act does not specify what this standard requires.
10. In *Harris v The Registrar of Approved Driving Instructors* [2010] EWCA Civ 808, Richards LJ said that, when applying this standard:

*"a central question is an applicant's fitness to be a driving instructor – that he has the requisite instructional ability and driving ability and that he does not pose a risk in any respect to his pupils or other users of the road. The "fit and proper person" condition has obvious relevance to that issue, though the more technical aspects are covered by other, more specific conditions relating to tests, driving licence and the like. But the condition is not simply that the applicant is a fit and proper person to be a driving instructor; it is that he is a fit and proper person to have his name entered in the register. Registration carries with it an*

*official seal of approval: those registered are known as "Driving Standards Agency Approved Driving Instructors".*

11. The powers of this Tribunal in relation to appeals against decisions not to grant trainee licences are set out in s131 of the Act. When making a decision on any such appeal, the Tribunal stands in the shoes of the Registrar and takes a fresh decision on the evidence available to it, giving appropriate weight to the Registrar's decision as the person tasked by Parliament with making such decisions.

## **Background**

12. The Appellant was convicted on 15 June 2023 of an offence, committed on 15 September 2022, relating to using his mobile phone while driving. He received six penalty points on his driving licence and a fine of £220.

13. The Registrar has provided the following chronology of events, which the Appellant has not disputed:

- a. the Appellant was granted two trainee licences valid from 14 March 2022 to 13 March 2023;
- b. in an email dated 4 November 2023 the Appellant was advised that it would be highly unlikely that the Registrar would accept an application from him for a trainee licence or for his name to be entered onto the register, until 15 September 2025;
- c. on 28 November 2023 the Appellant submitted an application for a third trainee licence, in which he declared the above offence;
- d. in a letter dated 5 December 2023 the Registrar advised the Appellant that he was considering refusing the application, and invited the Appellant to make representations regarding this;
- e. the Appellant made representations in an email dated 6 December 2023;
- f. the Registrar wrote to the Appellant by letter dated 20 December 2023, refusing the application.

14. The Appellant appealed to the Tribunal.

## **The Appeal**

15. The Appellant submits that:

- a. other applicants in similar situations have been accepted (although he provided no examples or other evidence to support this);

- b. since his offence he has focussed on his studies and completed a law degree;
  - c. he is deeply sorry for having committed the offence; and
  - d. he has been driving for five to six years, and since the offence has worked in jobs which require regular driving, without incident.
16. Regrettably, the parties did not provide the Tribunal with copies of correspondence between them regarding the Appellant's application. The Registrar's Response to the Appeal includes what the Registrar says were the Appellant's representations in relation to the proposed refusal of his application. In summary, these were:
- a. That his offence was committed in the heat of the moment;
  - b. That he recognises the gravity of his actions, that he should have exercised better judgment and that he is sorry.
17. The Registrar submits that:
- a. anyone who is an approved driving instructor is expected to have higher standards of driving and behaviour than the average motorist;
  - b. teaching people to drive is a responsible and demanding task and should be entrusted to those with high standards and a keen regard for road safety;
  - c. in committing the offence, the Appellant had not displayed the level of responsibility or commitment to improving road safety that the Registrar would expect of a potential approved driving instructor;
  - d. the Government has increased the penalties for certain motoring offences, and that these offences contribute to a significant number of road casualties;
  - e. the Registrar cannot condone motoring offences of this nature; and
  - f. to allow the Appellant a licence would be unfair to other applicants who had been scrupulous in observing the law, and could undermine the public's confidence in the system.

## **Discussion**

18. The Appellant described the circumstances of his offence to the Tribunal. He said that: he had been driving to a supermarket when he noticed an email arrive on his phone; on reading the email he saw that it was a notification from solicitors acting for him, telling him that a property purchase which he was proposing to make had fallen through; he was shocked by this and panicked as it would cause him a significant financial loss; he immediately called his solicitor to discuss it; a police

officer saw him driving while doing this, and stopped him while he was driving; this happened when he was around 20 seconds' driving time away from the supermarket.

19. The Appellant's offence was a serious one, meriting six penalty points and a fine.
20. Moreover, the circumstances of the Appellant's offence indicate a very serious lack of judgment. Not only was the Appellant making a phone call while driving, but before this he had been looking at the screen of his phone with enough attention to see that an email had arrived from his solicitors. The email, of which the Tribunal has seen a copy, does not indicate in its subject heading or introductory text that it is urgent or pressing.
21. The Appellant submits that he has changed since the incident and has learned from it. The Tribunal accepts this. The Appellant has held driving-related jobs which would require declarations of other offences and which would be put at risk by sub-standard driving behaviours.
22. The Registrar's decision does not mean that the Registrar will never consider the Appellant to be a fit and proper person to become an approved driving instructor. The Registrar has indicated a date in the future after which it will (implicitly) become more likely that he would accept an application from the Appellant for a trainee licence, or to be entered onto the register.
23. Regarding the Appellant's unevicenced submission that others in similar circumstances have been accepted, decisions of the Tribunal are made on a case-by-case basis, based on the evidence available to the Tribunal. Decisions of the First-tier Tribunal are not binding on Tribunals in other cases. In any event no examples were presented and the Tribunal did not consider this to be relevant to its decision.

### **Conclusion and decision**

24. Having considered the matters set out above, the Tribunal finds that, while the Appellant has learned from his offence and is developing a successful early career as a driver, the seriousness of the offence and its circumstances outweigh these factors.
25. The Tribunal is not persuaded that the Registrar's decision was wrong, and accordingly dismisses the Appeal.

Signed

Tribunal Judge Maton

Date

22 January 2025