



<http://oeapng.info>

## Transport in Minibuses

This document relates to passenger carrying vehicles fitted with between 10 and 17 seats including the driver (9 to 16 passenger seats). Further information is available at

- <https://www.gov.uk/vehicles-can-drive>
- <https://www.gov.uk/driving-a-minibus>
- <https://www.gov.uk/government/publications/driving-school-minibuses-advice-for-schools-and-local-authorities>

### Licensing Requirements for the Establishment

When an establishment runs a minibus (whether it owns or hires the vehicle) for Hire or Reward, then a Public Service Vehicle (PSV) Operator's Licence is required, and the vehicle must have a tachograph, unless a Section 19 Permit is held for the vehicle (Section 10B Permit in Northern Ireland).

"Hire or Reward" is when a payment is made, directly or indirectly, which gives passengers the right to be carried in the minibus (e.g. payment for an educational visit). This includes when any payment is made to the driver of the minibus (e.g. driving during paid employment), should such payment grant anyone a right to be carried in the minibus.

In practice, this means that most establishments that operate minibuses need either a Section 19 Permit on each vehicle or a PSV Operator's Licence.

Under the Transport Act 1985, and the Local Transport Act 2008, Section 19 Permits allow certain non-commercial organisations (such as educational establishments and charities) to be exempt from the need to hold a PSV operators' licence. They also allow drivers who obtained their D1 licence before 1997 to drive a minibus for Hire or Reward for non-commercial organisations. These permits are available from Traffic Area Offices and through some local authorities. They are not valid outside the UK.

Fee-paying schools which do not have charitable status should take legal advice about their status regarding Hire or Reward and eligibility for Permits.

## Drivers' Licensing Requirements

- Minibus drivers must hold a category D1 (or D) entitlement on their licence, except for volunteer drivers in certain limited circumstances (see below).
- Drivers whose licence shows a D1 entitlement because they obtained their licence before 1997 have a category 101 restriction on their entitlement. This means that they may NOT drive for Hire or Reward (see definition above) unless they are driving under a Section 19 Permit (see above).
- Where an establishment is operating under a PSV Operator's Licence (see above), drivers must also have a Driver Certificate of Professional Competence (CPC) and undertake further training every five years. These drivers will need to carry their Drivers Qualification Card (DQC) when they are driving.

Some employers have additional requirements, so drivers should check their employer's policy.

## Volunteer Drivers

A category B car licence can be used to drive a minibus when ALL of the following apply:

- The driver is acting as a volunteer (i.e. receives no consideration for driving the vehicle except for out-of-pocket expenses).
- The minibus is being operated by a non-commercial body for social purposes.
- There is a Section 19 Permit, OR no payment is being made which gives passengers the right to be carried in the minibus (e.g. payment for a school trip).
- The minibus's Maximum Authorised Mass is below 3.5 tonnes (4.25 tonnes if including specialist equipment to carry disabled passengers).
- The driver is over 21 and has had a car licence for at least 2 years.
- No trailer is being towed.
- The vehicle is within the UK.

The Department for Education, Department for Transport and Association of Chief Police Officers have issued advice\* which states that there are certain circumstances when a teacher driving a minibus can be regarded as acting as a volunteer, but this advice is not definitive and has not been tested in the courts. Employers should study the most recent government guidance, take legal advice if they have any queries or concerns, and provide a clear policy. If teachers or other employees are permitted to drive as volunteers on a category B licence, then they should receive appropriate training.

Some employers do not permit employees to drive a minibus on a category B licence, even in circumstances when they might be regarded as volunteers. If you do not hold a D1 (or D) entitlement, you should check your employer's policy if you are considering driving a minibus.

\* <https://www.gov.uk/government/publications/driving-school-minibuses-advice-for-schools-and-local-authorities>

## Driving Outside the UK

Before driving a minibus in any country outside the UK, the current specific regulations of that country should be checked. Many European Union regulations apply in the UK, but the UK has negotiated certain exemptions, and these exemptions do not apply when driving outside the UK. Where 'Europe' is mentioned below, this means countries within the European Union, the European Economic Area, and Switzerland.

