

# Passenger transport provided under Section 19 or Section 22 permits



(Revised 2009 PSV 385 - 01)

This guide and the application forms for permits and local bus service registration are available through [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport), as is the publication Notices and Proceedings. The website also provides useful information for organisations who operate vehicles without a view to profit, transport operators, local authorities, hire companies and the general public.

**Disclaimer**

This publication gives general guidance only and should not be regarded as a complete or authoritative statement of the law. The interpretation of the law remains the sole prerogative of the Courts.

If you wish to check the legal position you should seek your own legal advice.

# Foreword by VOSA Chief Executive



This new guide - Passenger Transport Provided Under Section 19 and Section 22 Permits - is designed to help those bodies and organisations who provide passenger transport without a view to profit.

These organisations make a valuable contribution to passenger transport and, as with any passenger transport operation, it is essential that passengers are carried safely, in well maintained vehicles operated in accordance with the legislation. This guide provides advice on how to provide such transport safely and lawfully. It also provides advice for the drivers of permit vehicles and for designated bodies who issue standard permits.

VOSA welcomes the opportunity to work with the traffic commissioners, the Community Transport Association and other organisations to bring you this guide. Our aim is to provide both new and existing permit holders with the necessary information to ensure they understand and are compliant with the often complex requirements of providing safe and legal transport. By working together we can ensure that passengers are transported in a safe and reliable way.

VOSA is an enforcement agency but, in addition to this function, it is committed to providing educational material and advice and this guide forms part of that commitment.

A handwritten signature in blue ink that reads "A Peoples". The signature is written in a cursive, flowing style.

**Alastair Peoples**  
**VOSA Chief Executive**

# Foreword by the Senior Traffic Commissioner for Great Britain




The Local Transport Act 2008 has resulted in the introduction of a number of provisions that will streamline the administration of the permit scheme and enhance the effectiveness of the service given to applicants and holders of Sections 19 and 22 permits.

In essence, the new permit system is a much welcomed and more robust scheme that will benefit these organisations, and the industry as a whole, by ensuring that they can operate within the law without unnecessary burden.

This new guide has been produced by VOSA, which will be responsible for administering the revised permit scheme on behalf of Traffic Commissioners. The advice set out in this guide is designed to ensure that organisations have the means to operate safely and lawfully under the permit system. The obligations required of both designated bodies and permit holders are set out clearly to enable holders to comply with the revised system. As regulators of public service vehicles, the Traffic Commissioners' prime role is to encourage road safety and fair competition and the new arrangements for permit applicants and holders are designed to complement that aim.

This guide is designed to be of practical use. I hope that you will find it interesting, informative and invaluable.

A handwritten signature in black ink that reads "Philip Brown". The signature is written in a cursive style and is underlined with a long, horizontal stroke.

**Philip Brown**  
**Senior Traffic Commissioner for Great Britain**

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# Introduction

The purpose of this guide is to offer advice to organisations who provide passenger transport without a view to profit; to explain the rules governing the permit system; and to assist those who wish to apply for permits issued under Section 19 or Section 22 of the Transport Act 1985.

The guide is only intended for general help; it is not a legal document and does not provide a definitive interpretation of the legislation. Only the Courts can do that. Although VOSA staff can help you to determine whether you are eligible for a permit, they cannot advise on the legality of individual operations once the permit is granted. You should seek your own legal advice if you are in doubt on this issue.

The relevant legislation is to be found in sections 18 to 23A of the Transport Act 1985. Further requirements and conditions are prescribed in the Section 19 Permit Regulations 2009 (S.I. 2009/365) and the Community Bus Regulations 2009 (S.I. 2009/366). Copies of the Regulations can be obtained from the Office of Public Sector Information, [www.opsi.gov.uk](http://www.opsi.gov.uk).

There is also a comprehensive list of useful addresses and telephone numbers at Annex 7 of this guide. Information about the Community Transport Association (CTA) can be found at Annex 8. Other organisations also produce a range of helpful publications. Details of these are given in Annex 7.

The publications listed below may also be useful and can be obtained free of charge from [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport)

- A Guide to Local Bus Service Registration (PSV353A)
- Public Service Vehicle Operator Licensing - Guide for Operators (PSV437)
- A Guide to Flexible Bus Service Registration (PSV358A)
- Drivers' Hours Rules for Road Passenger Vehicles (PSV375)
- Guide to Maintaining Roadworthiness

The following publication can be obtained free of charge from The Department for Transport (DfT) Great Minster House, 76 Marsham Street, London, SW1P 4DR:

- The Safety of Passengers in Wheelchairs on Buses (VSE 87/1)

The Community Transport Association (CTA) can also provide information and advice (see Annex 8 for contact details).

## **TAKE NOTE:**

If you are using a vehicle for hire or reward without either a valid PSV operator's licence or permit you could be liable to prosecution and have your vehicle impounded. This guide is intended to help you to establish whether you are entitled to a permit. For an explanation of hire or reward please refer to page 9 "Payment for providing transport".

# Section 1

## 1. What are permits?

Ordinarily, any organisation operating in Great Britain (GB) that accepts any sort of payment for providing transport to passengers must hold either a public service vehicle (PSV) operator's licence issued by the relevant traffic commissioner or a private hire vehicle licence issued by a local authority. In most cases, drivers of PSVs will also

Under section 19 and section 22 of the Transport Act 1985 organisations who operate in GB without a view to profit can obtain a permit exempting them from the need to hold a PSV operator's licence when providing transport for a charge. Under specified conditions, the drivers of certain vehicles are exempt from the need to have PCV entitlement on their driving licence.

Section 2 and section 3 of this guide describe how to make an application for a section 19 or section 22 permit respectively.

### TAKE NOTE:

Permit holders have a responsibility to ensure that their services are operated within the law, with vehicles properly maintained and using drivers with the appropriate qualifications. If permit holders are in any doubt about their obligations in operating their vehicles safely and legally, and their ongoing entitlement to operate under the permit, then they should discuss with the body that issued the permit or VOSA.

## 2. Types of permit

There are two types of permits issued under the Transport Act 1985.

- Those issued under section 19 (permits in relation to use of vehicles by educational and other bodies); and
- Those issued under section 22 (community bus permits).

Section 19 permits are either 'standard permits' for vehicles which are adapted to carry no more than 16 passengers (excluding the driver) or 'large bus permits' for vehicles which are adapted to carry 17 or more passengers. These permits may be granted to organisations who operate vehicles without a view to profit to transport their members or people whom the organisation exists to help. Section 19 permit vehicles cannot be used to carry members of the general public. Further information can be found in Section 2 of this guide.

Section 22 permits are issued to organisations concerned for the social and welfare needs of one or more communities who operate vehicles without a view to profit to provide a community bus service. Unlike section 19 permit vehicles, community bus services are 'local bus services'<sup>1</sup> and can carry the general public. Vehicles adapted to carry nine or more passengers (excluding the driver) may be used under a community bus permit. This includes large buses adapted to carry seventeen or more passengers. However, use of a large bus will not be authorised unless the traffic commissioner is satisfied that there are adequate facilities or arrangements in place to maintain the vehicle in a roadworthy condition. Further information can be found in Section 3 of this guide.

<sup>1</sup> Local bus services are defined as services using public service vehicles for the carriage of passengers by road at separate fares on which passengers may travel for less than 15 miles.

**TAKE NOTE:**

A community bus permit issued before 6th April 2009 does not authorise the use of a large bus. Further information can be found in Section 3 of this guide.

A single permit authorises the use of one vehicle, but an organisation may hold more than one permit. Permits are not vehicle specific, so they can be transferred between the holder's vehicles, providing only one vehicle is used under a particular permit at any one time. An organisation may also hold both section 19 and section 22 permits but a vehicle may only be used under one permit at any one time. The correct disc should be displayed in the vehicle, according to how the vehicle is being used at the particular time.

**TAKE NOTE:**

You should not display a section 19 and a section 22 disc in any one vehicle at the same time. The disc to be displayed will depend upon what the vehicle is being used for. For example, if you are providing a local bus service you must display the section 22 disc.

### 3. Definitions

Without a view to profit (not for profit)

A vehicle being used under a permit must not be used with a view to profit nor incidentally to an activity which is itself carried on for profit.

A charity would normally be considered to be a not for profit making organisation. In England and Wales charities may be registered with the Charity Commission and, in Scotland, with the Office of the Scottish Regulator but not all charities are registered. If your organisation is registered it should have a registration number which you should quote on your application form.

However an organisation does not necessarily have to have charitable status in order to satisfy this requirement. Societies and clubs whose primary purpose is the provision of services for its members or the local community and not to make a profit may come within this definition.

Commercial organisations, including privately owned schools, nursing homes, activity centres are not eligible to be granted a permit. Furthermore, where the permit holder provides transport services on behalf of another organisation (e.g. the permit holder is a separate legal entity formed to provide transport services for another organisation), that other organisation must also not carry on its activities with a view to profit. The law on the meaning of vehicles being used incidentally to an activity carried on for profit has been considered by the Courts. In that particular case the permit holder was a company established for the sole purpose of providing transport services for five independent schools owned by a partnership, and was a separate legal entity from the partnership. The Court held that, whilst the permit holder did not operate with a view to a profit, the partnership did, and the permit holder was therefore using the vehicle incidentally to an activity which was carried on with a view to profit. The permit holder was not therefore eligible to operate those services under a section 19 permit.

**TAKE NOTE:**

For example, a charity will not be operating for profit when it runs a minibus from sheltered accommodation to the local super market but, if the supermarket offered to pay for the service, this service would be operated incidental to an activity which in itself is carried on with a view to profit, i.e. the supermarket. This would not be allowed under a permit.



## Community Interest Companies (CICs)

The CIC is a relatively new legal form, designed for social enterprises. The eligibility of a CIC to hold a section 19 permit needs to be considered on a case-by-case basis, but the key point is that - as with any other legal form - the transport services must not be provided with a view to profit, nor incidentally to an activity that is carried on for profit.

An important consideration is likely to be whether or not the CIC has share capital. Where there is share capital, and profits may be distributed in the form of dividends to share holders, the CIC is highly unlikely to be eligible for a section 19 permit. Similarly, where the intention is that the CIC will (or might) generate a return which would then be made available to another CIC, the "not for profit" requirement is unlikely to be met.

By contrast, the "not for profit" condition may be met where:

- the CIC takes the form of a company limited by guarantee without share capital;
- fares are set at a level intended to meet running costs (which can include depreciation) but not to generate a profit;
- there is no scope to distribute dividends to other parties in the normal course of events;
- there is no scope for the directors of the company to sell for personal gain any asset of the company, e.g. the company has an asset lock;
- there is clear evidence that the directors of the company are not paying themselves or others excessive fees or wages to facilitate a not-for-profit outcome to the accounts.

The CIC's memorandum and articles of association may give an indication of whether the CIC is operating with a view to profit. However, given that a common reason for setting up a CIC is to enable surpluses to be made and reinvested in other activities of benefit to the community, it is envisaged that most CICs would not meet the "not for profit" requirement.

Any organisation which is unsure about its status with regard to the requirement not to use vehicles with a view to profit should seek independent legal advice before submitting an application for a permit.

## Payment for providing transport

The legal term for this is 'hire or reward'. It is any payment, in cash or kind, which gives a person the right to be carried on the vehicle, regardless of whether or not that right is exercised. Hire or reward takes place if the journey is organised in a way that goes beyond the bounds of mere social kindness.

The payment may be made by the passenger or on the passenger's behalf. It may be a direct payment e.g. a fare or an indirect payment such as a membership subscription. Where indirect payments are made in respect of other services (rather than specifically for the transport) they are still likely to be viewed by the courts as hire or reward because anyone who had not made the payment would have no right to be carried.

### TAKE NOTE:

The courts have taken a broad view of what constitutes "hire or reward", and may consider indirect payments to be hire or reward. If you are in any doubt over whether your organisation operates vehicles for hire or reward you should seek further advice.

**TAKE NOTE:**

If no charge is made either directly or indirectly for services that include carriage on the vehicle then no permit is required.

## Separate fares

Separate fares mean an individual payment by each passenger to the driver or other representative of the permit holder for the journey undertaken.

Payment may be made on the vehicle or in advance. It may also be by indirect means, perhaps in respect of other services (e.g. tickets to an event where travel is included), or as part of a regular subscription to an organisation. Separate fares are not paid where the vehicle is hired as a whole for a set charge (which is not influenced by the number of passengers carried) and passengers, to the knowledge of the driver or permit holder, make no individual contribution.

Some hypothetical examples to try and illustrate how the separate fares requirement might work are set out in Annex 6. This is not a definitive interpretation of the law (which can only be provided by the courts) but represents VOSA's view on how the law might operate.

**TAKE NOTE:**

Since April 2009 services can be provided under a section 19 permit using a vehicle constructed or adapted to carry no more than eight passengers. Where such vehicles are used under a permit, the passengers must be charged separate fares. This is because if separate fares are not charged and the vehicle is provided for hire with a driver for the purposes of carrying passengers, the vehicle will normally need to be licensed as a private hire vehicle ("PHV"). A section 19 permit does not exempt the operator from the PHV licensing regime.

