

UNITED KINGDOM / JUDGMENT

Obaydi v Registrar of Approved Driving Instructors [2025] UKFTT 1383 (GRC) (25 November 2025)

[2025] UKFTT 1383 (GRC)

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Neutral Citation Number: [2025] UKFTT 1383 (GRC) Case Reference: FT/D/2025/0665 First-tier Tribunal (General Regulatory Chamber) Transport Decided without a hearing Decision Given On: 25 November 2025 B e f o r e : JUDGE TAFT

Between: HAMID OBAYDI Appellant

- and - REGISTRAR OF APPROVED DRIVING INSTRUCTORS Respondent

HTML VERSION OF DECISION

Crown Copyright © Decision: The appeal is Dismissed

REASONS

Introduction

The Appellant is a trainee driving instructor who was granted trainee licences under section 129 of the Road Traffic Act 1988 (the "Act"), for two six-month periods from 20 May 2024 to 19 May 2025. He was refused a third trainee licence by a decision of the Registrar of Approved Driving Instructors ('the Registrar') made on 5 June 2025. The Appellant now appeals that decision. The parties have agreed to a paper determination of the appeal. The Tribunal is satisfied that it can properly determine the issues without a hearing within rule 32(1)(b) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (as amended).

Legal Framework

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. Only three attempts are allowed for each Part. The whole examination must be retaken if an applicant fails Part 2 or Part 3 three times or does not pass both within the two years. If a candidate has passed Part 2, they may be granted a licence under section 129(1) of the Act: '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.' This is commonly known as 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." Section 131 of the Act gives a right of appeal to this Tribunal. The Tribunal may make such order as it thinks fit. In doing so, the Tribunal must consider whether the Registrar's decision was wrong. The Tribunal makes a fresh decision on the evidence available to it but must give 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 Decision On 7 May 2025, the Registrar informed the Appellant that he was considering refusing his application for a third trainee licence. The Appellant made representations on 17 May 2025 that:
 - (a) His licence was due to expire on 19 May 2025 but his Part 3 test was scheduled for 15 July, creating a gap in which he would be unable to continue instructing, potentially undermining the progress he had made; and
 - (b) He had complied with the terms of his first licence and was fully committed to developing the necessary instructional skills and gaining practical experience. On 5 June 2025, the Registrar notified the Appellant that it refused his application for a third trainee licence. The notice of refusal states the reasons for the refusal as:

- (a) The Appellant had not presented any evidence of lost practice time.
- (b) The Appellant had already been granted two trainee licences 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 Appeal The Appellant's notice of appeal dated 18 June 2025 relies on the following grounds as reasons for the appeal:
 - (a) The Appellant needs a trainee licence to keep training;
 - (b) If he stops training, he will not be ready for the test;
 - (c) His insurer won't cover him to take a pupil to the test if he is not licensed; and
 - (d) It's taking ages to get a test date. The Registrar's statement of case dated 26 August 2025 resists the appeal. The Registrar states that:
 - (a) The Appellant provides no evidence of lost training time or lack of pupils.
 - (b) He has cancelled multiple tests.
 - (c) 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.
 - (d) 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. The Appellant was given two trainee licences totalling twelve months. Moreover, by virtue of the Appellant having applied for a third 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.
 - (e) Since passing his driving ability test the Appellant has failed the instructional ability test twice and cancelled six tests. Despite ample time and opportunity the Appellant has not been able to reach the required standard for qualification as an Approved Driving Instructor.
 - (f) The refusal of a third 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. The evidence The Tribunal considered a bundle of evidence containing 22 pages, including the Appellant's full trainee licence history from the Registrar. Tribunal's Findings of Fact The Appellant passed his Part 1 Test on 27 March 2024 and Part 2 Test on 2 May 2024. The Appellant's first trainee licence was granted on 20 May 2024 for a period of six months. The Appellant's second trainee licence was due to expire on 19 May 2024. He cancelled a Part 3 Test on 16 May 2024, failed on 25 June 2024, then cancelled four tests scheduled for 25 July (two tests), 12 August and 18 September before failing again on 30 September 2024. He then cancelled the test scheduled for 15 July 2025 detailed in his application as the reason he was seeking a third licence. Conclusions The Tribunal considered the Appellant's points of appeal. The six-month period of trainee licences is set on the basis that this is considered to be an adequate period to prepare for the Part 3 Test. The Appellant has already had the benefit of two trainee licences covering a period of twelve months from 20 May 2024 to 19 May 2025. Additionally, by applying for a third trainee licence the Appellant has had the benefit of s.129(6)(b) of the Act extending the first trainee licence until this appeal is disposed of (i.e. a further period of six months). It is not necessary to hold a trainee licence in order to either prepare for or to take the Part 3 test – only to receive payment for providing lessons. A trainee licence must not become an alternative to qualification by passing the Part 3 test. It was not the intention of Parliament that trainee licences be renewed until all attempts at passing Part 3 have been taken. The Appellant has provided no evidence of lost training time, lack of pupils or any other explanation as to why it has taken him so long to schedule tests. He has provided no explanation of why tests have been cancelled and no evidence that he now has a final attempt at the test booked. The Appellant has not therefore discharged his burden of satisfying the Tribunal that the Registrar's decision was wrong. Notwithstanding what the Appellant says about his difficulties booking his third test (which he then cancelled), he has now had a trainee licence for eighteen months, which should be a more than adequate extension to the usual six-month period to enable him to obtain the practical experience envisaged by the Act. The Tribunal therefore dismisses this appeal. Signed Judge Taft Date: 19 November 2025 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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