

UNITED KINGDOM / JUDGMENT

Karim v Registrar of Approved Driving Instructors [2025] UKFTT 1431 (GRC) (28 November 2025) [2025] UKFTT 1431 (GRC)

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

Neutral Citation Number: [2025] UKFTT 1431 (GRC)

Case Reference: FT/D/2025/0623

First-tier Tribunal

General Regulatory Chamber

Transport

Decided with a hearing by CVP

Decision Given On: 28 November 2025

B e f o r e :

TRIBUNAL JUDGE T BARRETT

Between:

RAZVI MOFASSAL KARIM

Appellant

- and -

REGISTRAR OF APPROVED DRIVING INSTRUCTORS

Respondent

Representation:

For the Appellant: Appeared by telephone

For the Respondent: Did not appear

HTML VERSION OF DECISION

Crown Copyright ©

Decision:

The appeal is Dismissed. The Registrar's decision of 28 May 2025 is upheld.

REASONS

Introduction

The Appellant is a trainee driving instructor who was granted a trainee licence under section 129 of the Road Traffic Act 1988 (the "Act"), for one six-month period from 23 September 2024 to 22 March 2025. They were refused a second trainee licence by a decision of the Registrar of Approved Driving Instructors ('the Registrar') made on 28 May 2025. The Appellant now appeals that decision.

The Appellant attended the hearing via telephone but the Respondent, in line with its usual practice, did not attend and instead sought to rely on the written submissions alone. The Tribunal was satisfied that it was fair and just to conduct the hearing in this way.

What follows is a summary of the submissions, evidence and our view of the law. It does not seek to provide every step of our reasoning. The absence of a reference by us to any specific submission or evidence does not mean it has not been considered.

Legal Framework

The Appellant's name is not on the Register of Approved Driving Instructors ("the Register") and is therefore prohibited from giving paid driving instructions by section 123 (1) of the Act unless they hold a trainee licence issued by the Registrar pursuant to section 129(1) of the Act.

The grant of a trainee licence enables applicants to provide instruction for payment before they are qualified. A trainee licence under section 129(1) of the Act is granted:

'for the purpose of enabling a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing such part of the examination... as consists of a practical test of ability and fitness to instruct.'

In order to qualify as an Approved Driving Instructor, applicants must pass the 'Qualifying Examination' comprised of three parts: the written examination ('Part 1'); the driving ability and fitness test ('Part 2'); and the instructional ability and fitness test ('Part 3').

The whole qualifying examination must be completed within two years of passing Part 1, and only three attempts are allowed for each Part, failure to comply with either of these requirements results in the whole examination needing to be retaken.

If a candidate has passed Part 2, they may be granted a trainee licence. The grant of a trainee licence enables applicants to provide instruction for payment before they are qualified. It is possible to qualify as an Approved Driving Instructor without having held a trainee licence.

By section 129(3) of the Act

"The Registrar may refuse to grant a licence under this section to an applicant to whom such a licence has previously been issued."

By section 129(8)(c) of the Act

"before deciding whether or not to refuse the application, the Registrar must take into consideration any such representations made within that period."

By section 129(6) of the Act:-

"Notwithstanding any provision of regulations made by virtue of subsection (5) above prescribing the period for which a licence is to be in force, where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence shall not expire—

- (a) until the commencement of the new licence, or
- (b) if the Registrar decides to refuse the application, until the time limited for an appeal under the following provisions of this Part of this Act against the decision has expired and, if such an appeal is duly brought, it is finally disposed of."

The powers of the Tribunal in determining this appeal are set out in s.131 of the Act. The Tribunal may make such order as it thinks fit.

When making its Decision, the Tribunal stands in the shoes of the Registrar and takes a fresh decision on the evidence available to it, giving appropriate weight to the Registrar's decision as the person tasked by Parliament with making such decisions. The burden of proof in satisfying the Tribunal that the Registrar's decision was wrong rests with the Appellant.