## Vehicles

- **Small vehicles**  
Adapted to carry eight or fewer passengers (excluding the driver).
- **Small buses**  
Adapted to carry nine to sixteen passengers (excluding the driver).
- **Large buses**  
Adapted to carry seventeen or more passengers (excluding the driver).

A vehicle adapted to carry more than eight passengers which is used for carrying passengers for hire or reward is a public service vehicle (PSV), regardless as to whether it is operated under a permit or a licence. Vehicles adapted to carry eight or fewer passengers are PSVs only if used to carry passengers at separate fares in the course of a business of carrying passengers. This means that if you use a small vehicle you must charge separate fares. The vehicle must not be available for hire as a whole. If you do hire the vehicle as a whole you are likely to need a private hire vehicle licence. In these cases you should contact your Local Authority, who has responsibility for licensing private hire vehicle operations, for advice.

Car sharing is exempt from the requirement to operate under a permit. Car sharing is defined as occurring when prearranged payments are made to the driver and the aggregate of all payments received does not exceed the running costs of the vehicle for the journey. Further information on car sharing schemes is available from the CTA - see Annex 8.

## Issuing bodies

Depending on the type of permit, and the size of vehicle in relation to which the permit is to be used, permits may be issued by–

- traffic commissioners (through VOSA); or
- designated bodies.

Traffic commissioners have the power to issue permits under section 19 and section 22 in respect of all types of vehicle allowed to be used under the relevant permit.

Designated bodies are bodies designated by the Secretary of State in an Order which lists all the designated bodies, and specifies the classes of body to whom each designated body may grant permits. A body is eligible to be designated if it is concerned with–

- education
- religion
- social welfare
- recreation; or
- other activities of benefit to the community.

### TAKE NOTE:

Designated bodies only have the power to grant section 19 permits authorising the use of vehicles adapted to carry no more than 16 passengers (standard permit). They cannot grant a section 19 permit authorising the use of a large bus (adapted to carry 17 or more passengers) and they cannot grant section 22 permits.

Designated bodies include local authorities, and many national voluntary organisations, such as the Scout Association and Age Concern. Designated bodies may issue permits both to themselves and to the classes of body identified in the Order. For example, the Scout Association can grant permits to all Scout Associations within the scope of the Scout Association, and joint scout and guide groups. A list of designated bodies can be obtained through [permits@vosa.gov.uk](mailto:permits@vosa.gov.uk).

The list of designated bodies is subject to review and possible amendment. This means that bodies may be added or removed from the list. If a body is removed from the list any permit issued by that body ceases to be valid. An application for a new permit should be made to the traffic commissioner or another appropriate designated body.

## 4. Additional requirements

As a permit holder you have certain responsibilities to ensure the safe operation of your vehicles, that you are operating within the legal requirements, and that your permit continues to be valid. The key points you should ensure are that:

- your drivers are suitably trained and are correctly licensed;
- your drivers take appropriate breaks;

- your vehicles satisfy the appropriate construction and use requirements and are maintained in a safe and roadworthy condition;
- your vehicles are insured and that your insurer is aware that your vehicles are used to provide services for hire or reward under a permit;
- the vehicle is not operated with a view to profit, nor incidentally to an activity which is itself carried on with a view to profit;
- you only carry the class(es) of passengers allowed by the permit and in the case of Section 19 do not provide any transport services that could be viewed to be carrying the general public;
- you inform VOSA or the designated body who issued your permit of any changes such as the change of name of your organisation, as this would mean that your permit needs to be replaced.

## Driver licensing

The vehicle's driver must hold the appropriate category of entitlement on their driving licence.

## Driver fatigue

All drivers should be aware of the risk to passenger safety which can result from driving when tired. It is not sensible to embark on a long trip after a full day's work, whether that work involves driving or not. Breaks should be built into journey planning - aim to have a break from driving of at least fifteen minutes every two hours. If driving under EC rules a break of at least 45 minutes after 4 ½ hours of driving is required. If driving under domestic drivers' hours rules a break of at least 30 minutes is required after 5 ½ hours of driving.

*Further information concerning drivers can be found in section 4.*

## Vehicle maintenance

Vehicles operated under a permit are still public service vehicles and subject to spot checks by VOSA examiners as to their roadworthiness. You must ensure all vehicles have regular maintenance inspections. It is also advisable for a walkaround check to be carried out each time before the vehicle is used.

If the vehicle is found to be unfit, a prohibition notice could be issued to prevent it being driven. Failure to obey such a notice is against the law and could lead to a heavy fine. Recommended maintenance arrangements are described in Annex 2.

### TAKE NOTE:

Road safety is most important. It is essential that any vehicle you use is in a roadworthy condition. Failure to maintain your vehicle adequately could lead to your permit being revoked or other penalties being imposed.

### Further reading

You should read the Guide to Maintaining Roadworthiness which is available from [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport) or from VOSA on **0300 123 9000**.

## Insurance

As with all vehicles used on the road, a vehicle operated under a permit must be covered by an insurance policy which insures against liabilities to third parties (which includes the passengers being carried on the vehicle).

Your insurer will need to know that you will be receiving payment from passengers - in other words, operating for "hire or reward" - but that you are exempt from the requirement to have a PSV operator's licence or a PHV licence because you are operating under a permit.

It is your responsibility to check with your insurer that your policy covers the services you are providing.

**TAKE NOTE:**

This also applies to small vehicles being used under a section 19 permit. Permit holders who use small vehicles must ensure that they inform their insurers that the vehicle is being operated for hire or reward but that it is exempt from PSV operator licensing.

## 5. Once a permit has been issued

### Tendering for contracts

The legislation prevents a local authority from accepting a tender to operate a subsidised service contract under section 89 of the Transport Act 1985 (obligation to invite tenders for subsidised services) from the holder of a section 19 permit. Section 89 applies where local authorities invite tenders to operate public passenger transport services which are local services and where the authority has agreed to subsidise the operator. Services provided under a section 19 permit are not classified as "local services" and members of the general public may not be carried on services provided under such a permit.

There is no such restriction on the holders of a section 19 permit from tendering for contracts to provide services which are not classified as local services. This may include, for example, school transport on which members of the general public are not carried, or specialised door-to-door services such as Dial-a-Ride. However, the holder of a section 19 permit may only provide services under a contract where the contract is limited to the carriage of passengers within the class or classes specified on the section 19 permit.

There is no legislative barrier to local authorities, when they invite tenders for subsidised service contracts under section 89 of the Transport Act 1985, from accepting tenders from section 22 permit holders. Section 22 permit holders may also bid for quality contracts under section 130 of the Transport Act 2000.

When issuing an invitation to tender it is for the local authority to specify the criteria against which bids will be considered and whether they are prepared to accept tenders from permit holders.

Contracts cannot be undertaken with a view to making a profit as this would invalidate the permit. Full cost recovery models can be used. Further information on FCR is available from the Association of Chief Executives of Voluntary Organisations (ACEVO).

### Lost permits and discs

Your permit and disc are important documents and should be kept safe. If they are lost or destroyed (or become defaced or faded) you should notify whoever issued it and ask for a replacement. If the originals are subsequently found they must be returned immediately to the issuing body.

A faded or defaced disc should be returned with the corresponding permit (and vice versa) in order that a new permit and disc may be issued. Replacement permits will be valid for a period not exceeding five years and the expiry date will be stated on the returned documents. Failure

to return the corresponding permit or disc with the faded or defaced document may result in a charge being levied for replacements.

**TAKE NOTE:**

If the disc or permit fades the details must not be overwritten. The permit and disc must be returned to the issuing body for replacement.

## Going abroad

The permit system only applies to journeys wholly within GB and Northern Ireland. A permit has no validity outside of GB and Northern Ireland. An explanatory leaflet Taking a Minibus Abroad is available should you wish to take your vehicle abroad. A copy can be obtained from either:

**The International Road Freight Office (IRFO) at City House, 126-130 Hills Road, Cambridge CB2 1NP. Telephone 01223 531030;** or

**DfT, Buses and Taxis Division, Zone 3/11 Great Minster House, 76 Marsham Street, London SW1P 4DR. Telephone 0300 330 3000.**

International minibus trips fall into one of two categories.

- (1) the service is being provided by a professional transport operator who has been issued with a passenger transport operator's licence in their Host State; or
- (2) the bus is being operated by an organisation on its "own account" and, as such, is exempted from operator licensing requirements. Such trips can be carried out under cover of an Own Account Certificate. These certificates are issued provided certain conditions are met. In brief, these are that the minibus is owned by the organisation, that transport is not the main business and that the person driving the bus is a member of staff.

Organisations that operate, without a view to profit, vehicles which can carry seventeen or more passengers are also eligible for Own Account Certificates.

These organisations should apply to IRFO for an Own Account Certificate to use their vehicles to carry their own members abroad.

**TAKE NOTE:**

If you are intending to take a vehicle abroad you should first contact IRFO for further advice and guidance.

## Bus Service Operator's Grant

Your organisation may be eligible for a bus service operator's grant (BSOG), which is claimed from the Department for Transport.

If your organisation holds a section 22 permit you may be eligible as you will be operating a registered local bus service.

Transport services operated under a section 19 permit may be eligible if the services provided are used wholly or mainly by–

- a) persons aged 60 years or more;
- b) disabled persons\*;
- c) persons in receipt of income support under section 124 of the Social Security Contributions and Benefits Act 1992;
- d) persons in receipt of jobseeker's allowance under the Jobseekers Act 1995;
- e) persons suffering a degree of social exclusion by virtue of unemployment, poverty or other economic factors, homelessness, geographical remoteness, ill health, or religious or cultural mores;
- f) persons who believe that it would be unsafe for them to use any public passenger transport services; or
- g) carers or persons under 16 years of age accompanying any of the foregoing.

\*For this purpose, a person is disabled if he or she has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

For further information please contact the Bus Service Operator's Grant division of the DfT.

# Section 2

## Section 19 permits

### 6. Who can apply for a permit?

Any organisation operating without a view to profit, concerned with:

- Education
- Religion
- Social welfare
- Recreation (standard permits only); or
- Other activities of benefit to the community.

#### What is meant by operating without a view to profit

Those applying for a section 19 permit must satisfy the issuing body that the transport services are not run with a view to profit nor incidentally to an activity which is itself carried on with a view to profit.

Organisations that are registered as charities usually qualify. However, a business which makes, or seeks to make, a profit would not normally qualify regardless of how it uses any profits or income surplus.

If your organisation is a business carried on with a view to profit and it operates vehicles for hire or reward then you should read the guide to PSV operator licensing (PSV437-01) as an operator's licence is likely to be required.

For more detailed information about what constitutes operating without a view to profit please refer to "definitions" at page 8 in section 1.

#### **TAKE NOTE:**

If you using a vehicle under a permit with a view to profit you may be operating in breach of the laws governing PSV operator licensing and could be liable to prosecution and have your vehicle impounded. VOSA will take seriously any breach of this legal requirement, and any suspected breach should be reported to the VOSA Contact Centre.

#### Applying for a permit

Applications forms for standard permits are available from:

- [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport);
- The VOSA Contact Centre on **0300 123 9000**;
- The central licensing office in Leeds by emailing [permits@vosa.gov.uk](mailto:permits@vosa.gov.uk);
- A designated body
- Local authorities



Local authorities are also designated bodies and may issue permits to their own departments and to those bodies concerned with:-

- Those health and welfare services eligible for grants under the Health Services and Public Health Act 1968.
- Assisting or co-ordinating the activities of community groups in the area. These are known as "umbrella organisations". Groups affiliated to one of these organisations may use a vehicle, other than a large bus, under that organisation's permit.
- Schools or other bodies connected with education (if they fulfil the authority's duties under the Education Act 1996) (where the local authority is a local education authority).

#### **TAKE NOTE:**

You need to send your completed application form to the organisation from which you obtained it.

Applications for a large bus permit are available from:

- [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport);
- The VOSA Contact Centre on **0300 123 9000**;
- The central licensing unit in Leeds by emailing [permits@vosa.gov.uk](mailto:permits@vosa.gov.uk);

These must be returned to VOSA.

### **How many permits may I apply for?**

This will depend on how many vehicles you will be using at any one time. Each vehicle in use, that is carrying passengers for hire or reward, must be used under a permit and the corresponding disc must be displayed in the windscreen. For example, if you want to operate three vehicles at the same time, you must have three permits. You may apply for more than one permit on an application form.

Should your needs change and you wish to operate additional vehicles, you may apply for additional permits at any time.

Before you submit your application you should check with VOSA, or the designated body to whom you are submitting your application, what the fee will be. With VOSA, the fee is based on the number of permits applied for.

