



NCN: [2024] UKFTT 00960 (GRC)

Appeal Ref.: FT/D/2024/0480

**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
(TRANSPORT)**

Decision given on: 25 October 2024

Between

JAMES MOAN

-and-

Appellant

**REGISTRAR OF APPROVED DRIVING
INSTRUCTORS**

Respondent

DECISION NOTICE

1. This appeal was listed for oral hearing, remotely, before me, on Friday, 25 October 2024.
2. On 18 October 2024, the Appellant, in writing, in an email, to the General Regulatory Chamber ('the Chamber') stated that he wished to withdraw his appeal.

3. On the same date, the Respondent, in an email to the Appellant, copied to the Chamber, advised that the appeal could not succeed as, pursuant to Regulation 14(b) of the Motor Cars (Driving Instruction) Regulations 2005, as amended ('the Driving Instruction Regulations'), he had made a third unsuccessful attempt to pass the required instructional ability test on 17 October 2024. The Appellant had been advised by the Respondent on 18 October 2024 that he was required, in those circumstances, to contact the General Regulatory Chamber ('the Chamber') to withdraw his appeal in order to get a refund of the fee paid by him to the Respondent, failing which the Respondent would apply to the Tribunal to strike out this appeal as having no reasonable prospect of success, pursuant to Rule 8(3) (c) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Tribunal) Rules 2009, as amended ('the Rules').
4. The Appellant, by email dated 18 October 2024, to the Chamber, the Appellant stated that he did, in fact, wish to withdraw his appeal.
5. Rule 17 of the Rules states –

“(1) A party may give notice of the withdrawal of its case, or any part of it,

(a) by sending or delivering to the Tribunal a written notice of withdrawal;
or,
(b)

(2) Notice of withdrawal will not take effect until the Tribunal consents to the withdrawal.
6. The Tribunal did not convene for an oral hearing in the particular circumstances that arose.
7. The Tribunal hereby consents to the purported withdrawal by the Appellant of his appeal.
8. The withdrawal shall take effect immediately on promulgation of this Decision.

Signed:

Dated: 25 October 2024

Damien McMahon
Tribunal Judge