



Neutral citation number: [2024] UKFTT 937 (GRC)

Case Reference: FT/D/2024/0365

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

Heard by: CVP

**Heard on: 23 September 2024
Decision given on: 24 October 2024**

Before

TRIBUNAL JUDGE CHRIS HUGHES

Between

AHMED FAHMI

Appellant

and

THE REGISTRAR, DVSA

Respondent

Representation:

For the Appellant: in person

For the Respondent: Claire Jackson

Decision: The appeal is Dismissed

REASONS

1. In order to be paid to teach pupils to drive an individual needs to be on the Register of Approved Driving Instructors or be the holder of a current licence issued under Section 129(1) of the Act which enables the individual to gain practical experience to undergo the examination of his ability to give instruction in the driving of motor cars. Such licences are issued for a six month period and the regulatory framework was created on the basis that a six month period would

be sufficient in most circumstances for a trainee instructor to gain the necessary skills to pass the examination.

2. The Appellant was previously on the Register of ADIs from November 2016 to March 2021. On seeking to rejoin the Register he was granted his first trainee licence on 6 March 2023. This was renewed and his second licence was due to expire on 5 March 2024. He applied for a third licence on 21 February, this was refused by the Registrar, after considering representations from the Appellant, by a decision letter on 9 April. The Appellant has appealed against this refusal, it falls to the tribunal to determine whether a third licence be granted, until such time as the tribunal determines the matter the previous licence is extended enabling the Appellant to continue to teach for remuneration. As at the date of this consideration the extension has lasted longer almost one month longer than the third licence would have. The Appellant has explained in his grounds of appeal that there has been a dearth of part 3 tests available.
3. The Appellant cancelled a test due on 12 October 2023 due to family reasons. He failed a test on 19 December. He applied in January 2024 for a further test date and in March was given a date in June. He told the tribunal that he failed that test on 2 points. He has a date for a third test on 10 October.
4. In his submissions to the tribunal he set out the costs he has faced in trying to qualify. The hire of a dual control car at £450 per month, £480 to his training company, and payments of insurance and fuel taking the total cost to £1200 per month. The company from whom he gets the car do not do a lease for less than 12 months. He claimed that it was not possible to obtain insurance to teach except in a dual control car.

Consideration

5. It is clear that the ability of the DVLA to provide an effective and efficient public service has been significantly diminished over time and its recovery from the disruption of the earlier stages of the Covid-19 pandemic (which continues to cause widespread ill-health and disability) has not been as rapid as would be desirable. However the Appellant has been able to take tests and failed it. There are no grounds for granting a new licence after 18 months.
6. The point of the statutory framework is to ensure that new drivers are well taught by competent instructors. For 18 months an individual who has not been able to demonstrate competence indicates significant structural deficiencies in the regulatory framework; which are also shown by the power, control and ability to exploit trainees which the system gives to training companies.
7. This appeal is without merit and is dismissed.

Signed

Hughes

Date: 3 October 2024