### **Standard permits**

A standard permit is normally issued to a specific group (e.g. a scout group). However, a permit may be issued to a named individual on behalf of a body which he or she represents if, having regard to the nature of the body, it seems to the issuing body to be appropriate. This might be appropriate with an informal group, which has no separate legal entity, such as a local swimming group. Such an application will need to be supported with further information including:-

- The name of the body or group on whose behalf you are applying;
- An explanation as to the why the body or group is not applying for the permit;
- Your relationship to the body or group;

- What the body or group does, what group of people they assist;
- Additional information as may be required by the traffic commissioner or designated body.

A permit granted to an individual is treated as having been granted to the body which that person represents.

## Large bus permits

Permits for large buses can only be issued by the traffic commissioner to a body which assists and co-ordinates the activities of bodies concerned with:

- Education
- Religion
- Social welfare
- Other activities of benefit to the community

Before granting the application the traffic commissioner will need to be satisfied that you have adequate maintenance facilities to keep your vehicle in a road worthy condition at all times. The vehicle will also need an appropriate certificate to show that it has been built or adapted to PSV standards. This may be a Certificate of Initial Fitness (COIF) or a Certificate of Conformity (CoC). You must ensure that any large bus you use under your permit has been issued with a COIF or a CoC, whether you purchase the vehicle or hire it in.

### Further information

A Certificate of Initial Fitness is a certificate that confirms that a vehicle has been built or adapted to meet the requirements of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981. It is issued by a VOSA certifying officer when the vehicle meets all the relevant PSV requirements.

A Certificate of Conformity is for vehicles covered by a Type Approval Certificate. Type approval is the approval of mass-produced vehicles and components and the certificate sets the specification of a vehicle or vehicle component.

The vehicle approval process is changing and COIFs and CoCs are to be replaced by certificates issued under the Road Vehicles (Approval) Regulations 2009. These certificates are for vehicles which meet standards set out in European Whole Vehicle Type Approval (ECWVTA) or the New National Scheme (NNS). COIFs and CoCs will continue to be the valid certificate for older vehicles. If your vehicle has not been issued with either of these then you should check to see whether it has been approved either under ECWVTA or NNS, as it does require a certificate. For further information please contact VOSA.

## 7. Grant of your application

If your application is granted you will receive a permit which will have a unique serial number and a corresponding disc with the same number. You should remove the disc and place it in the windscreen of the vehicle to be used. It must be fixed to the inside of the windscreen so that it can be easily seen from outside the vehicle but does not obstruct the driver's view.

You may be issued with more than one permit and each permit will have a corresponding disc. The permits and discs are not vehicle specific and you may therefore move a disc from one vehicle to another. Each vehicle must display a valid disc when it is being used under the

section 19 permit system and you cannot use more than one vehicle at any time under the same permit.

Standard permits authorise the use of vehicles adapted to carry not more than sixteen passengers. They cannot be used in larger vehicles.

Large bus permits authorise the use of vehicles adapted to carry seventeen or more passengers. They cannot be used in smaller vehicles.

#### **TAKE NOTE:**

For each vehicle used under a permit, the corresponding disc must be displayed in the windscreen.

### **Validity period**

Permits and discs granted on or after 6th April 2009 will have an expiry date and will be valid for a maximum of five years.

Permits and discs granted before 6th April 2009 will not have an expiry date. These will be recalled and replaced with new-style permits over the next few years. They will continue to be valid for the time being but no later than April 2014. If you have any of these permits you are advised to check with VOSA periodically for further details.

### **Conditions and revocation**

Permits may be revoked (taken away), new conditions may be attached and existing conditions varied at any time by the body that issued it or by a traffic commissioner. If a permit was issued by a designated body, the traffic commissioner must first consult that body before varying or revoking a permit.

Permits cease to be valid if the designated body that issued them ceases to be designated. In that case the permit holders should apply to the traffic commissioner or, where appropriate, another designated body, for a permit. A charge may be payable in these circumstances.

Where a designated body has issued a permit to a member group and that group subsequently ceases to be a member, the designated body should exercise its powers to revoke the permit. The group will then need to submit an application for a new permit to the traffic commissioner for consideration, should they wish to continue to operate vehicles.

If a permit is revoked or no longer valid it must be returned to the body which issued it or, where that body is no longer a designated body to the Central Licensing Office in Leeds.

### **Who may be carried on the vehicle**

A vehicle being used under a section 19 permit must not be used to carry members of the general public. Each section 19 permit, and corresponding disc, will indicate the particular classes of persons who may be carried.

Each permit and disc will specify one or more of the following classes of person:

- Class A** - Members of the body holding the permit;
- Class B** - Persons whom the body exists to benefit, and persons assisting them;
- Class C** - Disabled persons (as defined in the Disability Discrimination Act 1995) or persons who are seriously ill and persons assisting them;

- Class D** - Pupils or students of any school, college, university or other educational establishment and staff or other helpers accompanying them;
- Class E** - Persons living within a geographically defined local community, or group of communities, whose public transport needs are not met other than by virtue of services provided by the body holding the permit;
- Class F** - Any other classes of persons specified in the permit.

For example, a permit issued to a scout group might indicate that only members of the scout group and persons assisting or supervising them may be carried. In that case the vehicle could not be used under the permit to carry persons who had no association with the scout group. Alternatively, such a permit may state that vehicles used under the permit may carry members of a girl guide group, as well as the scout group, which would then enable girl guides to travel on vehicles used under the permit.

If your organisation wishes to have a permit permitting the carriage of persons in Class E or Class F you will need to supply further information with your application. For Class E you should clearly state what the local community is, for example it may be residents of a village or group of villages, or other isolated rural communities. You should be aware that failure to supply sufficient information may lead to a delay in the processing of your application or even its refusal.

### **Section 19 permits and isolated communities**

Vehicles used under a section 19 permit may not carry members of the general public, but as a result of changes which came into force on 6th April 2009 the law now provides greater clarity about the use of section 19 permits to meet the transport needs of people living in rural and other isolated communities. The key change is the introduction of the new Class E mentioned above, which sets out two conditions. VOSA consider that, where these two conditions are met, the service is not being provided for the "general public".

First, where a permit authorises the carriage of persons in Class E, the permit will specify the geographically-defined local community, or group of communities, in question. The legislation is not specific about the size of area that may be specified, but any such area must be clearly local in nature. This will need to be considered on a case-by-case basis, but in general an area encompassing a group of neighbouring villages is likely to be "local" in nature, while an area covering a number of towns is unlikely to be.

Secondly, people are only eligible under Class E if their public transport needs would not be met other than by the services provided by the permit-holder. An example might be that of a large retail park in a town at which a number of people living in outlying villages are employed. If there is no public transport which employees could use to get to the retail park for, say, 8 o'clock in the morning and back again at 7 o'clock in the evening, a body may be formed by the employees (not by the businesses on their behalf) to provide appropriate transport under a section 19 permit, using Class E. The Class E entitlement would only fall if public transport which would meet the needs of those employees were to be provided. So, if a new bus service was introduced providing services from the villages to a local market town twice a week, our view is that it would not affect the services operated under the permit because those services would not meet the public transport needs of the employees at the retail park. But if a daily bus service were to be introduced, serving all the places served by the permit holder from 6 o'clock in the morning until 9 o'clock at night, then our view is that the permit could no longer continue to be used under Class E for that particular group of people.

It is the responsibility of the holder of a Class E permit to make arrangements to ensure that passengers genuinely fall within Class E - perhaps via a signed application or a membership scheme. When granting a permit to carry passengers in Class E, the traffic commissioner or designated body will need to be satisfied that the applicant has suitable arrangements in place.

### Changes to the permit

A permit may not be varied so as to substitute another body for the body to whom it was granted. This means that if your organisation changes its name or entity you should apply for a new permit to reflect the change. The existing permit and disc will need to be surrendered either to the designated body that issued it or to the traffic commissioner.

#### TAKE NOTE:

A permit is not transferable to another organisation.

You are only allowed to carry the class of passenger as stated in your permit. If your permit was issued by a traffic commissioner and you wish to add another class of passenger then you will need to apply for a new permit. The new permit will have an expiry date which will be no later than five years from the date of issue. If you no longer require the existing permit you should return it to the traffic commissioner. You should note that no refunds will be issued. If your permit was issued by a designated body you should contact that body for advice on how to make changes.

### What you may charge passengers

You can set fares or contributions at a level to recover the costs of running the vehicle, including an allowance for vehicle depreciation and drivers' wages. However fares must not be set at a level which would produce a regular surplus of income over expenditure because that would be a profit-making operation and would not be eligible under the section 19 permit scheme. In this case you would be likely to need a PSV operator's licence.

### Passengers in wheelchairs and disabled persons

Your vehicle may be adapted to carry passengers in wheelchairs. Wheelchairs should be securely positioned so as not to cause danger to the wheelchair passenger or other passengers. Equipment such as ramps and lifts should be used in a safe manner and regularly checked to ensure that they are in good working order. Staff should be trained to use the equipment.

#### Further reading

You are advised to read the Department for Transport's Code of Practice *The Safety of Passengers in Wheelchairs on Buses* which can be obtained from the Department for Transport (**0300 330 3000**).

## 8. Vehicles used under a permit

### Vehicle Size

Standard permits authorise the use of vehicles adapted to carry not more than 16 passengers (excluding the driver). Where small vehicles (eight passenger seats or less) are used the passengers must be carried at separate fares. A definition of separate fares can be found on page 10. Please also refer to Annex 6 for examples.

Large bus permits authorise the use of vehicles adapted to carry seventeen or more passengers. They cannot be used in smaller vehicles.

**TAKE NOTE:**

If you use a small vehicle i.e. it carries eight or fewer passengers you must charge separate fares.

## **Vehicle testing**

Vehicles that can carry eight or fewer passengers are first tested at the third anniversary from registration and then annually thereafter. These are Class IV vehicles and may be tested at those MOT testing stations which are authorised to test such vehicles.

### **ALL OTHER PERMIT VEHICLES ARE REQUIRED TO BE TESTED ANNUALLY FROM DATE OF REGISTRATION**

Vehicles adapted to carry 9 to 12 seated passengers are Class IV vehicles and may be tested at those MOT testing stations which are authorised to test such vehicles.

Vehicles adapted to carry 13 to 16 seated passengers are Class V vehicles and must be tested at approved HGV/LGV testing stations or specially designated MOT testing stations authorised to test such vehicles.

Large buses adapted to carry 17 or more passengers must comply with the Class VI test and must be tested at approved HGV/LGV testing stations or authorised sites (where they are tested by VOSA Vehicle Examiners).

You can get the address of your nearest testing stations or approved testing facilities premises by telephoning VOSA.

## **Additional requirements**

Large buses used under a section 19 permit must have a Certificate of Initial Fitness (COIF) (or equivalent) certifying that it complied with current PSV conditions of fitness when manufactured, or Certificate of Conformity, or certificate issued under the Road Vehicles (Approval) Regulations 2009. If you buy or hire in a large bus you should check that it has been issued with one of these certificates. If you operate a large bus under a section 19 permit without the appropriate certificate you may be committing a criminal offence.

## **Seat belts**

### **Installation**

Minibuses, coaches and buses first used on or after 1st October 2001 must have seat belts fitted in all forward and rear facing seats, including the driver's seat.

Coaches and minibuses first used prior to 1 October 2001 which are used to carry children aged 3 to 15 years on organised trips must provide each child with (as a minimum) a lap belt on a forward facing seat. Public transport type buses (ie those designed for urban routes carrying standing passengers) are not required to have seat belts fitted.

Most PSVs which can carry up to sixteen passengers and were first used on or after 1st October 1988 are required to have seat belts for the driver and front passenger seats and for forward facing seats.

## Wearing

Where seat belts are fitted they must be worn by passengers aged 14 years and above. There is an exemption in vehicles with seat belts being used to provide a local bus service on "restricted" roads (effectively 30mph roads only), or vehicles designed to carry standing passengers and in which standing passengers are specifically allowed. In all other circumstances seat belts must be worn unless the passenger has a medical exemption.

Children under 12 in the front seats (parallel with the driver) must use a seat belt or the correct child seat for their weight.

At present (August 2009), children 3 to 13 years are not legally required to use seat belts. Regulations will be put in place as soon as possible which will require these children to use seat belts, or where they are available, child seats/boosters appropriate to their weight (as in cars). In many cases child seats/boosters will not be available because parents/carers do not have them, or they will not fit in this type of vehicle, so seat belts will have to be used. Children under 3 years may be carried unrestrained if there is no baby/child seat available. If a child under 3 years is carried on the lap of an adult, the seat belt should not be used for both adult and child - if there is a crash, then the child would be in danger of being crushed. Until regulations can be put in place, many organisations will wish to make it their policy that seat belts (or child restraints where possible) are used.

Passengers must be informed of the requirement to wear seat belts. This may be done by means of an announcement by the driver or group leader or by means of an audio-visual display presentation or by signs displayed at every seating position. It is an offence to fail to take reasonable steps to ensure that passengers are so notified.

Where seat belts are fitted, it is also a legal requirement that **drivers must use them** (there are no exceptions to this unless the driver holds a medical exemption from a doctor - he / she must hold a valid Certificate of Exemption from Compulsory Seat Belt Wearing).

