



National
Guidance
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Transport in Minibuses

This document is aimed at establishments providing transport for participants in outdoor learning and educational visits, and is not intended to provide guidance for the use of minibuses for other purposes such as community transport.

It is primarily about passenger carrying vehicles fitted with between 10 and 17 seats including the driver (9 to 16 passenger seats). However, although the legal requirements are different for smaller vehicles such as people carriers and 9-seater vans, much of the other guidance is relevant to them.

Further information is available at:

- www.gov.uk/vehicles-can-drive
- www.gov.uk/driving-a-minibus
- www.gov.uk/government/publications/driving-school-minibuses-advice-for-schools-and-local-authorities
- www.gov.uk/government/publications/section-19-and-22-permits-not-for-profit-passenger-transport.

Heads/Managers must ensure that:

- the establishment (or employer) holds any required licences;
- all vehicles are properly licensed, insured and maintained;
- all drivers meet licensing requirements;
- all drivers have been trained and assessed to be competent.

Licensing Requirements for the Establishment

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

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

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

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

The law regarding Section 19 Permits is under review. Establishments using them should periodically check the government guidance for any changes.

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

Drivers' Licensing Requirements

Minibus drivers must hold a category D1 or D entitlement on their licence, except for volunteer drivers in certain limited circumstances (see below).

Drivers whose licence shows a D1 entitlement because they obtained their licence before 1997 have a category 101 restriction on their entitlement. This means that they may NOT drive for Hire or Reward (see definition above) unless they are driving under a Section 19 Permit (see above).

Drivers must also have a Driver Certificate of Professional Competence (CPC) and undertake further training every five years, unless the vehicle is being driven for non-commercial purposes or other exemptions apply – see www.gov.uk/become-lorry-bus-driver/when-you-dont-need-driver-cpc.

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

Volunteer Drivers

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

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

The Department for Education, Department for Transport and Association of Chief Police Officers have issued advice* which states that there are certain circumstances when a teacher driving a minibus can be regarded as acting as a volunteer, but this advice is not definitive and has not been tested in the courts.

Employers should study the most recent government guidance, take legal advice if they have any queries or concerns, and provide a clear policy. If teachers or other employees are permitted to drive as volunteers on a category B licence, then they should receive appropriate training.

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

* see www.gov.uk/government/publications/driving-school-minibuses-advice-for-schools-and-local-authorities.

Driving a Minibus Outside the UK

Government advice on driving overseas is at www.gov.uk/driving-abroad.

Where 'Europe' is mentioned below, this means countries within the European Union (EU), the European Economic Area, and Switzerland.

Before driving a minibus in any country outside the UK, including in Europe, the current regulations of that country should be checked with the country's embassy, high commission or consulate – for their website address or contact details see: www.gov.uk/government/publications/foreign-embassies-in-the-uk.

Section 19 (or 10B) Permits are not valid outside the UK, and so the following considerations apply in Europe if a minibus is driven for Hire or Reward (which will be the case for most educational visits):

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

In some countries, an International Driving Permit (IDP) is required in addition to a UK licence. See www.gov.uk/driving-abroad/international-driving-permit and www.postoffice.co.uk/identity/international-driving-permit. Even if it is not otherwise required, an IDP may be required for holders of paper (non-photocard) UK licences or for licences issued in Gibraltar, Guernsey, Jersey or the Isle of Man.

The 1949 IDP, which is required in some countries, does not recognise the D1 licence category, and a full category D coach driving licence might be required to drive a minibus.

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

- a control document ('Waybill'), or an Own Account Certificate (OAC) for non-profit organisations using their own minibus;
- insurance certificate ('green card');
- European accident form;
- Vehicle Registration Document or Vehicle Hire Certificate;
- permission to drive from the vehicle's registered owner;
- driver's licence;

- passports for the driver and all passengers.

A tachograph must be used in Europe, and in the UK when on an international journey even if a tachograph would not be required for a domestic journey. Journeys to the Republic of Ireland do not require a tachograph.

In addition, the following are required in all or some EU countries:

- GB sticker;
- warning triangle;
- First Aid kit;
- fire extinguisher;
- high-visibility vests for all occupants;
- spare bulbs;
- French law requires drivers to be able to produce an unused and in date NF-approved breathalyser kit.

