



**Neutral citation: [2025] UKFTT 00228 (GRC)**

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

**Appeal Number: FT/D/2024/0673**

**Determined on the paper and  
Decision given on 25 February 2025**

**Before**

**JUDGE OF THE FIRST-TIER TRIBUNAL B. KENNEDY KC**

**Between**

**LAURA BELL**

Appellant

**and**

**REGISTRAR OF APPROVED DRIVING INSTRUCTORS**

Respondent

**DECISION**

1. The appeal is dismissed and the respondent's decision of 25 July 2024 is confirmed.

**REASONS**

**Background**

2. The Appellant appeals against the decision made by the Registrar of Approved Driving Instructors (the respondent) on 25 July 2024 to refuse his application for a second trainee licence.
3. Section 123(1) of the Road Traffic Act 1988 ('the Act') prohibits the giving of instruction paid for by or in respect of a pupil in the driving of a motor car unless the instructor's name is on the Register of Approved Driving Instructors

or he is the holder of a current licence issued under Section 129(1) of the Act.

4. The Appellant is not now and has never been on the said Register.
5. Two licences under Section 129 of the Act were granted to the Appellant for the purpose of enabling her to gain practical experience to undergo the examination of her ability to give instruction in the driving of motor cars and was valid from 26 June 2023 to 25 December 2023 and 15 January 2024 to 14 July 2024 (D1).
6. On 03 July 2024 the Appellant applied for a third licence (D2). By way of an email dated 04 July 2024 (D3) the Appellant was notified the Respondent was considering the refusal of his application for a third licence. By way of a letter received on 16 July 2024 (D4) the Appellant made representations. She stated her relationship broke down in December 2023 leading to financial difficulties and the need to prioritise childcare , reducing training time. She also said she cancelled a test due to illness and cited a lack part three test availability.
7. After considering these representations the Respondent decided to refuse the Appellant's application as she provided no evidence of lost training time or a lack of pupils and has had the benefit of two trainee licences for twelve months The Respondent gave the Appellant notice of their decision in accordance with Section 129(4) of the Act by an email dated 25 July 2024 (D5).
8. The Respondents reasons for refusing the application for a second licence were:
  - (i) 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.
  - (ii) 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. 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 allowed her to continue to give paid instruction until determination of the appeal;
  - (iii) Since passing her driving ability test the Appellant has failed the instructional ability test twice and cancelled four more such tests

booked for 20 September, 21 November & 21 December 2023 and 11 October 2024 (**Annex A**). Despite ample time and opportunity the Appellant has not been able to reach the required standard for qualification as an Approved Driving Instructor; and

(iv) the refusal of a third licence does not bar the Appellant from attempting the instructional ability test of the Register examinations. She does not need to hold a licence for that purpose, nor is it essential for her 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 her own (provided that she 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.

9. It should also be noted that the Appellant has her final attempt at the instructional ability test booked for 12 November 2024. Should the test go ahead, then the regulations determine that any appeal is bound to fail as a trainee licence can only be issued in order that an individual can gain the practical experience required to take the test.
10. The Appellant lodged a Notice of Appeal dated 08 August 2024. In her grounds of appeal, the Appellant stated essentially that the protracted delay in securing a test date is causing her and her family hardship, she has childcare difficulties, periods of illness and she seeks more time for additional training and a badge extension to allow additional time to prepare for her final part 3 examination.
11. In determining the appeal, I have considered all the following documents in the Hearing Bundle.

**The law:**

12. The Appeal relates to the refusal of a trainee licence which may be issued to a candidate who is preparing to sit the qualifying examination to become an ADI. The circumstances in which a person may be granted a trainee licence are set out in section 129 of the Act, and the Motor Cars (Driving Instruction) Regulations 2005 (the Regulations).
13. The purpose of the trainee licence is to enable a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing such part of the examination referred to in section 125(3)(a) of the Act as consists of a practical test of ability and fitness to instruct, which is part of the qualifying examination to become an ADI.

14. The Appellant has a right of appeal against the Respondent's decision pursuant to section 131 of the Act. On appeal the tribunal may make such order as it thinks fit.  
It is for the Appellant to show on the balance of probabilities that the Respondent's decision was wrong.
15. The Respondent has set out their reasons (see paragraph 8 above) Section 123(1) of the Road Traffic Act 1988 ('the Act') prohibits the giving of instruction paid for by or in respect of a pupil in the driving of a motor car unless the instructor's name is on the Register of Approved Driving Instructors, or he is the holder of a current licence issued under Section 129(1) of the Act.
16. On considering the Appellants representations the Respondent decided to refuse the Appellant's application and has provided reasons for doing so. Holding a trainee licence is not a prerequisite to qualifying as an ADI and nor is it a prerequisite to sitting part 3 of the examination. Aside from giving professional instruction under a trainee licence, there are other ways in which the Appellant could gain the skills needed to pass part 3.
17. The Tribunal find that the Appellant has failed to provide evidence either why the time available has been inadequate to acquire sufficient experience to pass the test or why she should be permitted to have further time. It is not necessary for the Appellant to have a trainee licence in order to sit part 3 and she has not shown that she is unable to obtain the necessary skills and experience by alternative means. On consideration of all the papers in the Hearing Bundle, the Respondents reasoning and the available evidence the Tribunal find on balance that the Respondent was justified in refusing the Appellant's application and their decision is not unreasonable in all the circumstances therefore the Tribunal dismiss this appeal.
18. The Appellant failed to attend this appeal hearing. The Tribunal clerk called her on the phone and she indicated she was not attending the hearing expressing a wish to withdraw her appeal. In all the circumstances I dismiss the appeal.

Judge Brian Kennedy KC  
2025.

10 February

