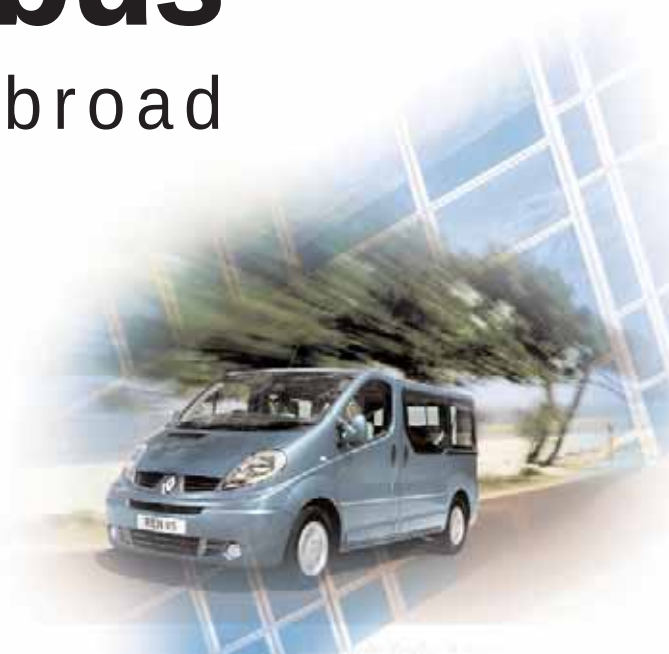




The BVRLA Guide to

Operating a Minibus

in the UK and abroad





contents

Introduction	2
What is a minibus?	2
Who can drive a minibus?	3
Operator Licence and Hire or Reward	4
What is a PSV Operator Licence?	
How do I apply for a PSV Operator Licence?	
Criteria for obtaining a PSV Operator Licence	
PSV Operator Licence types.	
When is a PSV Operator Licence needed?	
Hire or reward	
Work Buses	
Rental Company use of a minibus	
Minibus and Community Permits	5
Minibus permit	
Section 19 permit	
Section 22 permit	
Drivers hours	6
EU drivers' hours	
Exemption from EU drivers hours' rules	
Domestic drivers hours' rules	
Tachographs	7
Seatbelts	8
Who is responsible for seatbelt compliance?	
Seatbelt signs	
Maintaining a roadworthy vehicle	8
The removal of seats	9
Speed limiter	9
Taking a minibus abroad	10
Minibus safety and overloading	11
Glossary	12

introduction

This guide aims to assist Members and their customers on the steps they will need to take to ensure they are satisfying the legal requirements of operating a minibus in the UK and abroad.

what is a minibus?

A minibus is a motor vehicle constructed or adapted to carry more than eight but not more than sixteen seated passengers in addition to the driver. Strict regulations govern the operation of minibuses and this guide sets out to assist Members and their customers in meeting the key compliance and safety requirements.

who can drive a minibus?

UK driving licence entitlements to drive a particular type of vehicle are accepted during temporary visits to other EC/EEA Countries. Existing minibus entitlement will remain valid in the UK until the licence is next renewed i.e. when the driver reaches the age of 70.

Entitlement for a driver who passed his/her driving test before 1 January 1997

These drivers automatically received D1 (minibus) or A (for licences issued before 1990) entitlements and may drive a minibus provided that:

- ☐ The driver is 21 years old or over
- ☐ The minibus has no more than sixteen seats for passengers in addition to the driver
- ☐ If the driving licence has code 101 stated next to category D1, it means that a minibus cannot be driven for hire or reward. This remains unchanged until the licence expires (see page 4 for an explanation of hire or reward).
- ☐ To drive a minibus which has more than eight passenger seats for hire or reward a passenger carrying vehicle entitlement (PCV) is required.

For further information regarding PCV entitlement please visit the Direct Gov website.
http://www.direct.gov.uk/en/Motoring/DriverLicensing/WhatCanYouDriveAndYourObligations/DG_4022498

However, if you drive a minibus for an organisation under the minibus or community bus permit scheme you will not need to have the higher PCV entitlements. (For further information see page 4).

Entitlement for a driver who passed his/her driving test after 1 January 1997

These drivers do not automatically receive a minibus entitlement (D1). Such drivers may only drive vehicles in category B, i.e. with up to eight passenger seats in addition to the driver.

To drive larger vehicles, i.e. with more than 16 passenger seats, the driver will need to take a PCV test and meet the medical requirements.

Exemptions to the Basic Driving Licence Entitlement Rules

Drivers who do not have minibus entitlement

If the driving licence does not have the D1 or A entitlement, there are very limited circumstances where the driver may still drive a minibus. Volunteer drivers, within the UK, may drive vehicles with not more than 16 passenger seats in addition to the driver if:

- ☐ The vehicle is used for social purposes by a non-commercial body *and*
- ☐ The driver is aged 21 or older *and*
- ☐ The driver has held a car (category B) licence for at least two years *and*
- ☐ The maximum gross weight of the vehicle does not exceed 3.5 tonnes excluding any specialised equipment up to 750 kilograms for carrying disabled people.