## Small permit vehicles

The seat belt wearing rules for permit vehicles adapted to carry eight or fewer passengers is the same as for cars. Every occupant must use the seat belt provided, unless they have a valid Certificate of Exemption. Children under three cannot travel unless they are in an appropriate child restraint.

## Disabled Persons

Disabled drivers or passengers may need to use specially adapted belts which may be different from standard belts. You are advised to check with Mobility Centres who may know about suppliers in your area.

For further information on seat belt rules please refer to [www.dft.gov.uk/think/focusareas/invehiclesafety/seatbelts?page](http://www.dft.gov.uk/think/focusareas/invehiclesafety/seatbelts?page).

## 9. Drivers Hours and Tachographs

Small vehicles and minibuses used under a section 19 permit are exempt from having a tachograph fitted. Volunteer drivers are not subject to any drivers' hours rules. Drivers who are employees of the permit holder are subject to domestic drivers' hours rules.

In the majority of cases large buses will need to have a tachograph fitted and used, and the driver will be subject to EC drivers' hours rules. If the vehicle is registered before 1st May 2006

the vehicle may be fitted with an analogue or digital tachograph. If the vehicle is registered on or after 1st May 2006 then it will need to be fitted with a digital tachograph.

Should you be in doubt about what rules apply for your operations then you should contact VOSA.

## **10. Permit issued prior to 6th April 2009**

Section 19 small and large bus permits issued prior to 6th April 2009 will remain valid until further notice but no later than April 2014. However, they will eventually cease to be valid and will need to be replaced with time-limited permits in due course. If you have such a permit you are advised to check with the issuing body periodically for further details. Alternatively further information can be found at [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport).

Additionally, with effect from 6th April 2009 existing small bus permits may be used with vehicles which can carry eight or fewer passengers. However, the passengers must be carried at separate fares. If passengers are carried for hire or reward but not at separate fares, a private hire vehicle (PHV) or taxi licence will be needed. These licences are issued by your local licensing authority. Please refer to the 'Definitions' at page 8, in section 1 and Annex 6 for examples of separate fares.



# Section 3

## Section 22 Community Bus Permits

### 11. Who can apply for a permit?

Community bus permits are issued to bodies who operate vehicles without a view to profit and are concerned for the social and welfare needs of one or more communities, , and who want to run a local bus service on a non profit making basis. Vehicles being used under a community bus permit can carry members of the general public.

#### What is meant by operating without a view to profit

Those applying for a section 22 permit must satisfy the traffic commissioner that the transport services are not run with a view to profit nor incidentally to an activity which is itself carried on with a view to profit.

Organisations that are registered as charities usually qualify. However, a business which makes, or seeks to make, a profit would not normally qualify regardless of how it uses any profits or income surplus.

If your organisation is a business carried on with a view to profit and it operates vehicles for hire or reward then you should read the guide to PSV operator licensing (PSV437-01) as an operator's licence is likely to be required.

For more detailed information about what constitutes operating without a view to profit please refer to "Definitions" at page 8 in section 1.

#### TAKE NOTE:

If you using a vehicle under a permit with a view to profit you may be operating in breach of the laws governing PSV operator licensing and could be liable to prosecution and have your vehicle impounded. VOSA will take seriously any breach of this legal requirement, and any suspected breach should be reported to VOSA on **0300 123 9000**.

#### Applying for a permit

These permits can only be issued by traffic commissioners and applications should be sent to the Central Licensing Office in Leeds. Application forms are available from:-

- [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport);
- The VOSA Contact Centre on **0300 123 9000**;
- The Central Licensing Office in Leeds by emailing [permits@vosa.gov.uk](mailto:permits@vosa.gov.uk);

There is a fee payable with the application. As the fee may be subject to change you should check the current fee with VOSA prior to submitting your application.

These permits are for use with vehicles adapted to carry nine or more passengers. They cannot be used with small vehicles (eight or fewer passenger seats). You may apply to

operate small buses (9-16 passenger seats) only, or both small and large buses (adapted to carry 17 or more passengers).

Before granting the permit the traffic commissioner will need to be satisfied that you have adequate facilities or arrangements for maintaining in a safe and roadworthy condition any vehicle you wish to use under the permit. The traffic commissioner will also need to be assured that any vehicle which can carry seventeen or more passengers has been built or adapted to PSV standards. Whether you purchase the vehicle or hire it in you must ensure that any large bus you use under your permit has been issued with a Certificate of Initial Fitness (COIF) or Certificate of Conformity (CoC).

#### **Further information**

A Certificate of Initial Fitness is a certificate that confirms that a vehicle has been built or adapted to meet the requirements of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981. It is issued by a VOSA certifying officer when the vehicle meets all the relevant PSV requirements.

A Certificate of Conformity is for vehicles covered by a Type Approval Certificate. Type approval is the approval of mass-produced vehicles and components and the certificate sets the specification of a vehicle or vehicle component.

The vehicle approval process is changing and COIFs and CoCs are to be replaced by certificates issued under the Road Vehicles (Approval) Regulations 2009. These certificates are for vehicles which meet standards set out in European Whole Vehicle Type Approval (ECWVTA) or the New National Scheme (NNS). COIFs and CoCs will continue to be the valid certificate for older vehicles. If your vehicle has not been issued with either of these then you should check to see whether it has been approved either under ECWVTA or NNS as it does require a certificate. For further information please contact VOSA.

These permits are to enable you to provide a community bus service which must be registered as a local bus service with the traffic commissioner. In addition to providing a bus service you may be allowed to use the vehicle to provide other services for hire or reward where this directly assists the provision of the community bus service by providing financial support for it. This may be useful to generate extra income to subsidise loss making community bus services. If you wish to use the vehicle for these purposes you should advise the traffic commissioner at the time of making your application and the request will be considered. The only services that you can provide under this provision are those which do not require to be registered with the Traffic Commissioner as a local bus service.

#### **TAKE NOTE:**

If you cease to operate local bus services you cannot continue to use the vehicle under the permit to provide other services. If you do, you may be in breach of the PSV operator licensing requirements.

### **How many permits may I apply for?**

This will depend on how many vehicles you will be using at any one time. Each vehicle in use, that is carrying passengers for hire or reward, must be used under a permit and the corresponding disc must be displayed in the windscreen. For example, if you want to operate three vehicles at the same time, you must have three permits. You may apply for more than one permit on an application form.

Should your needs change and you wish to operate additional vehicles, you may apply for additional permits at any time.

Before you submit your application you should check with VOSA what the fee will be. The fee is based on the number of permits applied for.

## 12. Grant of your application

If your application is granted you will receive a permit, which will have a unique serial number and a corresponding disc with the same number. You should remove the disc and place it in the windscreen of the vehicle to be used. It must be fixed to the inside of the windscreen so that it can be easily seen from outside the vehicle but does not obstruct the driver's view. You will also receive a vehicle copy of the permit which should be placed in the vehicle being used under the permit.

The permits and discs are not vehicle specific and you may therefore move a disc from one vehicle to another. You may be issued with more than one permit. Each vehicle must display a valid disc when it is being used under the section 22 permit system and you cannot use more than one vehicle at any time under the same permit. So, if you want to operate three vehicles at the same time, you must have three permits.

### TAKE NOTE:

For each vehicle used under a permit, the corresponding disc must be displayed in the windscreen.

### TAKE NOTE:

The traffic commissioner may place a condition on your permit restricting you to vehicles adapted to carry nine to sixteen passengers. This means you cannot operate large vehicles under the permit. If you want to use a large bus, you should apply to the traffic commissioner for the condition to be removed, and supply evidence that adequate facilities or arrangements are in place for maintaining the vehicle in a fit and serviceable condition.

### Validity period

Permits and discs granted on or after 6th April 2009 will have an expiry date and will be valid for a maximum of five years.

Permits and discs issued before 6th April 2009 will not have an expiry date. These will be recalled and replaced with new-style permits over the next few years. They will continue to be valid for the time being but no later than April 2014. If you have any of these permits you are advised to check with VOSA periodically for further details. Alternatively further information can be found at [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

### TAKE NOTE:

Old style permits issued before 6th April 2009 do not authorise you to operate a large vehicle adapted to carry 17 or more passengers. Should you wish to operate a large vehicle you will need to apply for a new permit.

## Conditions and revocation

Permits may be revoked (taken away), new conditions may be attached and existing conditions varied at any time by the traffic commissioner. The traffic commissioner may consider revoking

the permit if:-

- The commissioner is no longer satisfied that you have adequate facilities or arrangements for maintaining any vehicle used under the permit;
- A condition attached to the permit is contravened; or
- A vehicle used under the permit has been found to be unsafe and has been issued with a prohibition notice.

Before taking any action the traffic commissioner may invite you to submit comments or evidence as to why such action should not be taken.

If the permit is revoked you must return it to the traffic commissioner.

### **Changes to the permit**

A permit may not be varied so as to substitute another body for the body to whom it was granted. This means that if your organisation changes its name or entity you should apply for a new permit to reflect the change. The existing permit and disc will need to be surrendered to the traffic commissioner.

#### **TAKE NOTE:**

A permit is not transferable to another organisation.

## **13. Running a local bus service**

### **Outside London**

Once your permit has been granted you can apply to the traffic commissioner to register a local bus service. Before you start the service you will need to supply the traffic commissioner with the details, including route and timetable, normally at least 28 days before you wish to start the service. A fee will be required with your registration application. You should check what the current fee is with VOSA prior to submitting your application.

Traffic regulation conditions may be in force in the places where there are traffic problems or severe traffic congestion, a potential danger to road users or concerns over the level of noise and engine emissions. These conditions apply to all registered local services within the affected area. VOSA will be able to advise you if there are traffic regulation conditions in force where you intend to operate.

Should you wish to amend the details, for example change the timetable, or withdraw the service completely, you may do so provided you first vary or cancel the registration. You must also give at least 28 days notice before you change or cancel a service.

### **Within London**

There is a different system for local services with stopping places in London. The majority of services in London are operated under contract to Transport for London (TfL). Contracts are awarded following competitive tendering. There are also a small number of services that form part of the TfL bus network operated under a London Local Service Agreement with TfL. Other services operate under a permit granted by TfL.

If the service you wish to run has stopping places in London you are advised to contact the Licensing Manager, Surface Transport Communications, Palestra, 197 Blackfriars Road, London SE1 8NJ or email [lsp@tfl.gov.uk](mailto:lsp@tfl.gov.uk)

#### Further reading

You should also read [A guide to Local Bus Service Registration \(PSV 353A\)](#) and [A guide to Flexible Local Bus Service Registrations](#).

#### TAKE NOTE:

The traffic commissioner will expect you to run your service as safely and reliably as a commercial bus operator.

You should have adequate systems in place to ensure that your services are punctual and reliable. Before registering a service you should be satisfied that the timetable is achievable at all times taking into account fluctuations in traffic volumes especially at peak times.

You should continue to check that the timetable remains achievable and you may wish to consider periodic monitoring. Advice on adequate systems can be obtained from VOSA.

Further information can be found in Annex 5.

## 14. Additional services

Vehicles may be used under the permit to carry passengers for hire or reward for services other than the community bus service. Such additional services may only be provided where they will assist the community bus service by providing financial support for that service. For example, you could hire the vehicle out with driver to take passengers to the seaside for the day, provided that any revenue earned from doing so would provide direct financial assistance to the provision of the community bus service.

You may ask for this provision at the time of making your application or at any time during the life of the permit. You should not use the vehicle under the section 22 permit for hire or reward on this basis before approval has been given by the traffic commissioner.

The services that you may provide under this provision are only those which do not have to be registered with the traffic commissioner, i.e. you cannot operate a local bus service for profit but you can provide contract hire where the vehicle is hired as a whole.

Should you use your vehicle to provide additional services you are advised to keep records for local bus work separate from those for additional services. Should you be required to do so, this will enable you to show income earned from additional services and how it was used to provide financial support for the community bus service.

**If you cease to operate any registered community bus services you cannot continue to use a vehicle under the permit.**

## 15. Vehicles used under a permit

### Vehicle size

Permits issued on or after 6th April 2009 may be valid for use in any vehicle adapted to carry nine or more passengers, including large buses. However, traffic commissioners have the

power to place a condition on the permit restricting it to vehicles adapted to carry nine to sixteen passengers. If such a restriction is imposed you will not be authorised to operate large vehicles under your permit.

So, permits will either be conditional, allowing the use of vehicles adapted to carry 9-16 passengers only or unconditional, allowing the use of larger vehicles as well. An unconditional permit will only be granted when the traffic commissioner is satisfied that there are adequate facilities or arrangements in place for maintaining a large bus in a safe and roadworthy condition.

**TAKE NOTE:**

Permits issued prior to 6th April 2009 are only valid to be used in vehicles adapted to carry 9-16 passengers. Should you wish to operate a large vehicle you will need to apply for a new permit.