A D1 licence is valid for temporary visits to Europe. However, Section 19 (or 10B) Permits are not valid outside the UK, and so the following considerations apply if the minibus is driven for Hire or Reward (which will be the case for the majority of school trips etc.):

- The D1 licence must have been obtained by passing a PCV driving test (i.e. have been obtained since 1<sup>st</sup> January 1997).
- The driver must hold a current Driver Qualification Card (DQC)
- The employer or establishment must hold a Public Service Vehicle (PSV) Operator's Licence.

Outside Europe, an International Driving Permit may be required (in some countries a translation of a UK licence is permitted). Motoring organisations such as the AA and RAC provide information about requirements in specific countries.

In Europe, the following documents must be carried (this list may not be exhaustive):

- A control document ('Waybill'), or an Own Account Certificate (OAC) for non-profit organisations using their own minibus
- Insurance certificate
- European accident form
- Vehicle Registration Document or Vehicle Hire Certificate
- Permission to drive from the vehicle's registered owner.
- Driver's licence
- Passports for the driver and all passengers.

A tachograph must be used in Europe, and in the UK when on an international journey even if a tachograph would not be required for a domestic journey. The driver must comply with EU driving hours rules, even when within the UK. Journeys to the Republic of Ireland do not require a tachograph.

In addition, the following are required:

- GB sticker
- Warning triangle
- First Aid
- Fire extinguisher
- 2 high-visibility vests
- Spare bulbs
- French law requires drivers to be able to produce an unused and in date NF approved breathalyser kit

## Weight Limits

Care must be taken not to exceed a vehicle's Maximum Authorised Mass (MAM), as this can be dangerous and the penalties can be severe. Establishments should check that the difference between the unladen weight and the MAM of any minibus that they intend to use, is sufficient for the anticipated loads including passengers and luggage. If necessary, guidance should be provided to drivers about limits on luggage or the number of passengers.

## Drivers' Responsibilities

Minibus drivers must:

- Understand that they are legally responsible for the condition of the vehicle, including compliance with requirements for carrying safety equipment (e.g. fire extinguisher, warning triangle, first aid kit, reflective jackets).
- Check the vehicle before using it. Checks must be recorded, and any defects reported using a written procedure.
- Ensure that they meet the driver licensing requirements.
- Ensure that the vehicle is not overloaded, and that the total weight does not exceed the vehicle's Maximum Authorised Mass (MAM).
- Comply with their employer's and establishment's policy requirements.
- Use a tachograph if required to do so (e.g. driving abroad; driving for Hire or Reward in the UK without a Section 19 Permit).
- Not drive when taking medication or undergoing treatment that might affect their ability or judgment.
- Know what to do in an emergency, including how to use fire fighting and first-aid equipment.
- Avoid driving for long periods and ensure that rests are taken when needed (see below).
- Comply with transport regulations and the requirements of the vehicle's insurance cover.
- Have regular medical checks including eyesight tests.
- Observe minibus speed limits, which are generally lower than those for a car. See [www.gov.uk/speed-limits](http://www.gov.uk/speed-limits).

## Driving Hours

Many drivers will need more frequent rests than required by law. The legal driving hours requirements assume that drivers do not do other work on the days they are driving: if a driver is doing other work (e.g. teaching) on the same day as driving, then great care should be taken not to drive while tired.

A volunteer driving with a Section 19 Permit in the UK does not have to comply with any regulations on driving hours.

An employee driving with a Section 19 Permit in the UK must comply with UK Domestic Regulations, unless they drive for less than 4 hours per day in any week.

