



**Neutral citation number: [2025] UKFTT 00019 (GRC)**

**IN THE FIRST-TIER TRIBUNAL  
General Regulatory Chamber**

**Appeal Number: FT/D/2024/0356**

**Decision given on: 16 January 2025**

**BETWEEN:**

**SAFINA BIBI**

**Appellant**

**and**

**THE DRIVER AND VEHICLE STANDARDS AGENCY**

**Respondent**

**Tribunal:** Judge Brian Kennedy KC

**Sitting in Chambers:** on Wednesday 08 January 2025.

**Result:** The Tribunal dismiss the appeal.

1. This appeal dated 10 April 2024 from the Appellant and is an appeal of the Decision of the Respondent dated 04 April 2024.

**Introduction & Background:**

2. Section 123(1) of the Road Traffic Act 1988 ('the Act') prohibits the giving of instruction paid for by or in respect of a pupil in the

driving of a motor car unless the instructor's name is on the Register of Approved Driving Instructors, or she is the holder of a current licence issued under Section 129(1) of the Act.

3. The Appellant is not now and has never been on the said Register.
4. Two licences under Section 129 of the Act were granted to the Appellant for the purpose of enabling her to gain practical experience to undergo the examination of her ability to give instruction in the driving of motor cars and were valid from 06 March 2023 to 05 March 2024 **(D1)**.
5. On 27 February 2024 the Appellant applied for a third licence **(D2)**. By way of an email dated 13 March 2024 **(D3)** the Appellant was notified that I was considering the refusal of her application for a third licence. By way of an email received on 22 March 2024 **(D4)** the Appellant made representations. She stated she requests an extension as she cancelled a November 2023 test due to ill health and she was on hold a long time before getting a date in May 2024.
6. After considering these representations the Respondents decided to refuse the Appellant's application as she provided no evidence of lost training time or a lack of pupils and has had the benefit of two trainee licences for twelve months.
7. The Respondents gave the Appellant notice of their decision in accordance with Section 129(4) of the Act by an email dated 04 April 2024 **(D5)**.

8. The reasons for the Respondents decision were as follows;
- (i) 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;
  - (ii) 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 third licence before the expiry date of the second, 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;
  - (iii) since passing her driving ability test the Appellant has failed the instructional ability test twice and cancelled two more such tests booked for 28 November 2023 and 07 May 2024 (**Annex A**). Despite ample time and opportunity, the Appellant has not been able to reach the required standard for qualification as an Approved Driving Instructor; and
  - (iv) the refusal of a third 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.
9. It was also noted that the Appellant had not yet booked her final attempt at the instructional ability test.

## **Grounds of Appeal:**

**10.**The Appellant explained that she fell ill when she had her part 3 second attempt and was not well enough to sit the test. She cancelled and rebooked again but had difficulty in getting a slot. In the meantime, she had other difficulties in her life including her sister getting a brain tumour and thereafter her brother in Law also took seriously ill for a few months before passing away in April 2023. Four months later her aunt passed away with cancer. She pleads that losing close family members had personal affects her and also affected her ability to gain experience at her work at the same time.

## **Result:**

**11.**The appeal is refused.

## **REASONS**

**12.**The Respondents took the Appellants plea made into consideration but have adequately explained why they cannot accede to her application for an extension of time. There is not sufficient material evidence before this Tribunal, of significant gravity presented to upset the Respondents decision and accordingly, in all the circumstances I find that decision is reasonable and with regret I must refuse the appeal.

Brian Kennedy KC

Date: 03 January 2025