## **Vehicle testing**

### **ALL VEHICLES USED UNDER A SECTION 22 PERMIT ARE REQUIRED TO BE TESTED ANNUALLY FROM DATE OF REGISTRATION**

Vehicles adapted to carry 9 to 12 seated passengers are Class IV vehicles and may be tested at those MOT testing stations which are authorised to test such vehicles.

Vehicles adapted to carry 13 to 16 seated passengers are Class V vehicles and must be tested at approved HGV/ LGV testing stations or specially designated MOT testing stations authorised to test such vehicles.

Large buses adapted to carry 17 or more passengers must comply with the Class VI test and must be tested at approved HGV / LGV testing stations or authorised sites (where they are tested by VOSA Vehicle Examiners).

You can get the address of your nearest testing stations or approved testing facilities premises by telephoning VOSA.

## **Additional requirements**

Large buses used under a section 22 permit must have a Certificate of Initial Fitness (COIF) certifying that it complied with current PSV conditions of fitness when manufactured, a Vehicle Type Approval certificate, or a certificate of conformity issued under the Road Vehicles (Approval) Regulations 2009. If you buy a used large bus you should check that it has the appropriate certificate.

## **Accessibility Requirements**

Vehicles which can carry more than 22 passengers may need to comply with the Public Service Vehicle Accessibility Regulations 2000, allowing access on the vehicle for disabled persons. Whether the vehicle has to comply depends on its age and the use to which it is put. In general the Regulations apply to all buses and coaches which can carry more than 22 passengers, first used on or after 31st December 2000 and operating a local or scheduled service. A community bus service is a local bus service.

Vehicles covered by the Regulations are referred to as "regulated public service vehicles" and the requirements include:

- a space for a wheelchair with suitable safety provisions
- a boarding device to enable wheelchair users to get on and off vehicles
- a minimum number of priority seats on buses for disabled passengers
- the size and height of steps
- handrails to assist disabled people
- colour contrasting of features such as handrails and steps to help partially sighted people
- easy to use bell pushes throughout a bus
- audible and visual signals to stop a bus or to request a boarding device
- equipment to display the route and destination

Further guidance can be obtained from the Department for Transport on **0300 330 3000**.

## 16. Drivers Hours and Tachographs

### Small buses

A small bus being used under a section 22 permit is exempt from the requirement to have a tachograph fitted. Volunteer drivers are not subject to any drivers' hours rules. Drivers who are employees of the permit holder are subject to domestic drivers' hours rules.

### Large buses

A large bus will need a tachograph if either;

- the registered bus route exceeds 50km; or
- the registered bus service is less than 50km but the service does not fall within the definition of a 'regular' service; or
- the bus is used for additional purposes.

A regular service is where the vehicle is used to carry passengers at specified intervals along specified routes, with passengers being taken up and set down at pre-determined stopping point(s) en route. Having a timetable available to passengers is an indication of a specified frequency and a specified route is taken to mean a precisely defined route.

A large bus will not need a tachograph if the bus is being used to provide a regular service with a route of less than 50km. Your registered local service may fall within the definition, if you have any doubt please contact VOSA.

If the vehicle is registered before 1st May 2006 the vehicle may be fitted with an analogue or digital tachograph. If the vehicle is registered on or after 1st May 2006 then it will need to be fitted with a digital tachograph.

Where no tachograph is required the driver is subject to domestic hours rules. Where a tachograph is required, the driver is subject to EU drivers' hours rules.

Should you be in doubt about what rules apply for your operations then you should contact VOSA.

#### Further reading

You should read the booklet *Drivers' Hours Rules for Road Passenger Vehicles (PSV 375)* for information on the rules on drivers' hours and tachographs, available from [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport).

## 17. Drivers of community bus services

The driver of a vehicle being used to provide a community bus service should comply with the driver conduct regulations as set out in the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) (Amendment) Regulations 2002.

- They must not speak to anyone, either directly or by means of a microphone when the vehicle is in motion, except in an emergency.
- They must not smoke in the vehicle.
- They must take all reasonable precautions to ensure the safety of passengers who are on, or who are entering or leaving, the vehicle.

The regulations also impose duties and responsibilities towards wheelchair users and other disabled persons. They should:-

- take reasonable care to ensure that the wheelchair user or other disabled person will be reasonably safe in boarding or lighting from the vehicle;
- ensure that any wheelchair user is correctly and safely positioned in a wheelchair space;
- know how to use any ramp or lift safely;
- ensure that any boarding ramp or lift is securely stowed before the vehicle is driven.

## 18. Permits issued prior to 6th April 2009

Section 22 permits issued prior to 6th April 2009 will remain valid until further notice but no later than April 2014. However, they are only valid for use with vehicles that carry 9 - 16 passengers. Should you wish to operate larger vehicles you will need to submit an application for a new permit.

As new permits will be issued with a new identity number your local bus service registrations will need to be renumbered. You will be advised of the new registration number once this is complete.

If you hold an 'old style' permit you are advised to check with VOSA periodically for further details. Alternatively further information can be found at [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport).



# Section 4

## Drivers of permit vehicles

### IMPORTANT

All drivers should be aware of the risks to passenger safety which can result from driving when tired. It is not sensible to embark on a long trip after a full day's work, whether that work involves driving or not and it should be borne in mind that non-professional drivers are likely to find driving more stressful than professional. It is therefore important to plan more frequent rest breaks than those laid down in Regulations. Aim to have a break from driving of at least fifteen minutes every two hours. If possible, share the driving.

Drivers should be given clear written instruction about their responsibilities covering all aspects of vehicle operation. They should also ensure that they familiarise themselves with the vehicle, including driving practice, before carrying any passengers.

Drivers must not use a mobile telephone whilst driving.

## 19. Driving entitlement requirements

### TAKE NOTE:

Regardless of the size of vehicle, all drivers of a vehicle operated under a permit **MUST** be 21 or over.

The rules covering the driver licensing requirements depend on size of vehicle and when the driver passed their test.

Drivers who hold one of the following may drive, and be paid for driving a permit vehicle of any size:-

- i) A passenger carrying vehicle (PCV) driver's licence;
- ii) A PCV Community licence; or
- iii) A Northern Ireland licence corresponding to a PCV driver's licence.

Drivers who do not hold one of the above licences must comply with the following requirements.

### **For small vehicles adapted to carry eight or fewer passenger (section 19 permits only)**

Have held a full licence authorising the driving of vehicles in category B (cars) for at least **two years** and **must be 21 or over**. There is no restriction on such drivers receiving payment for driving a small vehicle under a section 19 permit.

### **For small buses (adapted to carry nine to sixteen passengers)**

For drivers who do not have a PCV licence (or equivalent), different conditions apply, depending on when they obtained a full licence to drive vehicles in category B (cars).

- i) Drivers granted a full licence to drive vehicles in category B (car, not automatic) **before 1st January 1997.**

These drivers were automatically granted additional entitlement D1, to drive a small bus not used for hire or reward. For as long as they hold D1 entitlement, these drivers may drive a small bus of any weight used under the permit. There is no restriction on such drivers receiving payment.

On reaching the age of seventy the driver will need to renew their car licence. They may also apply to renew the D1 entitlement but will need to undergo a compulsory medical examination as they must meet required health standards. If they pass the medical examination they can continue to drive a small bus under a permit on the same conditions as before. The renewed car licence and D1 entitlement are normally valid for three years.

- ii) Drivers who passed their car test **on or after 1st January 1997.**

Drivers who pass their car test on after this date are no longer granted D1 entitlement.

Category B entitles them to drive a small bus but only if all of the following conditions are met:-

- The driver has held a full category B car licence for at least two years;
- The driver receives no payment or other consideration for driving other than out-of-pocket expenses;
- The vehicle has a maximum gross weight not exceeding 3.5 tonnes (4.25 tonnes including specialised equipment for the carriage of disabled passengers);
- For drivers aged 70 or over, that they do not have any medical conditions which would disqualify them from eligibility for a D1 licence.
- No trailer is being towed.
- Where the driver's licence only authorises the driving of vehicles with automatic transmission, that only a vehicle with automatic transmission is used

Drivers aged 70 or over who do not meet the higher medical standards are not authorised to drive small buses. They can drive small vehicles being used under a permit, provided they have renewed their car licence.

### **For large buses**

The driver must hold one of the following, and can be paid:

- i) A passenger carrying vehicle (PCV) driver's licence;
- ii) A PCV Community licence; or
- iii) A Northern Ireland licence corresponding to a PCV driver's licence.

## **20. Drivers Hours**

Drivers who are not subject to drivers' hours rules are advised to ensure that they have adequate rest periods and do not drive when tired.

Under domestic drivers' hours rules, a driver must take a break of least 30 minutes after 5½ hours of driving.

Under EU rules a break of least 45 minutes must be taken after 4 ½ hours of driving. The break can be divided into two periods, the first at least 15 minutes long and the second at least 30 minutes, taken over the 4 ½ hours.

### **Drivers of small vehicles**

There are no drivers' hours rules applicable for drivers of vehicles adapted to carry eight or fewer passengers.

## Drivers of small buses

Volunteer drivers are not subject to domestic or EU rules. A volunteer driver is considered to be someone who is not paid nor compelled to drive. If the driver is contracted to drive, or driving forms part of the contract of work, they would not be viewed as a voluntary driver.

Non volunteer drivers are subject to domestic hours rules.

## Drivers of large buses

Where there is no requirement for a tachograph to be fitted, the driver is subject to domestic hours rules. This would apply when the vehicle is being used under a section 22 community bus permit, to provide a registered service with a route of less than 50km.

Where it is a requirement for a tachograph to be fitted to the vehicle, the driver is subject to EU rules.

### Further information and reading

The booklet *Drivers Hours Rules for Road Passenger Transport (PSV 375)*.

## 21. Recording Duty

Drivers who also drive for a commercial operation are reminded to keep a manual record of their driving hours when driving a permit vehicle, where the vehicle is exempt from the requirement to have a tachograph fitted. Any time spent will be classed and recorded as duty time. Please refer to the section on mixed EU/AETR and GB domestic driving in the Drivers' Hours guidebook.

They are also advised to inform their employer of this additional driving as it may affect their driving and rest time.

## 22. Drivers CPC and driver training

The responsibility of driving a permit vehicle is one which should only be undertaken after careful consideration and proper training. Driving a small bus requires additional skills in order to be able to handle the vehicle safely; it is not simply like driving a large car. Try to go on a specialist driver training course. Both RoSPA and the CTA run these [see Annex 7 and 8]. It is also worth contacting your local authority to find out if they run a suitable course. If it is not possible to go on a course, get plenty of practice driving the vehicle so you are fully familiar with it before taking out any passengers.

Driver's Certificate of Professional Competence (DCPC) has been introduced across the European Union to maintain high driving standards and improve road safety.

From 10th September 2008 drivers of PSVs, except permit vehicles, are required to hold this qualification and are required to undergo regular periodic training to maintain this qualification. This training is continuing professional development for bus and coach drivers and is designed to complement the individual driver's work and be relevant to their every day job. Courses may include SAFED (Safe and Fuel Efficient Driving) style training, first aid, health and safety, drivers' hours regulations and tachographs. Courses will also enable drivers to keep up to date with changing regulations. Further details on the Driver CPC syllabus can be found at [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport).

Unless they are also driving PSVs commercially, permit drivers who hold a PCV licence are exempt from holding a driver's CPC. However, permit holders who use drivers who hold a PCV entitlement are encouraged to use drivers who also hold this professional qualification.

## **23. Duty towards passengers**

Your drivers have a duty of care towards passengers. They should offer assistance to passengers and take all reasonable precautions to ensure the safety of passengers who are on, or who are entering or leaving the vehicle. For example, ensuring that any wheelchair restraint system is used correctly.

When picking up or setting down passengers the driver should stop the vehicle as close as is reasonably practicable to the left or near side of the road.

Training is available through schemes such as MiDAS - see Annex 7.

## **24. Lifts and ramps**

If a ramp or lift is installed on the vehicle the driver must be trained in the method of operation and must ensure that the ramp or lift is returned securely to its correct stowage position before the vehicle is driven.

# Annex 1

## Designated Bodies

Designated bodies have important responsibilities and obligations, and they need to have systems in place to ensure that they only issue permits to organisations who:-

- Operate vehicles without a view to profit
- Will not be operating any service with a view to profit
- Will not operate any services that benefit or contribute to another organisation that is itself profit making
- Will be able to operate vehicles safely - maintaining all vehicles in a roadworthy condition with safety inspections taking place.

Where a designated body issues permits to itself, there should be evidence of an internal management separation between the staff issuing permits and staff responsible for operating vehicles. Staff responsible for issuing permits should be fully trained in the requirements of the Transport Act 1985 and the changes introduced by the Local Transport Act 2008. It is important to ensure that accurate records are kept of all permits issued and revoked, and that details are kept of permit holders.

Designated bodies will need to ensure that those to whom they issue permits understand that the permit will not be valid after its expiry date, and it will be an offence to continue to operate services without a valid permit. They may wish to consider what systems they need to put in place to ensure that those to whom they issue permits are aware of the expiry date and have sufficient time to arrange for a new permit prior to the existing permit's expiry.

