



Neutral citation: [2025] UKFTT 00246 (GRC)

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

Appeal Number: FT/D/2024/0672

Determined on the paper

Decision given on: 25 February 2025

Before

JUDGE OF THE FIRST-TIER TRIBUNAL B. KENNEDY KC

Between

PETER CHAPMAN

Appellant

and

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

DECISION

1. The appeal is dismissed and the respondent's decision of 26 July 2024 is confirmed.

REASONS

Background

2. The Appellant appeals against the decision made by the Registrar of Approved Driving Instructors (the respondent) on 26 July 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 of Approved Driving Instructors 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 were 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 17 July 2023 to 16 July 2024 (D1).
6. On 19 June 2024 the Appellant applied for a third licence (D2). By way of an email dated 02 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 09 July 2024 (D4) the Appellant made representations. He informed the Respondent an unreliable student meant he cancelled his test and he is concerned about his financial position should he fail that test.
7. After considering these representations the Respondent decided to refuse the Appellant's application as he provided no evidence of lost training time or a lack of pupils and has had the benefit of two trainee licences for twelve months The Respondent gave the Appellant notice of their decision in accordance with Section 129(4) of the Act by an email dated 26 July 2024 (D5).
8. 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 third licence before the expiry date of the second, that licence has remained in force to the present time and will allowed her to continue to give paid instruction until determination of the appeal;
 - (iii) Since passing his driving ability test the Appellant has failed the instructional ability test once and cancelled one more such test

booked for 14 December 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. 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.

9. It was also be noted that the Appellant has his second attempt at the instructional ability test booked for 13 November 2024.
10. The Appellant lodged a Notice of Appeal dated 07 August 2024. In his grounds of appeal, the Appellant stated essentially that the protracted delay in securing a test date has caused him and his family financial hardship, and despite the fact that he believes he has the necessary qualities and abilities he has been unfortunate in being unable to succeed to date. He seeks more time for additional training and a badge extension to allow additional time to prepare for her final part 3 examination.
11. In determining the appeal, I have considered the Appellants persuasive oral submissions and all of the documents and evidence in the Hearing Bundle.

The law:

12. 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).
13. 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.
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 Respondent has set out their reasons (see paragraph 8 above) 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.
16. On considering the Appellants representations the Respondent decided to refuse the Appellant's application and has provided reasons for doing so. 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.
17. The Tribunal find that the Appellant has failed to provide sufficient evidence either why the time available has been inadequate to acquire sufficient experience to pass the test or why he should be permitted to have further time. 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. On consideration of the Appellants persuasive and understandable frustration as expressed in his oral submissions, together with all the papers in the Hearing Bundle, the Respondents reasoning and the available evidence the Tribunal find on balance that the Respondent was justified in refusing the Appellant's application and therefore must dismiss this appeal.
18. The Appellant did attend this appeal hearing and informs the Tribunal he has managed to book a test this month. The Tribunal wish him well in that exam but in all the circumstances must dismiss this appeal.

Judge Brian Kennedy KC
2025.

10 February

