



Neutral citation number: [2025] UKFTT 125 (GRC)

Case Reference: FT-D-2024-0765

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

**Heard at: Decided without a hearing  
Decision given on: 11 February 2025**

**Before**

**JUDGE PERI MORNINGTON**

**Between**

**MUHAMMAD RIZWAN TAHIR**

Appellant

**and**

**REGISTRAR FOR APPROVED DRIVING INSTRUCTORS**

Respondent

**Decision:** The appeal is dismissed.

## **REASONS**

### **Introduction**

1. This is an appeal against a decision of the Registrar of Approved Driving Instructors ('the Registrar') made on 28 August 2024 to refuse to grant the Appellant a third trainee licence.

### **Legal Framework**

2. The grant of a trainee licence enables applicants to provide instruction for payment before they are qualified.

3. A trainee licence may be granted in the circumstances set out in s. 129 of the Road Traffic Act 1988 ('the Act') and the Motor Cars (Driving Instruction) Regulations 2005.
4. A licence under section 129(1) of the Act is granted: 'for the purpose of enabling a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing such part of the examination... as consists of a practical test of ability and fitness to instruct.'
5. In order to qualify as an Approved Driving Instructor, applicants must pass the Qualifying Examination. This comprises: the written examination ('Part 1'); the driving ability and fitness test ('Part 2'); and the instructional ability and fitness test ('Part 3').
6. Three attempts are permitted at each part. The whole examination must be completed within 2 years of passing Part 1, failing which the whole examination has to be retaken.
7. If a candidate has passed Part 2, they may be granted a trainee licence. The grant of a trainee licence enables applicants to provide instruction for payment before they are qualified. It is possible to qualify as an Approved Driving Instructor without having held a trainee licence.
8. The powers of the Tribunal in determining this appeal are set out in s.131 of the Act. The Tribunal may make such order as it thinks fit.
9. When making its Decision, the Tribunal stands in the shoes of the Registrar and takes a fresh decision on the evidence available to it, giving appropriate weight to the Registrar's decision as the person tasked by Parliament with making such decisions. The burden of proof in satisfying the Tribunal that the Registrar's decision was wrong rests with the Appellant.

### **Factual Background to the Appeal**

10. The Appellant passed Part 1 of the Qualifying Examination on 18 January 2023. He passed Part 2 on 2 May 2023. He failed a first attempt at the Part 3 test on 27 February 2024. The Appellant failed his second attempt at the Part 3 test on 18 June 2024. The Appellant cancelled a Part 3 test scheduled to take place on 11 November 2024.
11. The Appellant applied for a trainee licence which was granted and was valid from 21 August 2023 to 20 August 2024 following an application for a second licence.
12. The Appellant applied for a third trainee licence on 23 July 2024 which was refused by the Registrar.

13. The reasons for the Registrar's decision, in summary, were that no evidence of lost training time had been provided by the Appellant and that the Appellant had already had a sufficient amount of time to gain experience to assist in passing Part 3 of the Qualifying Examination and that it was not the intention of Parliament that candidates should be issued with trainee licences for as long as it takes them to pass the examination, and that the trainee licence system must not be used as an alternative to registration as a fully qualified Approved Driving Instructor.

### **Appeal to the Tribunal**

14. The grounds of appeal are, in summary:

- a. It is difficult to obtain a Part 3 test date and the Appellant would like to continue to practice under his trainee licence until he attempts a third Part 3 test in November 2024.

15. The Registrar in his response states:

- 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. The Appellant has already had two trainee licences which cover a period of 12 months. Moreover, by virtue of the Appellant having applied for a third licence before the expiry date of the second, 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 twice and cancelled one more such test booked for 11 November 2024. Despite ample time and opportunity, the Appellant has not been able to reach the required standard for qualification as an Approved Driving Instructor.
- d. The refusal of a third 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.

- e. The Appellant had booked a third and final Part 3 test but had not yet received a date for the test to take place,

### **Evidence**

- 16. I read and took account of a bundle of documents.

### **Discussion and Conclusions**

- 17. In considering the documents, I note that the date of this decision falls outside of the 2 years permitted for the whole examination to be completed.
- 18. Accordingly, if the Appellant has not passed his Part 3 test in the time since the bundle was prepared to now, unfortunately, the whole examination has to be retaken from Part 1 and the provision of a third trainee licence is not appropriate in that a trainee licence may only be issued in order that an individual can gain the practical experience required to take the Part 3 test.
- 19. In the circumstances the appeal is dismissed.

Signed: Judge Peri Mornington

Date: 3 February 2025