In the event that a group ceases to be a member of the designated body then the body should exercise its powers and revoke any permits issued to that group. Please ensure that the details of any action taken against a permit holder are recorded in the returns to the traffic commissioner.

If a disc or permit needs to be replaced (because, for example, it has faded or has been lost) then both the disc and permit must be replaced with a new time limited permit and disc. The designated body's records should reflect that the old ones are no longer valid, and if either the original disc or permit remain then they must be destroyed. From 6th April 2009, where a permit or disc is lost or destroyed, the holder will be issued with a new permit and disc valid for up to five years.

If permits or discs are spoilt when being completed then both permit and disc should be marked "SPOILT" in large letters, and both copies should be retained by the designated body. Where this happens these should be included in the returns to the traffic commissioner so that they are accounted for.

### Returns to the traffic commissioner

Where a permit is issued by a designated body, the body must advise the traffic commissioner of that fact within one month of issue. VOSA will supply an Excel spreadsheet template for those bodies wishing to submit returns electronically.

Additionally, each designated body will need to complete an annual return every April, summarising the serial numbers of permits issued from the previous April to March. Where no permits are issued in a year then there should be a "nil" return.

These returns should be sent to the Permit Team at the Central Licensing Office in Leeds.

**New stocks**

Any requests for stocks of permits should be made to [permits@vosa.gov.uk](mailto:permits@vosa.gov.uk) or alternatively sent to the Permit Team in Leeds. There is no charge for the supply of stocks of permits and discs.

It is suggested that sufficient stock should be ordered to cover what it is estimated will be issued in a year (with a minimum order of 20), and stock re-ordered when approximately a month's worth of stock is remaining.

**List of designated bodies**

A list of designated bodies is available from VOSA.

# Annex 2

## Recommended maintenance arrangements for vehicles operated under permits

As the permit holder it is your responsibility to ensure that any vehicle used under your permit is in a safe and roadworthy condition. Great importance is attached to proper maintenance and VOSA has produced a guide entitled Guide to Maintaining Roadworthiness: Commercial Goods and Passenger Carrying Vehicles which you will find helpful. This guide can be downloaded from the website at [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport). A summary of the guide is reproduced below.

### Summary of Guide to Maintaining Roadworthiness

There are two separate sets of vehicle checks and inspections that should be carried out. These are:

- daily walkaround checks; and
- vehicle safety inspection and routine maintenance inspections to be carried out at set intervals on items which affect vehicle safety, followed by the repair of any faults.

These are in addition to the servicing of the vehicle and the MOT test.

### Daily walkaround checks

These must be undertaken each time before a vehicle is used and are checks on things such as engine oil, brakes, tyre pressures, warning instruments, lights, windscreen washers and wipers. They are usually undertaken by drivers.

### Vehicle safety inspections and routine maintenance checks

These inspections are in addition to the routine daily walkaround checks and the MOT test.

The maintenance checks can be contracted out to a third party such as garage but whoever carries out the checks must be able to recognise faults such as parts wearing out too quickly. They should also know what the standards of performance and normal wear of parts are. If maintenance is contracted out you should have a written agreement with the contractor. VOSA will be able to assist you on the form this should take.

The person undertaking the safety inspection should sign the form declaring that, in their opinion, the vehicle is roadworthy.

### TAKE NOTE:

You will still be responsible for your vehicle's condition even if the maintenance is contracted out. Your permit could be at risk if the maintenance is not adequate.

- Routine checks should be carried out at set intervals which are time rather than mileage based, e.g. every six weeks. The "owner's manual" supplied with your vehicle should set the minimum recommended maintenance checks advised by the manufacturer. However, bearing in mind that passengers are to be carried on your vehicle, and possibly a number of different drivers used, you should carry

out more frequent safety checks. VOSA recommend that inspections are carried out at least every ten weeks. If your vehicle is only used very infrequently throughout the year you must ensure that a safety inspection is carried out prior to use.

- Specialist equipment should be inspected and serviced according to the manufacturers recommendations. There are additional requirements for passenger lifts and ramps - see below.
- Drivers must be able to report promptly any defects or symptoms of defects that could adversely affect the safe operation of vehicles. Reports must be made in writing and provision should be made to record details of any rectification work done.
- There should be provision to allow drivers to report nil defects, where no faults have been found.
- Drivers' defect reports that record any faults should be kept for at least 15 months.
- Safety inspections must include those items covered by the appropriate Department for Transport annual test. It is vital that safety critical items, e.g. braking systems are checked on a regular basis.
- Safety inspections should be subject to pre-planning and a maintenance planner or wall chart should be used to identify dates at least six months in advance of when they are due.
- The system of safety inspections must be regularly monitored particularly in the early stages. You should be prepared to change the frequency of checks as appropriate based on your monitoring.
- Records of any remedial work carried out should be kept for at least 15 months.
- The safety inspection report should include:
  - a) vehicle details;
  - b) a list of all items to be inspected;
  - c) when and by whom the inspections are carried out;
  - d) the result of the inspection;
  - e) details of any rectification work; and
  - f) a declaration that defects have been rectified satisfactorily.
- Staff carrying out safety inspections must be competent to assess the significance of defects. Assistance must be available to operate the vehicle controls as necessary.
- There must be a system to ensure that any vehicles with defects that are or could be dangerous are not used until the defects have been rectified.
- Permit holders who undertake their own safety inspections must have adequate facilities and tools available. They must be appropriate to the number and size of vehicle used.



- Any change to maintenance arrangements or safety inspections for large buses must be notified to VOSA immediately.

**Lifts and ramps**

In accordance with the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER 1998) lifts and ramps must be thoroughly examined by a competent person at least every six months in addition to any regular maintenance specified by the manufacturer.

**Hired Vehicles**

When hiring a vehicle of any size the permit holder must make sure that the vehicle is roadworthy.

In addition when hiring a small bus it must comply with the relevant legislation regarding the conditions of fitness. A large bus must have a Certificate of Initial Fitness (COIF) or certificate of conformity.

More details of what is required may be found in Annex 3. You should note that this is not an exhaustive list.

The permit holder and driver are responsible for the vehicle's safety and condition when it is being used on the road under a permit.

# Annex 3

## Requirements for equipment and use applying to all permit vehicles except small vehicles and landrovers

### Equipment

The requirements concerning the equipment for a minibus used under a permit are given in Schedule 7 to the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

The requirements for large vehicles are given in the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981.

The following items of equipment must be carried:

- a) At least one fire extinguisher which complies in all respects with the specifications for portable fire extinguishers issued by the British Standards Institution, numbered BS 5423 or EN3 which:
  - has a minimum test rating of 8A or 21 B; and
  - contains water or foam.
  
- b) A suitable, clearly marked, first aid box which is readily available for use and kept in good condition. The following items must be kept in it in good condition and be in date:
  - Ten antiseptic wipes, foil packed;
  - One conforming disposable bandage (not less than 7.5 cm wide);
  - Two triangular bandages;
  - One packet of 24 assorted adhesive dressings;
  - Three large sterile unmedicated ambulance dressings (not less than 15.0cm x 20.0cm);
  - Two sterile eye pads, with attachments;
  - Twelve assorted safety pins; and
  - One pair of rustproof blunt-ended scissors.

The vehicle must also have a notice showing the maximum number of passengers it can carry painted in letters at least 2.5 cm high. This must either be on the outside of the vehicle at the back, or inside the vehicle as long as it can be seen from the outside.

The seating capacity notice should also include the maximum provision for passengers in wheelchairs.

### Use

The requirements concerning the use of minibuses first used after 1 April 1988 are given in Regulations 42 to 44 and part IV of the Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078). For earlier vehicles Regulations 29 to 34 of the Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977 (SI 1977/2103) apply.

The following rules apply to the use of a vehicle.

- a) Passengers must not:
  - unnecessarily obstruct any entrance, exit or gangway; or
  - unnecessarily obstruct the driver or take their attention away from controlling the vehicle.

- b) The vehicle must not:
- be used to carry any inflammable or other dangerous substance unless it is properly packed so that it will not cause any damage to the vehicle, or injury to passengers;
  - be used unless all windows are clean and in good condition;
  - while the engine is running be either filled with fuel or have the fuel tank cap removed; or
  - be used to draw a trailer if its use obstructs one of the two exits to which all passengers must have access.
- c) From April 1995 buses carrying children to and from school will be required to display a yellow reflective sign at the front and rear of the vehicle showing two children in silhouette.

# Annex 4

## Recommended arrangements for the safe operation of vehicles used under the permit scheme

### Drivers

#### Training

The responsibility of driving a permit vehicle is one which should only be undertaken after careful consideration and proper training. Driving a minibus requires additional skills in order to be able to handle the vehicle safely; it is not simply like driving a large car. Try to go on a specialist minibus driver training course. Both RoSPA and the CTA run these [see Annexes 7 and 8]. It is also worth contacting your local authority to find out if they run a suitable course. If it is not possible to go on a course, get plenty of practice driving the vehicle so you are fully familiar with it before taking out any passengers.

#### Driver's Certificate of Professional Competence

Driver's Certificate of Professional Competence (DCPC) has been introduced across the European Union to maintain high driving standards and improve road safety.

From 10th September 2008 drivers of PSVs, except permit vehicles, need to hold this qualification and are required to undergo regular periodic training to maintain this qualification. This training is continuing professional development for bus and coach drivers and is designed to complement the individual driver's work and be relevant to their every day job. Courses may include SAFED (Safe and Fuel Efficient Driving) style training, first aid, health and safety, drivers' hours regulations and tachographs. Courses will also enable drivers to keep up to date with changing regulations. Further details on the Driver CPC syllabus can be found at [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport).

#### **TAKE NOTE:**

There is no requirement for drivers of vehicles used under a permit to hold a Driver CPC. Drivers who hold a PCV licence should be encouraged to undertake their Driver CPC qualification. All drivers are recommended to undertake regular assessment and training such as MiDAS, see Annex 7.

#### Fatigue

When planning a trip, work out journey times and distances in advance in order to structure your journey and avoid the risk of driver fatigue. Bear in mind that non-professional drivers (especially if they only drive a minibus occasionally) are likely to find driving more stressful than professionals. It is therefore important to plan more frequent rest breaks than those laid down in the EC Regulations for drivers' hours and, whenever possible, take another driver to share the driving.

Do not agree to drive unless you are fit: free from illness, medication, alcohol. If you are in any doubt as to your fitness to drive, you should seek the advice of a doctor.

**Emergencies**

Make sure the vehicle carries a fully equipped first aid kit and a fire extinguisher and the driver knows how to use them. Drivers should know and understand what to do in the case of an emergency such as illness, vehicle breakdown or accident. Before leaving on a longer trip, arrangements should be made for a telephone contact point in the home base area.

**Luggage**

Drivers should ensure that vehicles are not overloaded and should particular care to take into account the weight of luggage and equipment.

Stow luggage and equipment carefully in order not to obstruct gangways and exit doors. If using a roof rack, make sure luggage is securely fastened and be aware of the additional height of the vehicle. Do not exceed the roof rack's capacity or the vehicle's gross vehicle weight.

**Passengers**

The number of passengers that the vehicle is adapted to carry must not be exceeded.

Passengers should remain seated (unless the vehicle is certified to carry standing passengers) while the vehicle is moving and seatbelts must be worn if fitted. The driver must keep the doors closed until the vehicle is brought to a complete stop.

The vehicle should always be parked so passengers can alight on the pavement not on the road. Where passengers have to exit from the rear of the minibus, they should be supervised until safely away from traffic hazards.

**Passenger Assistants**

It should be normal practice to provide passenger assistants for passengers with mobility problems or special needs and it is also good practice to take an additional adult to help supervise parties of children on long journeys. Where specialist equipment is fitted, such as wheelchair restraint systems and passenger lifts, it is essential that both drivers and passenger assistants are trained in the method of operation.

Training for passenger assistants is available from the CTA.

**Lifts and ramps**

Before commencing a journey any lifts or ramps should be checked to ensure that they are functioning correctly.

Any person using this equipment must be trained so that the equipment is used in a safe manner.

# Annex 5

## Running local bus services

This applies to community bus services provided under a section 22 permit. Vehicles used under a section 19 permit cannot be used to provide a registered local bus service and cannot be used to carry members of the general public.

A local service is one where passengers are carried at separate fares over short distances. The route can be of any overall length, as long as throughout its length passengers can get off within fifteen miles (24.15 km) (measured in a straight line) of the place where they were picked up.

### Separate fares

A separate fare is where each passenger makes a separate payment to the driver, conductor or agent of the permit holder to use the service. The passengers may pay as they get on the bus, or they may buy tickets in advance, have season tickets or use concessionary passes. Payment can also be by an indirect means, such as concert tickets which include travel or subscription to a club which includes travel.

### Registrations

A registration is a notice of the local service you want to operate. To register the service outside London you must give the traffic commissioner a full description of the service you will be running.

Details of your service and any subsequent variations or cancellation will be published in *Notices and Proceedings*.