- Driving is defined as “being at the controls of a vehicle for the purposes of controlling its movement, whether it is moving or stationary with the engine running, even for a short period of time”.
- In any working day, the maximum amount of driving is 10 hours.
- After 5.5 hours of driving a break of at least 30 minutes must be taken, during which the driver is able to obtain rest and refreshment.
- Alternatively, within any period of 8.5 hours in the working day, total breaks amounting to at least 45 minutes must be taken so that the driver does not drive for more than 7 hours and 45 minutes. The driver must in addition have a break of at least 30 minutes to obtain rest or refreshment at the end of this period, unless it is the end of the working day.

Anyone driving outside the UK, or in the UK under a PSV Operator’s Licence (i.e. without a Section 19 Permit), must comply with EU/AETR (European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport) regulations on driving hours and tachographs.

Drivers should keep a written record of any minibus driving they have done in the last 28 days, unless this has been recorded by a tachograph.

Further guidance, including detailed information on EU/AETR regulations can be found at [www.gov.uk/drivers-hours](http://www.gov.uk/drivers-hours).

## Minibus Maintenance and Standard Checks

Establishment heads/managers will be deemed to have responsibility for the maintenance and standard checks of vehicles based at their establishment, unless such responsibility is specifically delegated elsewhere. The appointed person responsible for maintaining the minibus should:

- Ensure that all drivers understand that they should carry out appropriate checks at the start of any journey, and provide a written procedure for recording such checks and for reporting defects
- Check the vehicle’s general condition regularly (weekly for minibuses with high usage).
- Ensure proper servicing by a reputable garage.
- Maintain a record-of-use book if this is required.
- Ensure that the service history, insurance and other relevant documents are kept up-to-date.
- Ensure that any staff or volunteer adult helpers driving the minibus are competent and have undertaken suitable training/assessment to do so.

## Luggage

Luggage should be placed to ensure doors and emergency exits cannot become blocked and should be stowed securely so as not to create a hazard when braking sharply or in the event of an accident. If it is necessary to carry potentially dangerous substances inside the vehicle, such as small gas canisters or fuel cans, then these should be in small quantities and stowed securely, in such a way that they cannot spill, or become dislodged. It is best to keep such materials out of direct sunlight and to keep a window ajar for ventilation.

## Towing a Trailer

When fully loaded, a trailer must not weigh more than the **unladen** weight of the vehicle. A driver with a D1 licence can tow a trailer of up to 750 kg when loaded. A category E licence is required for a heavier trailer. However, a driver who obtained a D1 licence before 1997 can drive a heavier trailer, with a Maximum Authorised Mass of 8,250 kg for the vehicle and trailer combined.

If a trailer prevents the back doors of a minibus being used in an emergency, then an alternative exit must be provided, such as an additional sliding door on the offside. Different speed limits apply when a trailer is being towed. These are available at [www.gov.uk/speed-limits](http://www.gov.uk/speed-limits).

## Supervision of Groups in Minibuses

The driver of any vehicle cannot safely drive and supervise passengers at the same time. Therefore a judgement should be made about the likely behaviour and individual needs of the passengers. If any of the passengers may require close supervision, one or more responsible adults should travel in the vehicle as escort(s), so that the driver is not distracted.

In determining the staffing ratio necessary to ensure effective supervision, establishments should consider the factors that might influence the safety of the driver and passengers.

These factors include:

- The length of the journey and time of day when it takes place.
- The route and the familiarity of the driver with this route.
- The nature of the group (e.g. age/maturity/special needs/behavioural issues) and the level of behaviour management or support they are likely to require during the journey. In any seating arrangements, thought should be given to where it is best to place leaders, ensuring that the arrangements will support the management of discipline and adult proximity to emergency exits.
- The overall workload of the driver during the day (other responsibilities and duties undertaken or planned by drivers).

Based on an assessment of these factors, establishments should decide whether:

- A sole leader (who is also the driver) is sufficient (e.g. short journey, small groups of young people who are unlikely to present any supervision issues);
- or
- Additional staffing is required to supervise young people and/or share driving duties during the journey.

