

ENGLAND AND WALES / JUDGMENT

Stephen Farley v Registrar of Approved Driving Instructors

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Neutral citation number: [2026] UKFTT 00561 (GRC) FIRST-TIER TRIBUNAL GENERAL REGULATORY CHAMBER (TRANSPORT) Heard remotely by CVP On: 10 April 2026 Case Reference: FT/D/2025/1146 Decision given on: 16 April 2026 Before JUDGE MCMAHON Between STEPHEN FARLEY -and- REGISTRAR OF APPROVED DRIVING INSTRUCTORS Representation Appellant: The Appellant, nor any representative on his behalf, did not appear. Respondent: None. Appellant Respondent Decision: The appeal is Dismissed. The Decision of the Respondent made on 15 October 2025 is confirmed.

REASONS

1. This appeal was listed for determination remotely, by CVP, today, at 12.00. The Appellant, nor any representative on his behalf, did not appear. No representative of the Respondent appeared either. No contact or communication was received from, or on behalf of, either party. The Tribunal proceeded in the absence of the parties at 12.11 and determined this appeal on the papers only without a hearing. © CROWN COPYRIGHT 2026
2. The Appellant had made an application for a postponement of his appeal as he was to take a Part 3 test on 20 April 2026. The Respondent objected to this application on the basis that holding a trainee licence was not required to undertake a Part 3 test. This application was refused in an interlocutory decision made on 30 March
2026. The Appellant purported to renew his application by email dated 3 March
2026. This renewed application did not fall for fresh determination.
3. The Appellant appealed against a decision of the Respondent dated 15 October 2025 to refuse the Appellant's application for a further, third, trainee driving instructor licence made on 16 July 2025. The decision of the Respondent was made, taking account of representations made by the Appellant on 27 July 2025, that he had difficulties obtaining a Part 3 test date, on the basis that the Appellant had not provided evidence of any lost training time. In addition, the Respondent noted that the Appellant had already been granted two trainee licences, covering a period of 12 months (in addition to his 2nd trainee licence remaining valid until determination of this appeal, being an additional period of almost 8 months), that the Respondent submitted, was a more than adequate period of time to gain sufficient experience to pass a Part 3 test. The Tribunal found that an alleged difficulty in obtaining a

date for a Part 3 test was not sustainable and was rejected. Further, the Respondent submitted, the trainee licence system could not be allowed to become an alternative to registration as an ADI; that the purpose of a grant of a trainee licence was not to enable a trainee to provide driving tuition for as long as it takes him to pass a Part 3 test; that refusal of the Appellant's application for a third trainee licence was not a bar to the Appellant attempting (in his case) a final attempt to pass his Part 3 test [that is booked for 20 April 2026]; that holding a trainee licence was not required in order to undertake a Part 3 test; that, in the alternative, the Appellant could provide unpaid driving tuition without charge, or, attend a training course, or, study or practice with an existing ADI, submitting that there were applicants for entry onto the Register of ADIs without ever having held a trainee licence. This was accepted as a fact by the Tribunal. The Appellant had failed to pass his Part 3 test on two occasions and had cancelled a Part 3 test on two other occasions.

4. The Appellant, in his said Notice of Appeal dated 29 added that being granted a 3rd trainee licence would 'greatly improve his chances of passing [his] Part 3 test and allow [him] to continue supervised training in the meantime'. However, that is not the purpose of a trainee licence.
5. The Appellant submitted a written submission dated 20 March 2026 and a written statement dated 21 March 2026. He submitted that he required a 3rd trainee licence, failing which he would 'lose access to a training vehicle and [his] ability to continue instruction' and that the purpose of a trainee licence was to allow an aspiring ADI to gain 'real world instructional experience', that, he submitted, could not be replicated without holding a trainee licence. However, that is not quite the correct description of the purpose of a trainee licence but, in any event, the Appellant has had the benefit of a trainee licence for almost 20 months to date. The Tribunal rejected the additional submissions made by the Appellant in his said statement dated 21 March 2026 as having no substantive validity in respect of whether or not to grant him a 3rd trainee licence. © CROWN COPYRIGHT 2026
6. This appeal concerns a decision of the Respondent to refuse the Appellant's application for a further, third, 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 two trainee licences, giving a period of 12 months to gain sufficient experience to pass a Part 3 test [with a further period of almost 8 months until determination of this appeal] was more than adequate time to gain sufficient experience to pass his Part 3 test.

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.
11. In reaching my decision I have taken into account all of the written evidence and submissions that I received, and considered all of the circumstances relevant to this appeal. The submissions of the Appellant as to why he should be granted a third trainee licence, essentially, to encompass the date of his final permitted Part 3 test attempt on 20 April 2026, were not sustainable in law to allow this appeal.
12. There was little or no dispute as to the material facts of this case.
13. Accordingly, the appeal is dismissed. Signed: Judge McMahon, Date: 10 April 2026. © CROWN COPYRIGHT 2026

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Prepared on 22 October 2026 · Esheria