*Notices and Proceedings*, often known as 'Ns and Ps', is a fortnightly publication issued by each traffic commissioner. The publication lists such matters as details of licence applications; decisions on those applications; forthcoming public inquiries; and details of applications to register, vary and cancel local bus services. Copies of *Notices and Proceedings* are available at [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport).

Community bus operators are expected to run their services as reliably and punctually as professional operators.

Further advice on eligibility and how to register bus services can be found in the guidebook PSV 353A for England and Wales and PSV 353A for Scotland entitled *Local Bus Service Registration*. Contact VOSA for further advice.

### Standards for local bus service

It should be the overriding aim operators to run their registered services to their published timetables. Should you fail to run your service correctly your permit may be revoked (taken away from you).

# Annex 6

## Separate fares

*Example 1:* A section 19 permit holder operates a Dial-a-Ride service for disabled people and their carers. Each person (disabled person or carer) pays a fixed fare of £2 for any journey. Here, separate fares are clearly being paid.

*Example 2:* As above, but each fare-paying disabled person may be accompanied by a carer for no additional charge. Here, if one disabled person (A) and his/her carer (B) travel on the vehicle, a single £2 fare covers both their journeys. A and B are not paying separate fares. Nevertheless, so long as there is a possibility of other passengers travelling on the vehicle (i.e. it is not an exclusive hiring where A and B are promised that no other passengers will be carried), our view is that separate fares are still being charged - because if another passenger wishes to travel, he or she will have to pay a separate £2 fare.

*Example 3:* A residential care home for disabled people is organising a trip to the seaside for some of its residents. The care home hires in a people carrier with eight passenger seats, with the services of a driver, for a fixed charge of £50. The vehicle is made exclusively available to the care home - there is no public advertisement of the trip and people unconnected with the care home cannot travel. The care home asks each person going on the trip to pay a share of the transport costs. But the £50 charge for the hire of the vehicle is fixed, regardless of how many residents actually travel on the vehicle. Although the care home residents are making individual payments to the care home, the transport operator is not involved in that arrangement. So far as the operator is concerned, he is hiring out the vehicle as a whole, for a fixed £50 fee - his income is unaffected by the number of people travelling. In this case, our view is that the vehicle is being operated as a private hire vehicle, and should not be operated under a PSV operator's licence or a community transport permit.

*Example 4:* A charity is organising a trip to the seaside for disabled people on a particular day. It advertises this trip within the local area, at a fare of £10 per passenger. The residential care home mentioned in Example 3 becomes aware of this trip. Five of its residents want to go on the trip, so one of the care home workers collects their £10 fares, and passes on the £50 total to the transport provider. The care home and the residents are aware that other disabled people may also be transported on the same vehicle - it is not an exclusive hiring for the five care home residents. In this example, our view is that separate fares are being paid - if a fifth person wishes to travel on the same journey, he/she may do so, but a further £10 fare will have to be paid in respect of that passenger to the charity organising the trip. Assuming the charity organising the trip is eligible for a section 19 permit, the service can be provided under that permit. The service must not be operated with a view to profit: in other words, the fare must be set at such a level that (based on a reasonable expectation of how many passengers are likely to travel on the trip) it does not expect to make a profit.

# Annex 7

## Contacts

All correspondence relating to permits or operator licensing should be addressed to:  
The Permit Team, Central Licensing Office, Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF.

Tel: **0300 123 9000**

[Self.Service@vosa.gov.uk](mailto:Self.Service@vosa.gov.uk)

The table below shows the coverage of the different traffic areas and the addresses for the local Office of the Traffic Commissioner. **The addresses for the Office of the Traffic Commissioner should not be used for general correspondence.**

Traffic Area	Responsible for	Office of the Traffic Commissioner
<b>North Eastern</b>	<p>The metropolitan boroughs within South Yorkshire, Tyne and Wear and West Yorkshire.</p> <p>The counties of Durham, Northumberland, Nottinghamshire and North Yorkshire.</p> <p>The districts of East Riding of Yorkshire, Hartlepool, Kingston upon Hull, Middlesbrough, North Lincolnshire, North East Lincolnshire, Redcar and Cleveland, Stockton-on-Tees.</p>	<p>Hillcrest House 386 Harehills Lane Leeds LS9 6NF</p> <p>Tel 0300 123 9000 Fax 0113 2488521</p>
<b>North Western</b>	<p>The metropolitan boroughs within Greater Manchester and Merseyside.</p> <p>The counties of Cheshire, Cumbria, Derbyshire and Lancashire.</p>	<p>Suites 4-6, Stone Cross Place, Stone Cross Lane North, Golborne, Warrington WA3 2SH</p>
<b>Eastern</b>	<p>The counties of Bedfordshire, Buckinghamshire, Cambridgeshire, Hertfordshire, Essex, Leicestershire, Lincolnshire (except the Districts of North Lincolnshire and North East Lincolnshire), Norfolk, Northamptonshire, Rutland and Suffolk.</p>	<p>City House, 126-130 Hills Road, Cambridge CB2 1NP</p>
<b>West Midland</b>	<p>The metropolitan boroughs within the West Midlands.</p> <p>The counties of Herefordshire, Shropshire, Staffordshire, Warwickshire and Worcestershire.</p>	<p>38 George Road, Edgbaston, Birmingham B15 1PL</p>



<b>Traffic Area</b>	<b>Responsible for</b>	<b>Office of the Traffic Commissioner</b>
<b>Welsh (Cymru)</b>	Wales (Cymru)	38 George Road, Edgbaston, Birmingham B15 1PL
<b>Western</b>	The counties of Berkshire, Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Oxfordshire, Somerset and Wiltshire  The districts of Bristol and Isle of Wight.	2 Rivergate, Temple Quay, Bristol, BS1 6EH
<b>South Eastern and Metropolitan</b>	The counties of Kent, Surrey, East Sussex and West Sussex	Ivy House, 3 Ivy Terrace, Eastbourne, BN21 4QT
<b>Scottish</b>	Scotland	Level 6 The Stamp Office Waterloo Place Edinburgh EH1 3EG

**VOSA**

Berkeley House  
Croydon Street  
Bristol  
BS5 0DA  
0300 123 9000  
[www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport)

**Bus Service Operator's Grant  
(BSOG)**

F14 Ashdown House  
Sedlescombe Road North  
St Leonards-on-Sea  
East Sussex  
TW37 7GA  
  
Tel: 020 7944 8588  
[FDR@dft.gsi.gov.uk](mailto:FDR@dft.gsi.gov.uk)

Other organisations	Contact details	Aspects covered
<p><b>The Royal Society for the Prevention of Accidents</b></p>	<p>Edgbaston Park 353 Bristol Road Edgbaston Birmingham B5 7ST</p> <p>Tel: 0121 248 2000</p>	<p>Offer advice and run training courses for volunteer drivers.</p>
<p><b>MiDAS (The Minibus Driver Awareness Scheme)</b></p>	<p>For the county of Hampshire, Portsmouth and Southampton:</p> <p>Passenger Transport Group Environment Department Hampshire County Council The Castle Winchester SO23 8UD</p> <p>Tel: 01962 845 848</p> <p>For the rest of the UK and Ireland:</p> <p>Community Transport Association Highbank Halton Street Hyde Cheshire SK14 2NY</p> <p>Tel: 0161 351 1475</p>	<p>MiDAS is part of a suite of training modules designed for minibus drivers in the voluntary and not-for-profit sectors. MiDAS provides organisations with the means to assess and train its drivers and passenger assistants to a nationally recognised standard. It also includes a module for drivers of cars and MPVs.</p>
<p><b>ACEVO</b></p>	<p>1 New Oxford Street London WC1A 1NU Tel: 0845 345 8481 Fax: 0845 345 8482 info@acevo.org.uk</p>	<p>ACEVO is the Association of Chief Executives of Voluntary Organisations. They connect, develop and represent the third sector's leaders.</p>

# Annex 8

## The Community Transport Association

The Community Transport Association (CTA) is a designated body that can issue permits to its members. They offer free advice and information via their Advice Line on all aspects of minibus and accessible transport operation, including advice for passenger assistants. Advice leaflets are downloadable from their website.

Members of the CTA are kept informed of any changes in legislation or best practice associated with operating not-for-profit transport. Access is also provided to development support including training and funding advice. The CTA influences National, Regional and local Government on behalf of its members, representing members' view and empowering organisations to provide quality services.

The CTA produces a Quality Mark which recognises compliance and good practice by not-for-profit organisations.

They can be contacted at  
Highbank, Halton Street, Hyde, Cheshire, SK14 2NY  
Central Support Office  
Tel: 0161 351 1475  
Email: [info@ctauk.org](mailto:info@ctauk.org)  
Website: [www.ctauk.org](http://www.ctauk.org)

Advice Service  
Tel: 0845 130 6195  
Email: [advice@ctauk.org](mailto:advice@ctauk.org)

## **APPLICATION FORM FOR A SECTION 19 STANDARD OR LARGE BUS PERMIT – GUIDANCE NOTES**

Please read these notes carefully before completing your application form. They have been designed to help briefly explain the questions. Further guidance can be obtained from the guidebook 'Passenger transport provided under Section 19 or Section 22 permits – PSV 385 – 01 revised 2009 which is available from the VOSA website on [www.vosa.gov.uk](http://www.vosa.gov.uk).

The Traffic Commissioner needs to be satisfied that your body is eligible for a permit and therefore reserves the right to request additional information as required.

Should you have any queries or concerns about your body's eligibility to hold a permit, you should contact VOSA for advice.

**Giving false information in order to obtain a permit is an offence and could lead to prosecution. It could also result in your vehicle being impounded.**

If you make no charge for the provision of transport, either directly or indirectly, you do not require a permit. Payment is often referred to as 'Hire or Reward' and is a payment that gives a person the right to be carried on a vehicle regardless as to whether that right is exercised. Payment can be made directly such as a fare or indirectly such as a membership subscription fee.

**Please note that the current fee for a standard permit is £11 and for a large bus permit it is £20.**

### **1. Your details**

Normally the body applying for a permit will be an organisation. However, if you are an individual applying on behalf of a body please state on a separate piece of paper your connection with the body and explain why the application is not being made by the body.

Please supply a full postal address and a day time telephone number you can be contacted on.

### **2. What the body is concerned with**

Please tick the box or boxes relevant to your body. If you select 'Other activities of benefit to the community' you must provide full details in the box provided.

### **3. Type of education establishment**

If your body is concerned with education please explain what type of educational establishment your body is. For example, university, training college, school. If a school, please state what type of school it is, for example, a state funded school or a fee paying school. If you are a fee paying school and have charitable status please enter the charity number at question 6, otherwise please give further details of the nature of your establishment.

Not all educational establishments are eligible for a permit. If it is a private or commercial school a Public Service Vehicle Operator's licence may be required.

### **4. Profit making activities**

If your body carries on any of its activities with a view to making a profit, details of these activities must be supplied.

## **5. Use of the vehicle**

A permit allows a charge to be made for the carriage of passengers. The charge can be set at a level that covers the running costs of the vehicle but must not be set at a level so as to produce a profit. If at any time it is proposed that the vehicle will be used with a view to profit you must provide details.

## **6. Charitable status**

Please supply the registered charity number for your body, if appropriate.

## **7. Companies House**

If the body is registered with Companies House please supply the registration number and enclose a copy of the Memorandum and Articles of Association.

## **8. Community Interest Companies**

Please enclose a copy of the Memorandum and Articles of Association.

## **9. Existing permits**

Please give the permit number for all permits you currently hold and the name of the issuing body. This includes any small or large permits issued before 6<sup>th</sup> April 2009 which have not been replaced.

## **10. Previous applications**

You must inform the Traffic Commissioner if your body has ever had an application for a permit refused by any issuing body. Please provide details – to whom the application was made; when and why it was refused.

## **11. Number of permits required**

You may apply for any number of permits on one application form but you must ensure that you submit the relevant fee to cover each permit applied for.

Standard permits are for vehicles which can carry no more than 16 passengers. This includes small vehicles such as cars and MPVs which can carry up to eight passengers. Please note though that in order to use a small vehicle under a permit, passengers must be charged at separate fares.

Large bus permits are for vehicles which can carry 17 or more passengers and must be obtained through the Traffic Commissioner by way of an application to The Central Licensing Office, Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF.

A large bus permit cannot be used to operate a vehicle adapted to carry sixteen or fewer passengers. If you wish to use a smaller vehicle you must also apply for a standard permit.

Please note the driver's seat is not taken into account when considering the number of passengers that may be carried.

## **12. Classes of passengers to be carried**

Please ensure that you tick all the classes of passengers you will be carrying on the vehicle. Should you wish at a later date to change the class of passengers you will be required to submit an application for a new permit.

If applying for persons in a geographically defined area please supply details of the area you propose to cover with your service. Please also explain what the criteria will be to ensure eligibility of the passengers. Remember, you cannot use a vehicle being operated under a section 19 permit to carry members of the general public.

