



**Neutral citation: NCN [2024] UKFTT 00602 (GRC).**

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

Appeal Number: D/2024/83

**Heard by video  
On 9 July 2024**

**Decision given on 09 July 2024**

**Before**

**JUDGE OF THE FIRST-TIER TRIBUNAL J K SWANEY**

**Between**

**SCOTT ANDERSON**

Appellant

**and**

**REGISTRAR OF APPROVED DRIVING INSTRUCTORS**

Respondent

**DECISION**

1. The appeal is dismissed.

**REASONS**

**Background**

2. The appellant appeals against the decision made by the Registrar of Approved Driving Instructors (the Registrar) on 3 January 2024 to refuse his application for a trainee licence.
3. The appellant has been granted two trainee licences. They were valid for twelve months from 12 December 2022 to 11 December 2023. On 11 December 2023 the appellant applied for a third trainee licence.
4. On 12 December 2023 the respondent notified that appellant that consideration was being given to refusing his application. He was invited to make representations. He was advised that it was not necessary to have a trainee licence in order to sit the part 3 exam.
5. The appellant responded on 18 December 2023. He stated that he had identified a deficiency in his instructing style which he needed to put right. He stated that he had had 22 passes by his students in a year and considered that he had made good progress. He stated that he had

had difficulties with his franchise company which caused problems with lessons and tests and that he had car trouble. He also identified a lack of bookings available in his local area for the part 3 test.

### **The respondent's decision**

6. The respondent gave the following reasons for the decision made on 3 January 2024:
  - (i) The appellant failed to provide evidence of lost training time.
  - (ii) The appellant had the benefit of two trainee licences for a period of 12 months, which is considered sufficient.
  - (iii) Parliament's intention was not to licence candidates for as long as it takes them to pass the examination.
  - (iv) The trainee licence must not become an alternative to registration as a fully qualified Approved Driving Instructor (ADI).
  - (v) It is not necessary to hold a trainee licence in order to sit the part 3 examination.

### **The appellant's case**

7. The appellant lodged a notice of appeal dated 16 January 2024.
8. In his notice of appeal the appellant does not explain why he states that the respondent's decision is wrong. He states that he has put so much effort into passing his part 3 test and he would like the opportunity to take his third attempt. He attaches a document entitled 'My Personal Instructor Training Thoughts' in which he outlines his experience since starting the process of becoming an ADI. He does not state any reasons for disagreeing with the respondent's decision in this document. He does not address the lack of evidence highlighted in the respondent's decision.

### **The appeal hearing**

9. The hearing took place by video and there were no objections to this as a suitable method of hearing. The appellant attended and gave evidence. He confirmed that he had received a copy of the appeal bundle. I heard submissions from both parties, which I took into account when making this decision together with the documents contained in the appeal bundle.

## **The law**

10. 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).
11. Pursuant to regulation 3, the qualifying examination 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).
12. 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.
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) 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).
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.
15. It is for the appellant to show on the balance of probabilities that the respondent's decision was wrong.

## **Findings and reasons**

16. The appellant's case is essentially that he requires a further trainee licence to enable him to modify his instructing technique sufficiently to pass the part 3 test. He has identified the areas on which he needs to work, but needs more time. The appellant stated that he has been doing a mix of training and instructing to improve his skills.
17. The appellant also identified that he had had to cancel two tests and had not, as at the date of hearing re-booked. He is aware that he has a period of two years within which to successfully complete all three parts of the qualifying test, which as Ms Jackson advised, ends on 24 October 2024.
18. The respondent's position is that the appellant has already had the benefit of a trainee licence for some 19 months, which ought to be sufficient to enable him to sit the part 3 test.
19. I find that the appellant is aware of the steps he can take to improve his instructing skills and that he has been taking those steps to date. I find that a trainee licence is not required for him to continue to take those steps to ensure that he is prepared to sit the part 3 test. The appellant is not required to have a trainee licence in order to book or sit the part 3 test.
20. The appellant has already had two trainee licences and because his application for the third was made before the expiry of his second licence, has had the benefit of a continuing licence while his appeal has been pending. The appellant did not identify any other difficulties which has impacted on his ability to find pupils and indeed stated that he has been practicing with

family members. The appellant can continue to provide instruction, as long as it is without payment, if he considers that he needs further experience before sitting the test.

21. In all the circumstances, I find that the respondent's decision was correct, and I dismiss the appeal.

Signed J K Swaney

Date 9 July 2024

Judge J K Swaney  
Judge of the First-tier Tribunal