



NCN: [2024] UKFTT 1038 (GRC)

Case Reference: FT/D/2024/0405

**First-tier Tribunal
General Regulatory Chamber
Information Rights**

**Heard by determination on the papers
Heard on: 15 November 2024
Decision given on: 22 November 2024**

Before

TRIBUNAL JUDGE SWANEY

Between

LUKE SWOFFER

Applicant

and

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

DECISION ON STRIKE OUT APPLICATION

1. The notice of appeal dated 13 May 2024 is struck out.

REASONS

2. The appellant lodged an appeal on 28 April 2024. The appeal was incomplete, as the appellant did not:
 - (i) Include a copy of the decision he was seeking to challenge.
 - (ii) Specify whether he wanted his appeal to be determined with or without a hearing.
 - (iii) Request an extension of time and provide an explanation as to why the notice of appeal was not lodged in time.
3. Directions were issued on 14 May 2024 and 29 May 2024 requiring the appellant to rectify these issues.

4. The appellant's first response was by email on 15 May 2024. He provided a completed notice of appeal dated 13 May 2024. In the form he indicated that he wished his appeal to be determined without a hearing. He provided some supporting evidence, including screenshots of correspondence regarding his part 3 test and importantly a screenshot of an email dated 4 April 2024 in which the respondent (the Registrar) advised that consideration was being given to refusing his application for a third trainee licence.
5. On 2 June 2024 the appellant provided an explanation as to why his notice of appeal was late. He provided a screenshot of an email in which receipt of an appeal on 27 April 2024 is acknowledged. The email goes on to advise that the notice of appeal the appellant had completed was an old form and that he would be required to complete the new form within 7 days. The appellant complied with this requirement because, as set out above, a notice of appeal was received on 28 April 2024.
6. By email dated 12 June 2024 the tribunal notified the appellant that the email dated 4 April 2024 was not a decision notice from the Registrar, but was advice that the Registrar was considering refusing his application. The appellant was advised that the tribunal required sight of a decision notice that referred to a right of appeal to the tribunal, on receipt of which his appeal could be progressed.
7. On 29 July 2024 a legal officer issued a direction to the appellant requiring him to provide a copy of the decision he seeks to challenge by no later than 12 August 2024. No further response was received from the appellant.
8. Section 131(2) of the Road Traffic Act 1988 provides for a right of appeal to this tribunal for a person who is aggrieved by a decision of the Registrar to refuse an application for the grant of a licence, or to revoke such a licence.
9. On the basis of the information and evidence before me, the Registrar has not refused to grant the appellant a trainee licence. The email dated 4 April 2024 is not a decision notice refusing an application, it is advice that consideration was being given to refusing the application. The screenshot does not appear to be a complete copy of the email, but having seen such correspondence before, I am aware that it is an opportunity for the applicant to provide further information which, as is set out in the email, will be considered when the final decision on the application is made.
10. I find that the appellant's notice of appeal falls to be struck out pursuant to rule 8(2)(a) on the basis that it does not have jurisdiction in relation to the proceedings because there is no appealable decision.

Signed *J K Swaney*

Date: 15 November 2024

Judge J K Swaney
Judge of the First-tier Tribunal