



Neutral citation number: [2025] UKFTT 14 (GRC)

Case Reference: FT-D-2024-0660

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

**Heard at: Decided without a hearing  
Decision given on: 14 January 2025**

**Before**

**JUDGE BRIDGET SANGER**

**Between**

**TASKEEN AKHTAR**

Appellant

**and**

**REGISTRAR FOR APPROVED DRIVING INSTRUCTORS**

Respondent

**Decision:** The appeal is dismissed.

## **REASONS**

### **Introduction**

1. This is an appeal against a decision of the Registrar of Approved Driving Instructors ('the Registrar'), made on 25 July 2024, to refuse to grant the Appellant a second trainee licence.

### **Legal Framework**

2. The grant of a trainee licence enables applicants to provide instruction for payment before they are qualified.

3. A trainee licence may be granted in the circumstances set out in s. 129 of the Road Traffic Act 1988 ('the Act') and the Motor Cars (Driving Instruction) Regulations 2005.
4. A licence under section 129(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.'
5. In order to qualify as an Approved Driving Instructor, applicants must pass the Qualifying Examination. This comprises: the written examination ('Part 1'); the driving ability and fitness test ('Part 2'); and the instructional ability and fitness test ('Part 3').
6. Three attempts are permitted at each part. The whole examination must be completed within 2 years of passing Part 1, failing which the whole examination has to be retaken.
7. If a candidate has passed Part 2, they may be granted a trainee licence. 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.
8. The powers of the Tribunal in determining this appeal are set out in s.131 of the Act. The Tribunal may make such order as it thinks fit.
9. When making its Decision, 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.
10. The burden of proof in satisfying the Tribunal that the Registrar's decision was wrong rests with the Appellant.

### **Factual Background to the Appeal**

11. The Appellant passed Part 1 of the Qualifying Examination on 16 January 2023. She passed Part 2 on 8 November 2023.
12. A trainee license were granted to the Appellant, which was valid from 8 January 2024 to 7 July 2024.
13. On 21 June 2024 the Appellant applied for a third trainee licence.
14. On 4 July 2024 the Appellant was informed that the Registrar was considering refusing the application and invited to make representations.

15. In response, on 4 July 2024, the Appellant stated that she had not been able to book a test date and had booked one but was on hold. She wished to continue her training until a test date became available.
16. The application was refused on 25 July 2024.
17. The reasons for the Registrar's decision, in summary, were that:
  - a. that the Appellant had failed to comply with the conditions of her first license as the training objectives on her ADI 21AT training record form were not completed within the first three months;
  - b. that the Appellant had already had a sufficient amount of time to gain experience to assist in passing Part 3 of the Qualifying Examination and that it was not the intention of Parliament that candidates should be issued with trainee licences for as long as it takes them to pass the examination, and that the trainee licence system must not be used as an alternative to registration as a fully qualified Approved Driving Instructor.

### **Appeal to the Tribunal**

18. The grounds of appeal are, in summary:
  - a. the Appellant has been unable to complete her Part 3 test owing to a lack of available test slots;
  - b. the Appellant wants to continue training to ensure she is in practice when a suitable test date becomes available;
  - c. the Appellant feels that it is being implied that she is not willing to take her test when in fact she has tried and not been able to book.
19. The Registrar, in his response, states:
  - 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. 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 second licence before the expiry date of the first, that licence

has remained in force to the present time and will allow her to continue to give paid instruction until determination of the appeal;

- c. since passing her driving ability test the Appellant has yet to take the instructional ability test. Despite ample time and opportunity the Appellant has not been able to reach the required standard for qualification as an Approved Driving Instructor;
- d. the refusal of a second licence does not bar the Appellant from attempting the instructional ability test of the Register examinations. She does not need to hold a licence for that purpose, nor is it essential for her to give professional tuition under licence in order to obtain further training. The Appellant could attend a training course, or study and practice with an Approved Driving Instructor or give tuition on her own (provided that she does not receive payment of any kind for this). These alternatives are used by some trainees who acquire registration without obtaining any licences at all;
- e. it should be noted [*as at 14 August 2024*] that the Appellant has her first attempt at the instructional ability test booked on hold awaiting a test date.

## **Evidence**

20. I read and took account of a bundle of documents.

## **Discussion and Conclusions**

- 21. I may overturn the decision of the Registrar if I am of the opinion that it was wrong. The burden is on the Appellant to show this.
- 22. I note that the Appellant has had the benefit of a trainee licence from 8 January 2024, which has been extended, by virtue of this application, up to today's date. This has given her a total period of almost a year in which to prepare for her Part 3 test.
- 23. I note that a test was on hold for the Appellant at the time the bundle was prepared. Even if the Appellant failed or the test was cancelled, the Appellant can continue to study and practice and is able to continue to gain experience and take the test without a trainee licence.
- 24. The trainee license is not a substitute for taking and passing the test. It is not the purpose of trainee licences to keep renewing them until all attempts at passing Part 3 have been taken.

25. Having weighed all matters in the balance, the Appellant has not persuaded me that the Registrar's decision was wrong. In all the circumstances, I agree with the Registrar's decision and the appeal is dismissed.

Signed: Judge Bridget Sanger

Date: 6 January 2025