

ENGLAND AND WALES / JUDGMENT

Mark Jason Turnbull v Registrar of Approved Driving Instructors

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NCN: [2026] UKFTT 01263 (GRC) FIRST-TIER TRIBUNAL GENERAL REGULATORY CHAMBER (TRANSPORT) Heard by CVP On: 28 August 2026 Case Reference: FT/D/2026/0393 Decision given on: 02 September 2026 Before JUDGE DAMIEN MCMAHON Between MARK JASON TURNBULL - and- REGISTRAR OF APPROVED DRIVING INSTRUCTORS Appellant Respondent Decision: The appeal is Dismissed. The Decision of the Respondent made on 30 March 2026 is confirmed.

REASONS

1. This appeal was listed for oral hearing, by CVP, on 28 August 2026 at 12.00 noon. The Appellant attended in person and gave oral evidence.
2. The Appellant appealed against a decision of the Respondent dated 30 March 2026 to refuse the Appellant's application for a further, and third, trainee driving instructor licence having taken account of the Appellant's representations made by letter received on 23 January 2026, that there was a lack of availability of Part 3 test dates and that the Respondent had cancelled a Part 3 test date, on the grounds that there was no evidence of the Appellant having lost training time; that the © CROWN COPYRIGHT 2026 Appellant had already been granted two trainee licences for the period 24 February 2025 to 23 February 2026, that was considered to be a more than adequate period of time for the purpose of gaining sufficient experience in driving tuition to pass a Part 3 test and so become entitled to have his name entered onto the Register of Approved Driving Instructors ('ADIs'); that it was not the intention of Parliament that a trainee licence be issued for however long it took a trainee to pass his Part 3 test and that the trainee licence system must not be allowed to become an alternative registration as a fully-qualified ADI. The Respondent also maintained, correctly, that in making his decision, refusal of the Appellant's application did not prevent him undertaking a Part 3 test (subject to there being a maximum permitted number of attempts); that a trainee licence was not required to undertake a Part 3 test and that the Appellant's existing second trainee licence remained valid until determination of this appeal became effective providing him, therefore, in effect, with a total trainee licence period of over 18 months. 3. 4. In his Notice of Appeal dated 30 March 2026, the Appellant stated he had been informed that he could attempt to pass his Part 3 test on up to three occasions [but this, while correct, did not mean that a person was entitled to a trainee licence until he attempted, if that were the case, to pass their Part 3 test on up to three occasions]. He

reiterated the lack of availability of Part 3 test dates, that was, he submitted the fault of the Respondent, and the fact that the Respondent had cancelled a Part 3 test date. He stated he understood that the grant of a third trainee licence was not guaranteed but that it would it would provide undeniable help. However, the grounds of appeal advanced by the Appellant did not, in fact, address the central reason advanced by the Respondent for the decision under appeal. In his oral evidence, the Appellant accepted that a trainee licence was not required to take a Part test but that he needed to practice and needed to charge for tuition in order to pay his franchise fees. He advised that he had provided some unpaid tuition to family and friends and had a mentor. He advised he had been 'pushed' into making this appeal by his franchise, who were motivated, he suggested by the opportunity to gather fees. He stated that the only benefit of a third trainee licence would be to use the franchise vehicle in which to take his final permitted attempt at his Part 3 test on Friday next, 4 September 2026 and that if his appeal was refused, he would hire a vehicle in order to take the test.

5. The Respondent, in his Response dated 13 July 2026, reiterated his reasons for refusing the Appellant's application for a third trainee licence set out in the decision under appeal. In addition, he submitted that the Appellant could obtain further training by undertaking a training course or studying and practising under an ADI or proving unpaid tuition; that the Appellant had failed his Part 3 test twice on 7 August 2025 and 27 March 2026 and that the Respondent had, indeed, cancelled a Part 3 test to have taken place on 15 May 2025 and that his final permitted attempt to pass his Part 3 test was booked to take place on 4 September 2026 that, if it proceeded, then any appeal was bound to fail as a trainee licence could only be issued so that the Appellant could gain the practical experience required to take the test.
6. This appeal concerns a decision of the Respondent to refuse the Appellant's application for a further, third, trainee licence. The powers of the Tribunal in © CROWN COPYRIGHT 2026 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 basis of the Respondent's decision were the reasons set out in his decision notice, reiterated in his Response document.
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 that I received, written and oral, and considered all of the circumstances

submissions

this appeal. relevant to

10. There was little or no dispute as to the material facts of this case.
11. Accordingly, the appeal is dismissed. Signed: Judge McMahon, Date: 28 August 2026 © CROWN COPYRIGHT 2026

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Prepared on 22 October 2026 · Esheria