The Appeal

The Appellant's notice of appeal dated 10 May 2025 relies on the following grounds as reasons for the appeal:

- a. The situation the Appellant finds themselves in is due to factors outside of their control and not due to any wilful non-compliance on the part of the Appellant.
- b. There were long delays when the Appellant sought to book tests.

- c. Having obtained a trainee licence in September 2024 the Appellant undertook further training with the head instructor at Adams Driver Trainer school, unfortunately that instructor unexpectedly passed away in March 2025 at the end of that trainee licence period. The Appellant gives this as the reason he was unaware of the requirement to complete the 20 hours of essential training and complete and return the ADI21AT form.
- d. Once aware of the ADI21AT failure the Appellant took immediate action and completed this requirement in April 2025.

The Appellant's notice of appeal also stated that the desired outcome of the appeal is "

to allow the appeal and grant me a 2

nd

PDI licence"

The Appellant's representations to the Registrar of the 14 April 2025 repeats substantially the same points as made in the notice of appeal.

The Registrar's notice of refusal dated 28 May 2025, takes the representations made by the Appellant in various correspondence into consideration and states the reasons for the refusal as:

- a. The Appellant failed to comply with the conditions of the first licence.
- b. The Appellant had already been granted one trainee licence of six months duration which is considered to be a more than adequate period of time.
- c. It was not Parliament's intention that the candidates should be issued licences for as long as it takes them to pass the examination and the trainee licence system must not be allowed to become an alternative to registration as a fully qualified Approved Driving Instructor.

The Registrar's statement of case dated 4 July 2025 resists the appeal. The Registrar states that:

- a. The Appellant failed to comply with the conditions of their first licence as the training objectives on the relevant ADI21AT training record form were not all completed within the first three months of the licence period. It is also noted that the Appellant made representations that part of the reason for this failure was that his instructor passed away in March 2025, however that person is not the same one as the instructor named on the licence. (para 5).
- b. 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 (para 6(i)).

- c. 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. (para 6(ii)).
- d. Since passing the driving ability test the Appellant has failed the instructional ability test once and cancelled one more such test. Despite ample time and opportunity the Appellant has not been able to reach the required standard for qualification as an Approved Driving Instructor. (para 6(iii)).
- e. The refusal of a second licence does not bar the Appellant from attempting the instructional ability test of the Register examinations. They do not need to hold a trainee licence for that purpose, nor is it essential for them 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 their own (provided that they do not receive payment of any kind for this). These alternatives are used by some trainees who acquire registration without obtaining any licences at all (para 6(iv)).

The evidence

We considered a bundle of evidence containing 26 numbered pages and heard from the Appellant. In summary the Appellant set out:

- a. As regards the Part 3 test scheduled for 10 November 2025 this did not go ahead as the Appellant was informed the DVSA had to cancel this test due to lack of staff availability.
- b. The whole training process has meant the Appellant has taken a considerable hit as they have spent a lot of money on training and to prepare as the fees for trainers are significant.
- c. In relation to the point made by the Registrar that the person who passed away was different to the person on his forms, the Appellant suggests the Registrar may be mistaking the person who completed the ADI 21AT from after the passing away of his instructor and the instructor.
- d. That the standard of training the Appellant received after his instructor passed away was not as high and might be why he failed the test the first time.
- e. As regards the failure to complete the ADI21AT within the first three months and the obligation being on him to do so, not his instructor, the Appellant stated that he probably failed to read the requirements when starting to train and he relied on his instructor entirely as wasn't really aware he had to do it or within the three month period and so that is why it wasn't completed till after 6 months had passed. He chose to rely on his instructor rather than making sure himself of his obligations and was only after the death of that instructor that he decided to take responsibility and started reading the website and getting all the relevant information together.

