



Neutral citation: [2025] UKFTT 201 (GRC)

First-tier Tribunal
(General Regulatory Chamber)
Transport

Appeal Number: FT/D/2024/0662

Determined on the paper and
Decision given on: 13 February 2025

Before

JUDGE OF THE FIRST-TIER TRIBUNAL B. KENNEDY KC

Between

DAVID CRAWFORD

Appellant

and

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

DECISION

1. The appeal is dismissed and the respondent's decision of 30 J 2024 is confirmed.

REASONS

Background

2. The Appellant appeals against the decision made by the Registrar of Approved Driving Instructors (the respondent) on 05 September 2024 to refuse his application for a second trainee licence.
3. 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 as an Approved Driving Instructor ("ADI") or he is the holder of a current licence issued under Section 129(1) of the Act.
4. The Appellant is not now and has never been on the said Register.

5. Two licences under Section 129 of the Act was granted to the Appellant for the purpose of enabling him to gain practical experience to undergo the examination of his ability to give instruction in the driving of motor cars and was valid from 10 July 2023 to 09 July 2024 (D1).
6. On 23 June 2024 the Appellant applied for a third licence (D2). By way of an email dated 05 July 2024 (D3) the Appellant was notified the Respondent was considering the refusal of his application for a third licence. By way of an email received on 12 & 15 July 2024 (D4) the Appellant made representations. He stated he has been ill for the vast majority of the time which lead to him unable to attend a test date. He also has a house move upcoming in the next two months, complicating booking a test attempt and has had a diagnosis of autism at the start of this year.
7. After considering these representations the Respondent decided to refuse the Appellant's application. He provides no evidence of lost training time or a lack of pupils and has had the benefit of two trainee licences for twelve months. If he was unable to use his licence, he could have returned it as advised on gov.uk and the letter accompanying his both licences.
8. The Respondent gave the Appellant notice of their decision in accordance with Section 129(4) of the Act by an email dated 30 July 2024 (D6).
9. The Respondents reasons for refusing the application for a second licence were:
 - (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 second licence before the expiry date of the first, that licence has remained in force to the present time and will allow him to continue to give paid instruction until determination of the appeal;
 - (iii) Since passing his driving ability test the Appellant has yet to take the instructional ability test with one test mark as non-completed and cancelled one more such test booked for 09 November 2023 (**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 second licence does not bar the Appellant from attempting the instructional ability test of the Register examinations. 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. The Appellant could attend a training course, or study and practice with an Approved Driving Instructor or give tuition on his own (provided that he 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.

- 10. It should also be noted that the Appellant has not yet booked his first attempt at the instructional ability test. The Appellant lodged a Notice of Appeal dated 08 August 2024. In determining the appeal,
- 11. The Appellant wrote to the Tribunal by way of email dated 06 December 2024 as follows;

“Hello, I have a GRC appeal set for early February. I am currently in contract with the AA as a trainee driving instructor, and have to go through the appeals process as part of my contract. I was hoping I could get my appeal brought forward as I am expecting it to be declined, and am hoping it will be declined as I do not want to continue with my training. As part of my contract I have to go through this process and cannot withdraw the appeal. In my opinion it would be better all round if the appeal was promptly declined and I could move on from this. Please could you let me know if this is possible? Many thanks, David Crawford.”

- 12. I have considered the all of the documents and exchanges between the parties provided in the Hearing Bundle.

The law:

- 13. The Appeal relates to the refusal of a trainee licence which may be issued to a candidate who is preparing to sit the qualifying examination to become an ADI. The circumstances in which a person may be granted a trainee licence are set out in section 129 of the Act, and the Motor Cars (Driving Instruction) Regulations 2005 (the Regulations).
- 14. The Appellant has a right of appeal against the Respondent’s decision pursuant to section 131 of the Act. On appeal the tribunal may make such order as it thinks fit. It is for the Appellant to show on the balance of probabilities that the Respondent’s decision was wrong.
- 15. The purpose of the trainee licence is to enable a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing such part of the examination referred to in section 125(3)(a) of the Act as consists of a practical test of ability and fitness to instruct, which is part of the qualifying examination to become an ADI.

16. The Respondent has set out their reasons set out above and has provided a formal statement including as follows:
17. "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 he is the holder of a current licence issued under Section 129(1) of the Act."
18. After considering the Appellants representations the Respondent decided to refuse the Appellant's application and has provided reasons for doing so.
19. Holding a trainee licence is not a prerequisite to qualifying as an ADI and nor is it a prerequisite to sitting part 3 of the examination. Aside from giving professional instruction under a trainee licence, there are other ways in which the Appellant could gain the skills needed to pass part 3. These are alternatives which mean that some trainees obtain pass the qualifying examination and obtain registration without ever having held a trainee licence.
20. The Tribunal find that the Appellant has failed to show that the time he has had has been inadequate to acquire sufficient experience to pass the test. It is not necessary for the Appellant to have a trainee licence in order to sit part 3 and he has not shown that he is unable to obtain the necessary skills and experience by alternative means.
21. On consideration of the papers in the Hearing Bundle provided and all the available evidence the Tribunal find on balance that the Respondent was justified in refusing the Appellant's application and it was not unreasonable for them to do so. I therefore must dismiss this appeal.

Judge Brian Kennedy KC

10 February 2025.

