



Neutral citation number: [2024] UKFTT 1032 (GRC)

Case Reference: FT/D/2024/0627

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

**Heard by determination on the papers  
Heard on: 14 November 2024  
Decision given on: 15 November 2024**

**Before**

**TRIBUNAL JUDGE SWANEY**

**Between**

**ABBEY MEECH**

Applicant

**and**

**DRIVER & VEHICLE STANDARDS AGENCY**

Respondent

**DECISION ON STRIKE OUT APPLICATION**

1. The notice of appeal dated 23 July 2024 is struck out.

**REASONS**

2. The appellant lodge a notice of appeal on 23 July 2024 purporting to appeal a decision of the Driver & Vehicle Standards Agency (DVSA) dated 15 July 2024.
3. The appellant made an application for admission to the register of Approved Driving Instructors. In her application she declared two motoring offences on 14 October 2022 and 11 September 2023 which each resulted in 3 penalty points. In an email dated 15 July 2024 the DVSA advised the appellant as follows:

I remind you that Section 125(3)(e) of the Road Traffic Act 1988 provides that one of the conditions you must fulfil to be issued a trainee licence or to have your name entered onto the Register of Approved Driving Instructors is to be a “fit and proper” person.

Having considered your application the Registrar feels *it is highly unlikely that any application you submit for a trainee licence, or to have your name added*

to the register, would be accepted until 14 October 2025 when your 3 penalty points for your 2022 offence are no longer counted towards the totting up process.

You should therefore apply again closer to this date with a new criminal record check obtained through our contractor, details of which can be found here: <https://www.gov.uk/criminal-record-check-become-driving-instructor> Your record as a whole will be considered again at that time. (Emphasis added)

4. On 14 August 2024 a registrar determined that the appeal was ‘a valid appeal according to the Road Traffic Act 1988 s131 (2)(a)’. Section 131 of the Road Traffic Act 1988 provides that a person who is aggrieved by a *decision of the Registrar to refuse an application* for the grant of a licence under Part V of the Act may appeal to the First-tier Tribunal.
5. I find that the email of 15 July 2024 is not a decision to refuse the appellant’s application. It is advice that her application is unlikely to succeed because of the penalty points she has accrued. The email is effectively an invitation to the appellant to withdraw her application and reapply after 14 October 2025 when the penalty points for her 2022 offence would no longer be counted.
6. There is nothing before me to suggest that the Registrar of Approved Driving Instructors went on to make a decision on the appellant’s application.
7. I find that there has been no decision to refuse an application for the grant of a licence under Part V of the Act and accordingly the tribunal does not have jurisdiction in relation to the proceedings under section 131 and I strike the notice of appeal out.
8. The appeal is at an end and no further action will be taken in relation to it.

Signed

Date: 14 November 2024

Judge J K Swaney  
Judge of the First-tier Tribunal