



NCN: [2025] UKFTT 78 (GRC)

Case Reference: FT/D/2024/0436

First-tier Tribunal
General Regulatory Chamber
Transport

Determined in Chambers on 20 January 2025

Before

TRIBUNAL JUDGE FINDLAY

Between

JOSHUA PHIN

Appellant

and

DRIVER AND VEHICLE STANDARDS AGENCY

Respondent

Decision: The appeal is struck out under Rule 8(3)(c) of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (“the Rules”).

REASONS

1. Case Management Direction dated 26 November 2024 directed the Appellant, within 14 days, to inform the Tribunal that he wished to continue with his appeal and provide reasons why he considered his appeal could be successful. The Appellant was warned that if he failed to comply with the directions the appeal would be struck out on the ground that there was no reasonable prospect of success.
2. Rule 8(3)(c) of the Rules provides that the Tribunal must strike out the whole or part of the proceedings if the Tribunal considers there is no reasonable prospect of the Appellant’s case, or part of it succeeding.
3. The Respondent submitted that the appeal cannot succeed because two years have elapsed since the Appellant passed his Part 1 test and all 3 Parts have to be completed in a two-year period.

4. Rule 8(4) provides that the Tribunal may not strike out the proceedings without first giving the Appellant an opportunity to make representation in relation to the proposed striking out. The Appellant has been given the opportunity to make representations and has not done so. There are grounds to strike out the proceedings.
5. The Appellant may apply for the proceedings to be reinstated under Rules 8(5) and (6) of the Rules. The application must be in writing and be received by the Tribunal within 28 days after the date on which this Decision is issued.

Signed: *J Findlay*

Date: 20 January 2025

Decision given on: 29 January 2025