



Neutral citation number: [2024] UKFTT 001029 (GRC)

Case Reference: FT/D/2024/0379

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

Choose jurisdiction.

**Heard on: 12 November 2024.  
Decision given on: 21 November 2024**

**Before**

**Judge Brian Kennedy KC**

**Between**

**NABEEL AHMED**

Appellant

**and**

**THE DRIVER AND VEHICLE STANDARDS AGENCY**

Respondent

**Decision:** The appeal is Dismissed.

**REASONS**

1. 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.
2. The Appellant is not now and has never been on the said Register.

3. A licence under Section 129 of the Act was granted to the Appellant for the purpose of enabling him to gain practical experience to undergo the examination of his ability to give instruction in the driving of motor cars and was valid from 09 October 2023 to 08 April 2024.
4. On 27 March 2024 the Appellant applied for a second licence. **(D2)** By way of an email dated 02 April 2024 **(D3)** the Appellant was notified that the Respondent was considering the refusal of his application for a second licence. By way of an email received on 02 April 2024 **(D4)** the Appellant made representations. He stated he was a few marks off passing his first part three test attempt and a further trainee licence will allow him the training to pass the next attempt.
5. After considering these representations the Respondent decided to refuse the Appellant's application. The Appellant has failed to comply with the conditions of his first licence as the training objectives on his ADI 21AT training record form **(D5)** were not completed within the first three months of the licence period.
6. After considering these representations the Respondent decided to refuse the Appellant's application. He has failed to comply with the conditions of his first licence as the training objectives on his ADI 21AT training record form **(D5)** were not completed within the first three months of the licence period. The reasons for this decision were provided thus:
  - (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 second licence before the expiry date of the first, that licence has remained in force to the present time and will allow him to continue to give paid instruction until determination of the appeal;
  - (iii) 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 second licence before the expiry date of the first, that licence has remained in force to the present time and will allow him to continue to give paid instruction until determination of the appeal;

(iv) since passing his driving ability test the Appellant has failed the instructional ability test once (**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

(v) the refusal of a second licence does not bar the Appellant from attempting the instructional ability test of the Register examinations. 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. The Appellant could attend a training course, or study and practice with an Approved Driving Instructor or give tuition on his own (provided that he 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.

7. It should be noted that the Appellant had his second attempt at the instructional ability test booked on hold, awaiting a test date.
8. It seems the Appellant has provided no good reason to upset the Decision given by the Respondent and I must refuse the appeal.

Signed Brian Kennedy KC

Date: 13 November 2024.

It should be noted that the Appellant has his second attempt at the instructional ability test booked on hold, awaiting a test date.