



Neutral citation number: [2025] UKFTT 00216 (GRC)

Case Reference: FT/D/2024/0850

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

**Heard by Cloud Video Platform  
Heard on: 27 January 2025  
Decision given on: 21 February 2025**

**Before**

**JUDGE MATON**

**Between**

**THOMAS WARD**

Appellant

**and**

**THE REGISTRAR OF APPROVED DRIVING INSTRUCTORS**

Respondent

**Representation:**

For the Appellant: in person

For the Respondent: not represented

**Decision:** The appeal is Dismissed.

**REASONS**

1. This is an Appeal against the decision of the Registrar dated 25 September 2024 that the Appellant should not be granted a third trainee licence.
2. The Tribunal received and considered a bundle of documents, and the Appellant attended an oral hearing by Cloud Video Platform.
3. The Registrar has notified the Tribunal that he does not propose routinely to attend appeals against refusals to grant trainee licences.

4. By rule 36 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, a hearing can proceed in the absence of a party if the Tribunal is satisfied that the party had notice of the hearing and that it is in the interests of justice to proceed.
5. I am satisfied that these requirements were met in this case, and that this was a fair and just way to decide the Appeal.

### **Relevant law**

6. The grant of a trainee licence enables applicants to provide driving instruction for payment before they are qualified.
7. A trainee licence may be granted in the circumstances set out in s129 of the Road Traffic Act 1988 ("the Act") and the Motor Cars (Driving Instruction) Regulations 2005.
8. A licence under s129(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."
9. In order to qualify as for registration as an approved driving instructor, applicants must pass the Qualifying Examination. This comprises: a written examination ("Part 1"); a driving ability and fitness test ("Part 2"); and an instructional ability and fitness test ("Part 3").
10. Three attempts are permitted at each part. The whole examination must be completed within two years of passing Part 1, failing which the whole examination has to be retaken.
11. 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. Under s129(2) of the Act, the Registrar must grant a licence to an applicant who fulfils specified conditions, including that they have passed Parts 1 and 2. Under s129(3) the Registrar has discretion to refuse an application for a second or subsequent licence.
12. Under s129(6)(b), where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence will not expire if the Registrar decides to refuse the application, until the time limit for an appeal against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.
13. The powers of the Tribunal in relation to appeals against decisions not to grant trainee licences are set out in s131 of the Act. When making a decision on any such appeal, 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.

## **Background**

14. The Appellant was granted two consecutive trainee licences valid from 14 August 2023 to 13 August 2024.
15. The Appellant applied for a further trainee licence on 9 August 2024, and in an email dated 12 August 2024 the Registrar advised that he was considering refusing the application, and invited the Appellant to make representations regarding this. The Appellant made representations in an email dated 13 August 2024. The Registrar wrote to the Appellant by email dated 25 September 2024, refusing the application.
16. The Appellant appealed to the Tribunal.

## **The Appeal**

17. The Appellant submits that:

- a. waiting times for Part 3 tests are unreasonable;
- b. instructor training is limited in availability, and is expensive;
- c. without a trainee licence, training of students is not financially viable;
- d. the timing of his licence periods and Part 3 tests has increased the pressure of the tests;
- e. he does not want to let down students, with whom he has built relationships, by not being able to teach them.

18. The Registrar submits that:

- 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; that 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 third licence before the expiry date of the second, that licence remained in force and would allow him to continue to give paid instruction until determination of the Appeal;

- c. since passing his driving ability test the Appellant had failed the instructional ability test twice; and that despite ample time and opportunity, the Appellant had 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 Part 3; 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; and that alternatives are available to acquire registration without obtaining a licence.

19. The Registrar also notes that, at the time of the filing of his Response dated 15 November 2024, the Appellant had not booked a third attempt at Part 3.

### **Discussion**

- 20. At the hearing the Appellant expanded on the points made in his Notice of Appeal, in particular the timescales for the booking of Part 3 tests and the costs of training.
- 21. It is clear that the Appellant has had to wait for significant periods of time for bookings, which is significant in the context of the two-year period in which he could attempt Part 3. For example, he provided evidence indicating that he made a booking on 28 February 2024, which was confirmed on 15 May 2024, with a test date of 8 August 2024.
- 22. The Appellant does not dispute the Registrar's argument that he has had ample time to prepare for Part 3, but argues that this does not help if it is not possible to arrange a Part 3 test.
- 23. Regarding having not booked a third attempt at Part 3, the Appellant said that he did not feel able to commit to this due to the cost.
- 24. In relation to the Registrar's argument based on the intention of Parliament, the Appellant said that he does not consider the system of licences to be an alternative to registration, and argued that it could not be an alternative as licences are only available during the two-year period in which to pass Part 3.

### **Conclusion and decision**

- 25. Having considered the matters set out above, I find that, while the Appellant has had to endure long waiting times for bookings, this has not prevented him being able to make use of the licences which he has been granted in order to prepare for the tests. He has been able to book two such tests, although has not passed them. He had the opportunity to seek a third booking but, albeit for understandable reasons, chose not to do so. As the Registrar notes, licences are not granted to enable instructors to teach as long as necessary to pass the test.
- 26. Accordingly, I do not consider that the Registrar's decision was wrong, and I dismiss the Appeal.

Signed

Tribunal Judge Maton

Date:

17 February 2025