



Neutral citation number: [2025] UKFTT 100 (GRC)

Case Reference: FT/D/2024/0575

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

**Determined on the papers
On: 30 January 2025**

Decision given on: 05 February 2025

Before

JUDGE DAMIEN MCMAHON

Between

MUSTAQ ALI

Appellant

-and-

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Decision: The appeal is Dismissed. The Decision of the Respondent made on 27 June 2024 is confirmed.

REASONS

1. This appeal was listed for determination on the papers only, with the agreement of the parties.
2. The Appellant appealed against a decision of the Respondent dated 27 June 2024, to refuse the Appellant's application for a second trainee driving instructor licence made on 3 June 2024. The decision of the Respondent was made, taking account of representations made by the Appellant on 11 June 2024, namely, that 'significant events in his personal life' had prevented him from pursuing practice with the

'remaining students allocated to [him]'; that he also had to take time off due to his daughter's health – attending to her care and hospital appointments – that had taken a 'severe toll' on his own mental health; that he had to manage the household as his wife was in full-time work; that six months [the duration of a trainee licence] did not 'factor in' such unexpected, unfortunate and unforeseen intervening circumstances; that he, himself had been treated in A&E for a ligament injury to his finger, requiring a splint and avoiding pressure on the digit that also contributed to his lack of practice, on the grounds that the Appellant had not complied with the conditions of his first trainee licence by providing a training record in Form AD1 21AT within three months; that the purpose of a trainee licence was to enable the Appellant to gain up to six months to gain sufficient experience to pass his Part 3 test, that, it was submitted, was more than adequate time to do so; that it was not the intention of Parliament that a trainee licence be issued for however long it might take to pass a Part 3 test and that the trainee licence system could not be allowed to become an alternative to registration as a fully-qualified Approved Driving Instructor ('ADI'); that it was not necessary to hold a trainee licence to undertake a Part 3 test; that refusal of an application for a second trainee licence was not a bar to the Appellant undertaking a Part 3 test and that his existing trainee licence remained valid until the determination of this appeal as he had applied for a second trainee licence before expiry of his first trainee licence (thus, in practical terms, allowing the Appellant the benefit of a trainee licence for almost 18 months).

3. The Appellant submitted an appeal dated 24 July 2024 against the Respondent's said decision on grounds that corresponded with his written representations to the Respondent on being advised that the Respondent was considering refusing his application. He also submitted a bundle of clinical evidence from April and May 2024 concerning his daughter. There was nothing significant in this evidence to alter the Tribunal's position. The Appellant also provided four undated photographs of his injured finger and splint. Whatever little cogency might be attached to this evidence also did not alter the Tribunal's position.
4. The Appellant, in correspondence with the Respondent dated 11 June 2024, furnished a bundle of documents to show that he had completed 40 hours training in addition to the minimum, mandatory 20 hours training [albeit this was not furnished within the first three months of his existing trainee licence and, thus, was not in compliance with the conditions of that trainee licence].
5. The Respondent, in their Response dated 9 September 2024, reiterated the above-mentioned reasons for refusing the Appellant's application for a second trainee licence. In addition, it was confirmed that the Appellant's existing trainee licence covered the period 11 December 2023 to 10 June 2024 and that his existing trainee licence remained valid until the determination of this appeal, thus extending the duration of the Appellant's existing trainee licence by a further period of over seven months. The Response confirmed that the Appellant had failed, on 27 August 2024, his first attempt to pass a Part 3 test and that had booked a second attempt that was on hold pending a date being provided to him. The Response pointed out that the Appellant, if he wished to obtain further training, could attend a training course, or study or practice with an ADI or give unpaid tuition and pointed out that many ADI applicants obtained registration as a fully-qualified ADI without ever holding a trainee licence.

6. If the Appellant had been unable to meet the training conditions set out in his existing trainee licence due to the reasons advanced by the Appellant in his written representations, repeated in his Notice of Appeal, he could have surrendered his existing trainee licence back to the Respondent who then might well, in those circumstances, have looked more favourably on an application for a second trainee licence, as might the Tribunal have done in determining this appeal.
7. This appeal concerns a decision of the Respondent to refuse the Appellant's application for a second trainee licence. The powers of the Tribunal in determining this appeal are set out in s.131 of the Road Traffic Act 1988 ('the Act'). In determining the appeal, the Tribunal may make such order as it thinks fit, standing in the shoes of the Respondent, considering the decision afresh on the evidence available to it, giving appropriate weight to the Respondent's reasons for their decision. The burden of proof in satisfying the Tribunal that the Respondent's decision was wrong rests with the Appellant.
8. The essential basis of the Respondent's decision was that the Appellant had been provided under his first trainee licence, more than adequate time to gain sufficient experience to pass his Part 3 test and that he had not complied with the conditions of that licence.
9. An appeal to this Tribunal against the Respondent's decision proceeds as an appeal by way of re-hearing, that is, the Tribunal makes a fresh decision on the evidence before it. The Tribunal must give such weight as it considers appropriate to the Respondent's reasons for its decision as the Respondent is the regulatory authority tasked by Parliament with making such decisions. The Tribunal does not conduct a procedural review of the Respondent's decision-making process.
10. In reaching my decision I have taken into account all of the written evidence and submissions received by the Tribunal and considered all of the relevant circumstances of this appeal.
11. There was little or no dispute as to the material facts of this case.
12. Accordingly, the appeal is dismissed.

Signed: *Damien McMahon*,

Tribunal Judge

Date: 30 January 2025