The use of radar and laser detectors that give advanced warning of speed cameras, and of scramblers that jam traffic enforcement equipment, is forbidden in most European countries. The use of GPS devices, such as a satnav, which display speed camera locations, is also illegal in some countries – if your satnav has this built-in, it should be deactivated before entering these countries. In France, it is illegal to have such a detector or GPS device in a vehicle, even if they are not in use.

Weight Limits

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

Drivers' Responsibilities

Minibus drivers must:

- understand that they are legally responsible for the condition of the vehicle, including compliance with requirements for carrying safety equipment (e.g., fire extinguisher, warning triangle, first aid kit, reflective jackets);
- check the vehicle before using it (see Maintenance, Checks and Inspections below);
- ensure that they meet the driver licensing requirements;
- ensure that the vehicle is not overloaded, and that the total weight does not exceed the vehicle's Maximum Authorised Mass (MAM);
- comply with their employer's and establishment's policy requirements;
- use a tachograph if required to do so (e.g., driving in Europe; driving for Hire or Reward in the UK without a Section 19 Permit);
- not drive when taking medication or undergoing treatment that might affect their ability or judgment;

- know what to do in an emergency, including how to use firefighting and first-aid equipment;
- avoid driving for long periods and ensure that rests are taken when needed (see below);
- comply with transport regulations and the requirements of the vehicle's insurance cover;
- have regular medical checks including eyesight tests;
- observe minibuses speed limits, which are generally lower than those for a car (see www.gov.uk/speed-limits).

Driving Hours

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

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

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

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

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

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

Further guidance, including detailed information on EU/AETR regulations can be found at www.gov.uk/drivers-hours.

Maintenance, Checks and Inspections

Legal responsibility for roadworthiness is shared between the operator (the establishment or employer) and the driver. The head/manager should ensure that

there are clear systems for the maintenance, checking, inspection and servicing of vehicles, and that drivers are aware of their responsibilities.

Government guidance on maintaining passenger carrying vehicles is available at: www.gov.uk/government/publications/guide-to-maintaining-roadworthiness. This includes detailed advice about:

- daily walkaround checks by drivers or a responsible person;
- drivers' responsibilities;
- defect reporting;
- regular safety inspections and their intervals;
- record keeping;
- monitoring.

Safety inspections should be undertaken by a reputable garage and are in addition to servicing according to the manufacturer's recommendations and annual MoT tests.

It is good practice for drivers to be required to log the details of each journey they make, especially if a vehicle is used by more than one driver.

Insurance

It is essential that all vehicles are properly insured. The insurance policy should be checked to ensure that it covers the full range of intended use, including:

- the age and experience of drivers;
- the maximum number of passengers;
- use for Hire or Reward;
- the use of a roof rack or trailer;
- overseas use.

Luggage

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

Towing a Trailer

The weight of a trailer that you are allowed to tow depends upon your age, when you passed your test, the vehicle categories on your driving licence and the type and weight of the towing vehicle. Details are available at www.gov.uk/government/publications/inf30-requirements-for-towing-trailers-in-great-britain

If a trailer prevents the back doors of a minibus being used in an emergency, then an alternative exit must be provided, such as an additional sliding door on the offside.

Different speed limits apply when a trailer is being towed. Information is available at www.gov.uk/speed-limits.

Guidance on trailer safety checks is available at www.gov.uk/guidance/tow-a-trailer-with-a-car-safety-checks

Before you tow a trailer on a public road, you should ensure that you can do so safely. Advice on learning to tow is available at www.safedrivingforlife.info/blog/cars/why-learning-to-tow-is-important

Some trailers must be registered before using them in some European countries. See www.gov.uk/guidance/trailer-registration

Supervision of Groups in Minibuses

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

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

- the length of the journey and time of day when it takes place;
- the route and the familiarity of the driver with this route;
- the nature of the group (e.g., age/maturity/special needs/behavioural issues) and the level of behaviour management or support they are likely to require during the journey;
- the seating arrangements (including whether there should be adults seated next to emergency exits);
- the need to ensure that all passengers wear seat belts;
- the overall workload of the driver during the day (other responsibilities and duties undertaken or planned by drivers).

Seat Belts

It is a legal requirement that the driver and all passengers wear a seat belt or appropriate restraint. The driver is responsible for ensuring that children under the age of 14 wear their belts.

See also OEAP National Guidance document [4.5d "Seat Belts and Child Restraints"](#).

