



Neutral citation number: [2024] UKFTT 852 (GRC)

Case Reference: FT/D/2024/0260

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

**Determined on the papers  
On: 20 September 2024**

**Decision given on: 04 October 2024**

**Before**

**JUDGE DAMIEN MCMAHON**

**Between**

**SALINA ALAM**

Appellant

**-and-**

**REGISTRAR OF APPROVED DRIVING INSTRUCTORS**

Respondent

**Decision:** The appeal is Dismissed. The Decision of the Respondent made on 7 March 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 7 March 2024, to refuse the Appellant's application for a second trainee driving instructor licence made on 3 February 2024. The decision of the Respondent was made, taking account of representations made by the Appellant on 14 February 2024, namely,

that she had 'placed a reservation' for a Part 3 test but awaited a date; that she wanted to keep up her skills and training [presumably meaning, wrongly, that she needed a second trainee licence to do so] and that she wanted a second trainee licence while awaiting a Part 3 test date [something that was not the statutory purpose of a trainee licence], on the grounds that the Appellant had not complied with the conditions of her 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 her Part 3 test, that, it was submitted, was more than a reasonable 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 her existing trainee licence remained valid until the determination of this appeal as she had applied for a second trainee licence before expiry of her first trainee licence (thus, in practical terms, allowing the Appellant the benefit of a trainee licence for 17 months).

3. The Appellant submitted an appeal dated 13 March 2024 against the Respondent's said decision on the following grounds:
  - that she had suffered from a medical condition, namely, anxiety, as evidenced by a letter from her GP dated 13 February 2024 asking that she be supported for her upcoming driving test (albeit no history of that condition or its treatment was provided), within the time she was expected to have completed her training and so fell behind with her training; that she took Propananol and was drowsy to the extent that she could not follow the training process;
  - that once she recovered, she booked intensive training with a trainer with a view to completing her training, but this did not fall within the requirements and timing (that is, within the required three-month period);
  - that she wanted a second trainee licence would help her prepare for her Part 3 test;
  - that she wanted a second trainee licence to be able to teach [an assertion that could only mean to be able to teach for payment].

The grounds advanced by the Appellant did not adequately address the reasons advanced by the Respondent for the decision under appeal.

4. The Respondent, in their Response dated 22 April 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 21 August 2023 to 20 February 2024.
5. If the Appellant had been unable to meet the training conditions set out in her existing trainee licence due to illness, she could have surrendered her 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.

6. This appeal concerns a decision of the Respondent to refuse the Appellant's application for a second ADI 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.
7. The essential basis of the Respondent's decision was that the Appellant had been provided under her first trainee licence, more than adequate time to gain sufficient experience to pass her Part 3 test and that she had not complied with the conditions of that licence.
8. 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.
9. In reaching my decision I have taken into account all of the evidence and submissions that I received, written and oral, and considered all of the circumstances relevant to this appeal.
10. There was little or no dispute as to the material facts of this case.
11. Accordingly, the appeal is dismissed.

Signed: *Damien McMahon*,

**Tribunal Judge**

**Date: 20 September 2024**