When driving a minibus under these conditions the driver may not:

- ☐ Receive any payment or consideration for doing so other than out of pocket expenses or
- ☐ Tow any size trailer.

The legal minimum age for a driver of a vehicle with more than eight passenger seats in addition to the driver, is 21. There are certain scenarios in which the driver can be under 21 and insured to drive a minibus with more than eight passenger seats provided he/she has passed a PCV test. These are:

- ☐ Driving a passenger vehicle out of service without passengers (e.g. rental companies delivering or collecting a vehicle)
- ☐ Driving on a regular service where the route does not exceed 50 kilometres
- ☐ Driving a passenger vehicle constructed to carry no more than 16 seated passengers in addition to the driver, within the UK under a PSV Operator's Licence or Section 19 or 22 permits.

operator licences

and hire or reward

What is a PSV Operator Licence?

A PSV Operator Licence will enable you to operate a minibus with more than eight passenger seats for hire or reward. This covers all types of commercial activity including local and public authorities, statutory undertakings and any other commercial activity. Privately run goods vehicles are not covered. You may want to contact the PHV section of your local authority for more information.

How do I apply for a PSV Operator Licence?

To apply for a new licence you need to complete a Form GV79 accompanied by a PSV 421. This form is available from your Traffic Area Office (TAO) or visit www.vosa.gov.uk for details. The completed form, with the application fee, must be sent to the [Leeds Licensing Office, Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF](#). It is advised that you should apply at least nine weeks before the date the licence is needed.

Criteria for obtaining a PSV Operator Licence

Licence applicants have to meet a number of detailed requirements. The criteria include: fitness to hold a licence; maintenance arrangements; control of drivers' hours, records and overloading; suitability of operating centre and financial resources.

Standard national and international licence applicants must also show that they are of good repute, meet the professional competence requirements and satisfy more specific financial criteria.

PSV Operator Licence Types

There are a number of PSV Operator Licence types. These are:

- ☐ A standard licence - for national and international operations
- ☐ A standard licence - for national operations only
- ☐ A restricted licence - for small operations only; not in passenger transport business.
- ☐ A special licence - for holders of taxi licences only.

When is a PSV Operator Licence needed?

A PSV Operator Licence is required if the vehicle is a public service vehicle being operated for hire or reward.

A public service vehicle means a motor vehicle which is:

- ☐ Adapted to carry more than eight passengers (excluding the driver) and is used for carrying passengers for hire or reward; or
- ☐ If not so adapted, is used for carrying passengers for hire or reward at separate fares and in the course of a business of carrying passengers.

Hire or Reward

This is a grey area, but the BVRLA believes hire or reward encompasses any payment in cash or kind by (or on behalf of) passengers which gives them a right to be carried. In practical terms, the following situations could be among those covered by the definition:

- ☐ Paying a fare to the driver, the bus operator or a third party such as a travel agent or a church or social group treasurer
- ☐ Paying a contribution towards the group hire of a vehicle – i.e. a payment to someone confirms the right to be carried
- ☐ Paying for a package of services which includes the right to use the minibus e.g. hotel, vehicle rental or airline courtesy bus
- ☐ Paying to secure a person's right to use the minibus even if the right is never exercised. e.g. paying a contractor to provide a service moving employees from one site to another. The passengers do not have to pay if the driver is being paid for the carrying of those passengers.

Rental or leasing customers may wish to consider these areas prior to using a minibus in order to determine whether or not a PSV Operator Licence is required.

Work Buses

Work buses are a grey area in terms of whether they are used for hire or reward. Essentially, the operation will probably not be for hire or reward if:

- ☐ The driver is not paid an identifiable sum for carrying passengers
- ☐ His/her job title does not imply having driving responsibilities
- ☐ Although specifically identified as exempt in the legislation work buses are not considered to require a PSV operating licence. However, the bus must be run by the employer and the passengers on the bus must be company employees only (i.e. no private contractors or consultants etc).



operator licences and hire or reward (continued)

If either of the above is applicable the operation could fall within the scope of the definition of hire or reward and a PSV Operator Licence would be required.

Rental Company's own use of a minibus

If a rental company is delivering or collecting minibuses then this would not be operating for hire or reward, especially as no passengers are being carried.

If a rental company is using minibuses with more than eight seats, such as a courtesy bus to transport passengers from the airport terminal to the rental office, then this would be classed as hire and reward and a PSV Operator Licence would therefore be required. However, if the minibus has less than eight passenger seats, the BVRLA view is that the vehicle is not a public service vehicle and is therefore outside the scope of PSV operator licensing.

minibus and community permits (section 19 and 22)

Minibus Permit

Minibus permits allow certain organisations to make a charge for using a minibus without having to comply with the PSV Operator Licence regime and without the need for the driver to have a PCV entitlement.

The minibus permit is for a vehicle that can carry between eight and sixteen passengers and can be obtained from the Traffic Commissioners or designated bodies such as a local authority and various national charities or church organisations.

There are two types of permits:

Section 19 Permits

Section 19 permits are issued to organisations concerned with education, religion, social welfare, recreation or other activities of benefit to the community.

