



Neutral citation number: [2025] UKFTT 00120 (GRC)

Case Reference: FT/D/2024/0622

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

**Heard by Cloud Video Platform  
Heard on: 27 January 2025  
Decision given on: 10 February 2025**

**Before**

**JUDGE MATON**

**Between**

**RICHARD NORMAN PETYT**

Appellant

**and**

**THE REGISTRAR OF APPROVED DRIVING INSTRUCTORS**

Respondent

**Representation:**

For the Appellant: in person

For the Respondent: not represented

**Decision:** The appeal is Dismissed.

**REASONS**

1. This is an Appeal against the decision of the Registrar dated 11 July 2024 that the Appellant should not be granted a third trainee licence.

2. The Tribunal received and considered a bundle of documents. The Appellant attended an oral hearing by Cloud Video Platform (“CVP”).
3. The Registrar has notified the Tribunal that he does not propose routinely to attend appeals against refusals to grant trainee licences.
4. By rule 36 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, a hearing can proceed in the absence of a party if the Tribunal is satisfied that the party had notice of the hearing and that it is in the interests of justice to proceed.
5. I am satisfied that these requirements were met in this case, and 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. In order to qualify as for registration as an approved driving instructor, applicants must pass the Qualifying Examination. This comprises: a written examination (“Part 1”); a driving ability and fitness test (“Part 2”); and an instructional ability and fitness test (“Part 3”).
10. Three attempts are permitted at each part. The whole examination must be completed within two years of passing Part 1, failing which the whole examination has to be retaken.
11. The grant of a trainee licence enables applicants to provide instruction for payment before they are qualified. It is possible to qualify as an approved driving instructor without having held a trainee licence. Under s129(2) of the Act, the Registrar must grant a licence to an applicant who fulfils specified conditions, including that they have passed Parts 1 and 2. Under s129(3) the Registrar has discretion to refuse an application for a second or subsequent licence.

12. Under s129(6)(b), where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence will not expire if the Registrar decides to refuse the application, until the time limit for an appeal against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.

13. The powers of the 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**

14. The Appellant was granted two trainee licences, valid from 5 June 2023 to 4 June 2024.

15. The Appellant applied for a further trainee licence on 23 May 2024, and in a letter dated 4 June 2024 the Registrar advised that he was considering refusing the application, and invited the Appellant to make representations regarding this. The Appellant made representations in an email dated 14 June 2024. The Registrar wrote to the Appellant by letter dated 11 July 2024, refusing the application.

16. The Appellant appealed to the Tribunal.

## **The Appeal**

17. The Appellant submits that:

- a. he has not been able to take Part 3 of the test due to the lack of availability of test slots;
- b. he is not financially in a position to train students for free; and
- c. he would have preferred to have taken and passed his Part 3 much earlier, and would have been able to do so but for the lack of available tests.

18. The Registrar submits that:

- a. 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;

- b. 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; that 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; moreover, by virtue of the Appellant having applied for a third licence before the expiry date of the second, that licence remained in force and would allow him to continue to give paid instruction until determination of the Appeal;
- c. since passing his driving ability test the Appellant had failed the instructional ability test twice; and that despite ample time and opportunity, the Appellant had not been able to reach the required standard for qualification as an approved driving instructor; and
- d. the refusal of a third licence does not bar the Appellant from attempting Part 3; 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; and that alternatives are available to acquire registration without obtaining a licence.

## **Discussion**

19. The Appellant's view is that the hearing of this Appeal should not have been necessary, as he had a booking for his third attempt at Part 3 arranged for a date shortly before the hearing, and this was cancelled by the DVSA. The Appellant had previously had to cancel a booking due to illness.

20. The Appellant made clear that he does not disagree with any of the Registrar's arguments, and reiterates that he would have preferred to have been able to take and pass his Part 3 without having to proceed with the Appeal. I have sympathy with his view.

## **Conclusion and decision**

21. Having considered the matters set out above, I find that, although the Appellant has been unfortunate in being unable to book a Part 3 slot in the time available, this does not mean that the Registrar's decision was wrong.

22. Accordingly, I dismiss the Appeal.

Signed

Tribunal Judge Maton

Date:

3 February 2025