- f. The death of his instructor and the delay of tests impacted him financially given he had paid for all the training in one lump sum and so when that company wasn't able to support him, he had to look elsewhere at additional cost. The Appellant had some contact with that original company that still exists, but it is unclear what the status of the monies he has paid to them and the services owed. But the Appellant has not chased the company since August 2025.
- g. The Appellant was satisfied he was fully ready and prepared to take the test in November and so feels let down by the further delay. The Appellant feels that he would benefit from further mock tests before the rescheduled test in February and perhaps from receiving some instruction himself as well. The Appellant still wishes to have a further Trainee licence but admitted this was not primarily so that he could undertake further training and experience of teaching students for payment. But rather was for the purpose of earning money in order to pay for his further mock tests and own personal tuition as the Appellant is not currently working elsewhere.

Conclusions

We have considered the Appellant's points of appeal.

We are aware that it can be difficult to book a Part 3 test (and in fact other related tests), but that in itself is not a reason to grant further licences given it is not necessary to have such a licence in order to take and pass the Part 3 test. The Tribunal notes that since lodging this appeal the Appellant has failed a Part 3 test on 12 May 2025, cancelled a Part 3 test on 4 September 2025 and was scheduled to take Part 3 on 10 November 2025.

Despite it being a common misunderstanding, it is not the case that individuals are entitled to continual renewal of trainee licences until they pass their Part 3 test. The six month period of such licences is set on the basis this is an adequate period to prepare for the Part 3 Test, and it is not necessary to hold a Trainee Licence in order to either prepare for or to take the Part 3 test.

We note that the Appellant has already had the benefit of one trainee licence covering a period of six months from 23 September 2024 to 22 March 2025. During that period one of the requirements that applies to all Trainees is to complete 20 hours of specified training objectives and complete the ADI21AT training form within the first 3 months. In the Appellant's case this requirement should have been completed by 23 December 2024. This is an obligation on the Appellant, not their instructor and it is a standard and well-known requirement of the ADI system. The Appellant failed to meet this requirement even by the date of expiry of the first trainee licence. The Appellant sought to argue this was due to the unfortunate passing of a particular instructor at his driving school, however the Tribunal did not find this at all credible given the fact that the deceased individual passed away almost 3 months after the deadline for meeting these requirements. By the Appellant's own admission to the Tribunal he did not take responsibility for knowing and executing the requirements of his training till after his instructor died in March 2025, and so was not aware of even basic and fundamental requirements such as the ADI21AT. Had the Appellant taken a responsible and proper approach to his training he

would have known about this requirement from the outset.

The trainee licence provisions do not exist primarily to provide a source of income but instead exist to assist individuals in obtaining the full qualification necessary for a career as an ADI. It is also notable that these trainee licences are always time limited and there should be no expectation that additional licences after the first will always be granted. Individuals undergoing the process of training to be an ADI must therefore ensure that they have the necessary income to support themselves from other sources in light of these facts. Again, by the Appellant's own admission the purpose of a further trainee licence for the Appellant is not so as to further the training and experience of the Appellant directly but rather is mostly just a mechanism in order for the Appellant to earn money to enable other activities that support his preparation for Part 3 (which do not require the possession of a trainee licence).

We also note that the Appellant passed their Part 1 test on the 22 August 2023 and so the two-year period within which they must pass both the Part 2 and Part 3 tests had expired by the 22 August 2025.

The Appellant has not persuaded us that the Registrar's decision was wrong in any way. In all the circumstances, we agree with the Registrar's decision and dismiss this appeal.

Signed Tribunal Judge T Barrett

Date: 25/11/2025

BAILII:

Copyright Policy

|

Disclaimers

|

Privacy Policy

|

Feedback

|

Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/uk/cases/UKFTT/GRC/2025/>

CASE PAGE <https://chat.esheria.ai/case-law/united-kingdom/karim-v-registrar-of-approved-driving-instructors-2025-ukftt-1431-grc-28-november-2025>

Prepared on 22 October 2026 · Esheria