



Neutral citation number: [2024] UKFTT 1025 (GRC)

Case Reference: FT/D/2024/0431

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

**Decided without a hearing**

**Decision given on: 14 November 2024**

**Before**

**Judge Brian Kennedy KC**

**Between**

**ASIM MUJEEB**

Appellant

**And**

**REGISTRAR OF APPROVED DRIVING INSTRUCTORS**

Respondent

**Decision:** The appeal is Dismissed.

1. The appeal is dismissed, and the respondent's decision of 23 March 2024 is confirmed.

**REASONS**

2. The Appellant appeals against the decision made by the Registrar of Approved Driving Instructors (the respondent) on 23 April 2024 to refuse his application for a second trainee licence.
3. The Appellant is not now and has never been on the said Register.
4. A licence under Section 129 of the Act was granted to the Appellant for the purpose 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 25 September 2024 to 24 March 2024.
5. On 14 March 2024 the Appellant applied for a second licence. (D2) By way of an email dated 20 March 2024 (D3) the Appellant was notified that the Respondent was considering the

refusal of his application for a second licence. By way of emails received on 21 & 22 March 2024 (D4) the Appellant made representations. The Respondent states that the Appellant informed them he has struggled fitting in the required training due to family circumstances; his wife endured a difficult pregnancy resulting in hospitalisation, his child has medical issues resulting in many hospital appointments.

6. After considering these representations the Respondent decided to refuse the Appellant's application. The Appellant had failed to comply with the conditions of his first licence as he had not provided evidence of the mandatory additional training, having failed to return training record form ADI 21AT. He provided no evidence to support or demonstrate lost training time or inability to complete training. If he was unable to use his licence, he could have returned it as advised on gov.uk and the letter accompanying his licence.
7. The Respondent gave him notice of their decision in accordance with Section 129(4) of the Act by an email dated 23 April 2024 (D5).

**The respondent's decision:**

8. The Respondent gave the following reasons for the decision made on 16 January 2024:
  - a) 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;
  - b) 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;
  - c) since passing his driving ability test the Appellant has failed the instructional ability test once (**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
  - d) 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.
9. It was also noted that the Appellant had not at that material time booked his second attempt at the instructional ability test.

**The Appeal:**

10. The Appellant lodged a notice of appeal dated 30 April 2024 in which he conceded that after

carefully reviewing the circumstances surrounding the decision and on consideration of what he described as an oversight he took full responsibility for what he agreed was a critical requirement in failing to submit the relevant form and appealed for lenience by way of an appeal. The appellant elected to have his appeal determined on the papers without a hearing. There was no objection from the respondent, and I considered that it was possible to properly determine the issues without a hearing.

**The Law:**

11. This 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 Road Traffic Act 1998 (the Act) and the Motor Cars (Driving Instruction) Regulations 2005 (the Regulations).
12. Pursuant to regulation 3 of the Regulations, the qualifying examination to become an ADI consists of three parts: a written examination (part 1); a driving ability and fitness test (part 2); and an instructional ability and fitness test (part 3).
13. A candidate is permitted three attempts at each part. The whole examination must be completed within two years of passing part 1, failing which the candidate must retake the whole examination. Once a candidate has passed part 2 they may be granted a trainee licence.
14. 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) as consists of a practical test of ability and fitness to instruct, which is part of the qualifying examination to become an Approved Driving Instructor (ADI).
15. It is for the Appellant to show on the balance of probabilities that the respondent's decision was wrong and on the facts before me he has failed to do so.
16. 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.
17. The Appellant had failed to comply with the conditions of his first licence and he had not provided evidence of the mandatory additional training, having failed to return a training record form ADI 21AT. He has provided no evidence to support or demonstrate lost training time or inability to complete training. If he was unable to use his licence, he could have returned it as advised on gov.uk and the letter accompanying his licence.
18. Holding a trainee licence is not a prerequisite to qualifying as an ADI and nor is it a prerequisite to sitting part 2 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 2. For example, he could attend a training course; study and practice with an ADI; or give tuition on his own as long as he does not receive payment for such tuition. These are alternatives which mean that some trainees obtain pass the qualifying examination and obtain registration without ever having held a trainee licence.

19. In all the circumstances and in any event on the evidence before me, I find that the Appellant has failed to show that the Respondent was wrong in making their decision on their determination of the facts of this appeal and I find that the respondent was correct to refuse the appellant's application, and I dismiss this appeal.

Brian Kennedy KC.

11 November 2024.