## QUESTIONS 13 TO 21 ARE TO BE COMPLETED BY APPLICANTS FOR LARGE BUS PERMITS ONLY

### 13. Co-ordinating the activities of other bodies

A large bus permit can only be issued to a body which assists and co-ordinates the activities of bodies concerned with:

- Education;
- Religion;
- Social welfare; or
- Other activities of benefit to the community

Large bus permits cannot be granted to bodies concerned only with recreational activities.

If your body does not co-ordinate the activities of other bodies you must contact VOSA for further advice.

### 14. Details of other bodies

The Traffic Commissioner must be satisfied that an applicant meets the necessary criteria. Therefore information about the other bodies which your body assists and co-ordinates the activities of are required. Please explain in what way your body carries out these functions and what the connection there is between your body and the other bodies, using additional sheets of paper if required.

### 15. 16 and 17 Profit

All these questions relate to 'profit'.

A vehicle must not be used under the authority of a permit in connection with an activity that is carried on with a view to profit. The vehicle must also be used without a view to making a profit. Should the permit granted it will be your responsibility as permit holder to ensure these requirements are met; the vehicle will be being used under your permit.

If you have any doubts you should contact VOSA for advice.

### 18. Hired in vehicles

It is not a requirement for you to own the vehicle that is to be used under the permit. A vehicle may be hired in as required. However, any large vehicle you use under the permit must have a Certificate of Initial Fitness (COIF) or Certificate of Conformity (CoC) and must be in a safe and roadworthy condition. You are therefore strongly advised to check thoroughly any hired vehicle before use to ensure that it is roadworthy. You will also need to ensure that the vehicle has been issued with a COIF or COC.

### 19. Vehicles in possession

It is not a requirement for you to have a vehicle in possession before a permit may be granted.

If you are planning to purchase a vehicle please tell VOSA as soon as it has been purchased and provide details of your maintenance arrangements.

### 20. Maintenance arrangements

The Traffic Commissioner must be satisfied that you have adequate maintenance arrangements to keep your vehicle in a roadworthy condition. You must therefore supply details of the arrangements you have made to ensure that the vehicle is kept in a roadworthy condition. If the Traffic Commissioner is not satisfied as to the arrangements the application will be refused.

The vehicle will also need to have been issued with a COIF or COC prior to being used under the permit.

## **21. Safety inspections**

It is vital that the vehicle is kept in a safe and roadworthy condition. Failure to do so may result in the permit being revoked.

Part of this process is making sure that the vehicle is inspected regularly. VOSA recommends at least every ten weeks.

If you have any questions concerning maintenance please contact VOSA or refer to our guidebook *Guide to Maintaining Roadworthiness*.

### **DECLARATION, TO BE READ AND SIGNED BY ALL APPLICANTS**

Please read the declaration carefully. As the permit holder your body will be responsible for ensuring compliance with the legislation.

If you fail to meet the required standard to hold a permit it may be revoked by the Traffic Commissioner.



HM Government

# **Driving school minibuses**

**Advice for school employers,  
headteachers and other school staff**

**August 2013**



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# Summary

## About this departmental advice

1. This is non-statutory advice jointly produced by the Department for Education (DfE), the Department for Transport (DfT) and the Association of Chief Police Officers (ACPO) on driving licence entitlement when driving a school minibus. It replaces the relevant section of the DfE health and safety departmental advice.

## What the law says

2. This advice does not constitute legal advice nor is it a ruling on the law: individual, schools etc should seek independent legal advice on these issues if they have any queries or concerns. The relevant legislation is Part III of the Road Traffic Act 1988 and the Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999/2864). This is available to view on [www.legislation.gov.uk](http://www.legislation.gov.uk):

[Part III of the Road Traffic Act 1988](#)

[Motor Vehicles \(Driving Licences\) Regulations 1999 \(SI 1999/2864\)<sup>1</sup>](#).

## Expiry / review date

3. This document will be reviewed if there is a change to the legislation listed above.

## Who is this advice for?

4. This advice is for school employers including local authorities, governing bodies, academy trusts and proprietors; and head teachers and other school staff. This advice may also be of interest to local authority youth workers and charitable groups working with young people.

## Key points

5. There are circumstances in which a member of school staff with a car driving licence (category B) can drive a minibus. This licence entitlement is set out here and in an interactive [flowchart](#) on GOV.UK. Schools are also advised to check their insurance and any employer's policies on this matter.

6. There is also an exemption under which drivers can drive minibuses on behalf of non-profit making bodies such as schools using a Section 19 permit. If schools are in any doubt about their legal position they are advised to apply for a Permit.

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<sup>1</sup> Please note that legislation on these links are not generally consolidated and therefore may not show subsequent amendments.

# Driving a school minibus

## What is a minibus and who can drive one?

7. A minibus is a motor vehicle with between 9 and 16 passenger seats<sup>2</sup>. It is described as a category D1 vehicle by the Driving Vehicle Licencing Authority.

8. Drivers who hold a full D1 (or D) PCV entitlement can drive minibuses for *hire or reward*.

9. There are, however, circumstances when a driver can drive a minibus within the UK when they hold a car (category B) licence. These circumstances vary depending on when the driver passed their car driving test. These arrangements only apply when driving the minibus in the UK not if driving abroad.

a) **If you passed your category B (car) driving test before 1 January 1997**, you can drive a minibus that is not being used for *hire or reward* as these licences automatically include category D1 (101) (not for hire or reward) entitlement<sup>3</sup>. This means school staff with such a licence can drive a minibus carrying up to 16 passengers with no maximum weight restriction on the vehicle. Drivers with a D1 + E (101) (not for hire or reward) entitlement can tow a trailer over 750kg.

b) **If you passed your category B driving test on or after 1 January 1997**, you may drive a minibus that is not being used for *hire and reward* if the following conditions are met:

- you are over 21 and have held a category B licence for at least 2 years;
- the minibus is used by a non-commercial body<sup>4</sup> for *social purposes*,
- you receive no payment other than the recovery of your *out of pocket expenses* (e.g. fuel and parking costs);
- you provide the service on a *voluntary basis*;
- the maximum unladen weight<sup>5</sup> of the minibus is not more than 3.5 tonnes (or 4.25 tonnes if including any specialist equipment to carry disabled passengers); and
- you do not tow a trailer.

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<sup>2</sup> The driver's seat does not count for these purposes.

<sup>3</sup> Drivers who have renewed their licence (e.g. when a photo licence is issued) should check that this entitlement has been retained.

<sup>4</sup> Maintained schools, Free Schools and academies are considered non-commercial bodies, as are independent schools holding charitable status.

<sup>5</sup> The weight of the vehicle (sometimes known as the Maximum Authorised Mass or MAM) is shown on a metal or plastic plate situated in the engine shell or on a door pillar. At least three manufacturers are currently making lightweight minibus models of 3.5 tonnes or less which are available in the UK.

## What is hire and reward?

10. A vehicle which is operated for hire or reward is one where payment is made, in cash or in kind, for the carrying of passengers, or matters which include the carrying of passengers, irrespective of the person to whom the payment is made. This includes direct payments such as a fare or an indirect payment which gives a person an opportunity to travel. It does not matter whether or not the operator is a profit-making entity. A minibus is used for *hire or reward* if there is a clear and logical link between payment and the transport provided and that link is not too remote.

11. A minibus is not being used for *hire or reward*, for example, where the pupils are not obliged to pay in exchange for the right to be passengers. This applies where independent schools with charitable status, Free Schools and academies use a minibus not for a passenger service on a commercial basis but to take pupils off-site for trips within the school day or as an extra-curricular activity, where the pupils do not pay for their transport. Independent, fee-paying schools which lack charitable status could be viewed as commercial bodies that operate minibuses for *hire or reward*; the *hire or reward* element being school fees. We advise such schools to seek legal advice.

12. If schools (or their insurers) are concerned that they may not meet the definition of not operating for *hire or reward* they are advised to consider applying for a Section 19 permit (see below).

## What are social purposes?

13. We consider social purposes to mean non-commercial activities. This includes school trips and travel to sporting fixtures within the school day or as an extra-curricular activity.

14. Where a minibus is operated to provide passenger services for commercial purposes, the driver must hold a full D1 licence (or a full D licence, which entitles the holder to drive minibuses).

## What are Out of Pocket Expenses?

15. Out of Pocket Expenses are remuneration for any fuel costs, parking fees, toll fees or similar expenses incurred as part of a trip. The driver should receive no other payments for driving the minibus.

## What is ‘On a Voluntary Basis’?

16. In our view, if the terms and conditions of a teacher’s contract of employment state that driving minibuses is a part of their duties, or if a teacher is paid an additional sum specifically for driving the minibus (other than a sum to reimburse the teacher for out of pocket expenses on a cost recovery basis), such staff would be deemed as receiving payment for driving a minibus and would not be driving the minibus ‘on a voluntary basis’. In these cases, a full D1 licence (or a full D licence) would be needed.

17. However, in our view, if a teacher’s contract of employment does not state that driving minibuses is part of their duties and they receive no additional payment for driving a minibus to take pupils on trips or to social sporting events (except for reimbursement for out of pocket expenses), they will be driving on an extra-contractual, **voluntary basis**. In this case, the category B licence would suffice (assuming the conditions are met) even if the school reimburses the teacher for fuel, parking and tolls.

## Medical standards and renewing a driving licence

18. When your category B driving licence expires at age 70, the entitlement to drive a minibus can be renewed upon request, if you meet the medical standards for category D1 drivers. You will need to complete a D2 application form and provide a Medical Examination Report (D4). Further information can be obtained from the DVLA’s INF28 leaflet, [Driving a Minibus](#).

19. Every driver must comply with medical standards for any driving licence issued.

## Driving under the Section 19 permit scheme

20. A Section 19 permit is usually issued free of charge and is given to non-profit making bodies<sup>6</sup> that run transport services which benefit the community. Section 19 Permits are issued to bodies to enable them to provide transport for their own members or other people whom the organisation exists to help. The vehicle must not be used for carriage of members of the general public. It must also not be used with a view to profit, nor incidentally to an activity which is itself carried out with a view to profit. Category B and Category D1 (101) (not for Hire or reward) licence holders are entitled drive minibuses that are operated for *hire or reward* in accordance with a Section 19 permit.

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<sup>6</sup> Examples of such non-profit making bodies are bodies concerned with education, religion, social welfare, recreations and other activities that are beneficial to the community. Schools would fall within this classification.

Apart from the *hire or reward* test, the same driving licence requirements as described in paragraph 9 apply.

21. Permits are available free, or for a small fee, from Traffic Commissioners and designated bodies such as local authorities and various church organisations. Details of how to contact Traffic Commissioners in your area are on [GOV.UK](https://www.gov.uk). Once a permit has been obtained, a member of staff can drive a minibus under the conditions outlined above. These Permits only apply within the UK.

## Insurance, other requirements and police

22. It is up to drivers to check with their insurer whether their insurance policy covers a minibus in the circumstances in which it is proposed to be driven.

23. It is also up to drivers to check whether their driving triggers other legal requirements, such as the laws in respect of drivers' hours, tachographs and Certificates of Professional Competence.

24. This guidance has been cleared by the Association of Chief Police Officers, who will promote awareness of this legislation amongst local traffic police officers.

## Frequently Asked Questions

**Question:** We are taking a small group of pupils on a school trip and asking for a contribution toward petrol costs. Does this constitute *hire or reward*?

**Answer:** Yes, we would consider a payment by pupils toward petrol costs to fall within the meaning of hire or reward.

**Question:** Do staff need MIDAS<sup>7</sup> training?

**Answer:** The MIDAS scheme allows organisations to assess and train minibus drivers and is highly recommended for school staff driving on a category B licence. Although the scheme is not mandatory there are many advantages to successful completion of the training. Drivers will feel more confident in their ability to drive and valuable experience of driving a minibus is gained, increasing competence. Some employers may require drivers to have taken this training and some insurance companies may offer lower premiums based on drivers having completed the training.

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<sup>7</sup> MIDAS is the Minibus Driver Awareness Scheme (organised by the Community Transport Association U.K.) which promotes a nationally recognised standard for the assessment and training of minibus drivers.

**Question:** How does the status of the school affect the teacher's right to drive under the above derogations (usually in Charitable Trusts, Private Schools)?

**Answer:** The right to charitable status for a fee paying school is determined by a number of criteria, one of which is how the school will work with the local community. It is arguable that a fee paying school which does not have charitable status operates as a business rather than on a community basis and that their teachers would be driving minibuses on a "hire and reward" basis because the pupils' school fees amount to a payment for matters that include carriage by minibus. Schools without charitable status are advised to seek legal advice. (Academies and Free School have charitable status.)

## Further sources of information

- There is an interactive [flowchart](#) available on GOV.UK to help drivers identify whether or not they meet the conditions to drive a minibus.
- All drivers should be familiar with the [Highway Code](#).
- Further details of exemptions and permits:
  - [www.gov.uk/driving-a-minibus](http://www.gov.uk/driving-a-minibus)
  - Schools may also like to consult [The Outdoor Education Advisers' Panel website](#).

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Reference: DFE-00064-2013