



Neutral citation number: [2025] UKFTT 278 (GRC)

Case Reference: FT//D/2024/0165

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

**Heard on the GRC - C V Platform on 28 February 2025.  
Decision given on: 28 February 2025.**

**Before:**

**Judge Brian Kennedy KC, Martin Smith and Gary Roantree.**

**Between**

**SHAID SHAD**

Appellant

**and**

**THE REGISTRAR OF APPROVED DRIVING INSTRUCTORS**

Respondent

**Representation**

For the Appellant: The Appellant as a Litigant in person.

For the Respondent: Mr Russell of the Respondent.

**Decision:** The appeal is Dismissed.

**REASONS**

**Introduction:**

1. This decision relates to an appeal dated 18 February 2024, brought by the Appellant,
2. Section 123(1) of The Road Traffic Act 1988 (“the Act”) prohibits the giving of instructions in the driving of a motor car for payment unless the instructor’s name is in the Register of Approved Driving Instructors (the register”) or he/she is the holder of a current licence issued under Section 129(1) of the Act.

3. The Appellant's name was first entered in the register in September 2022 and in the normal course of events, his certificate of registration would have expired on the last day of September 2026.
4. On the 20 July 2023 the Appellant was convicted of exceeding the statutory speed limit on a public road resulting in his driving licence being endorsed with 6 penalty points and a fine of £553.00 and he failed to notify the Respondents of this conviction within 7 days as is a requirement and undertaking made on his registration. In light of this breach and his considerable previous endorsements on his driving licence and a generally poor previous road safety record the Appellant was advised his conduct had fallen below the standard expected of an Approved Driving Instructor and the expectations of an Approved Driving Instructor. Accordingly, the Respondents considered the Appellant as not a fit and proper person to have his name on the register and by letter dated 27 December 2023, he was given notice that subject to his representations he was to be removed from the register.
5. Despite careful consideration of his representations the Respondent opposes the Appeal in its entirety.

#### **REASONS**

6. The Appellant's driving licence is currently endorsed with 9 penalty points having been convicted of exceeding statutory speed limits on a public road and accepted a fixed penalty notice offence for exceeding speed limits on a motorway. He failed to notify the Respondents of a significant conviction within 7 days as stated above and the conditions for entry onto the register extend beyond instructional ability alone and require that the applicant is a fit and proper person. As such account is taken of a persons' character, behaviour and standard of conduct above that of an ordinary driver and in all the circumstances pertaining in this case, the Respondents have decided the Appellant is not a fit and proper persons to remain on the register.

#### **The Appeal:**

7. The Appellant invites the tribunal to cancel the penalty made and his submissions amount to a plea in mitigation and in effect he does not deny any of the serious concerns the Respondents have explained in detail to him and this Tribunal. In essence the appeal as presented by the appellant is that there is nothing deliberate in his breaches which are considerable in number. In relation to his last offence and conviction (of two within a relatively short period) he explained to the Tribunal: "*I wasn't aware of what I was doing*") and this was in relation to travelling on the public highway at over twice the speed limit. The Appellant maintains he has not knowingly or recklessly supplied false or misleading information and has taken all necessary steps to become compliant, with a positive, prompt and co-operative attitude in resolving the breaches. There has, he submits never been any ill intent or harmful wishes on his part. However, the respondents do not dispute all in these pleas in mitigation and have taken them into consideration throughout an extensive detailed and fair investigation by them.

8. The Respondents were entitled to expect full co-operation and as is evidenced by their careful assessment maintain they have taken the appropriate action. It is clear that careful consideration has been given by the respondent to the extensive exchange of correspondence between the parties and that the co-operation of the appellant has been noted, before arriving at the final determination. It remains the case that the breaches did occur, the legislation has not been complied with and a detailed, careful and conclusive investigation had to be, and was undertaken as the Respondents who are obliged to do in accordance with the law.
9. The Tribunal also heard the Appellant at length and gave careful consideration to the detailed factual matrix encompassing all material history and background. Sparing the detail, all of which was recorded at the hearings, we explained the difference of conduct expected of an ordinary driver compared to an Approved Driving Instructor and the high standard the public and the Law require of the latter.
10. In all the circumstances the Tribunal are satisfied that the Respondents acted reasonably, and we unanimously find the Appeal must be refused.

Signed: Brian Kennedy KC

Date: 3 March 2025.

Decision given on date: 7 March 2025