The services must be provided for their own members or for groups of people whom the organisation serves. The service must not be provided to members of the general public and the charges made must be on a non-profit basis.

Section 22 Permits

Section 22 permits are community bus permits which allow a local bus service to be run on a voluntary non-profit making basis using unpaid and volunteer drivers.

Further details information on section 19 and 22 permits are available in the HGV/PSV Policy and Guidance section of the VOSA website at www.vosa.gov.uk.

drivers' hours

When driving a minibus the driver may need to control and monitor the amount of time he/she is at the wheel and the amount of rest under either the EU or Domestic Drivers' Hours Rules.

EU Drivers' Hours Rules

Drivers of minibuses used on a commercial basis within the UK need to comply with the EU Drivers' Hours rules. Commercial basis is defined as any use of a minibus in relation to a business which operates on a profit basis. For example, driving colleagues from site to site or driving a group of holidaymakers from the airport to their destination.

EU Drivers' Hours rules need to be observed on minibuses when the vehicle is taken abroad. It is recommended that the rules are observed from the start of the trip and not just when the vehicle has left the UK.

The key requirements under the EU Drivers' Hours rules are:

- ❑ Daily Driving – nine hours, can be extended to 10 hours twice a week
- ❑ Driving Limit – Maximum of 56 hours in a week and a maximum of 90 hours in any two consecutive weeks
- ❑ Breaks from driving – After 4.5 hours driving, a driver must take a break of at least 45 minutes. The break is a period during which the driver may not perform other work and is exclusively used for recuperation

- ❑ Daily rest – 11 hours in the 24 hour period commencing at the end of the last daily or weekly rest period
- ❑ Weekly Rest – Within six 24 hour periods from the end of the last weekly rest period, a driver will extend a daily rest period into either; a regular weekly rest period of at least 45 hours, or a reduced weekly rest period of less than 45 hours but at least 24 hours. A reduced weekly rest period can only be taken every other week.

These are only the very basic requirements and it is recommended that if regular driving is taking place under the EU Drivers' Hours rules further guidance is sought from VOSA, www.vosa.gov.uk.

Exemptions from the EU Drivers' Hours rules

There are a number of exemptions from the EU Drivers' Hours rules and in some cases this means that Domestic Drivers' Hours rules need to be followed, the table below will assist you further. If a full list of exemptions is required the Department for Transport website has some useful guidance: www.dft.gov.uk.

Exemption	Detail	Domestic Driver's Hours Rules
Vehicles used for the carriage of passengers on a regular service which does not exceed 50 kilometres	Members need to be able to demonstrate that the service runs to a timetable (which could be through a rota/schedule showing timings for the service), along a specified route, passengers being taken up and set down at pre-determined starting points	Yes
Vehicles used under Section 19 or 22 permits by volunteer drivers	This could be schools, Scout groups or any organisations concerned with education, religion, social welfare, recreation or other activities of benefit to the community.	No
Vehicles used under Section 19 or 22 permits by employee drivers	As above	Yes
Vehicles used by the police, fire and armed forces	Any use of a minibus that relates to these services	No
Vehicles used for emergencies, rescue operations or medical purposes	Any use of a minibus that relates to these services	Yes



drivers' hours (continued)

Domestic Drivers' Hours Rules

- ❑ Daily Driving – 10 hours on any working day
- ❑ Cumulative or Continuous Driving – 5.5 hours, after this a break of at least 30 minutes must be taken in which the driver is able to obtain rest and refreshment; or within any period of 8.5 hours in the working day, total breaks amounting to at least 45 minutes are taken so that the driver does not drive for more than 7.5 hours. 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.
- ❑ Length of Working Day (spreadover) – No more than 16 hours between the times of starting and finishing work (including work other than driving and off-duty periods during the working day)
- ❑ Daily rest periods – 10 hours continuously must be taken between two working days. This can be reduced to 8.5 hours up to three times a week
- ❑ Fortnightly rest periods – In any two weeks in a row (Monday to Sunday) there must be at least one period of 24 hours off.

tachographs

Tachographs are used to record the hours that are driven and the rest periods under the EU Drivers' Hours regime. There are two types of tachograph:

- ❑ Analogue – these require paper discs to be inserted into the tachograph to record the hours and rest time. They can only be fitted to minibuses registered prior to 1 May 2006.
- ❑ Digital – these require a driver card to be inserted to allow recording of the hours the vehicle is being driven and the rest time. They are fitted to all minibuses registered on or after 1 May 2006.

Currently, tachographs are being retrofitted to some minibuses as there have been a number of changes to the EU Drivers' Hours rules. Members have until 31 December 2007 to retrofit tachographs to their fleet where needed.

If a minibus is rented and is being used under the EU Drivers' Hours rules without a tachograph, until 31 December 2007, it is sufficient to keep an extract of a duty roster and service timetable.

Driver cards are available through the DVLA. Application form D779B can be obtained from your DVLA local office or by calling 0870 8501074. They cost £38 and take approximately two weeks from submitting the application.

Customers will need to consider what type of tachograph is in the vehicle prior to the rental and if it is a digital tachograph ensure that a driver card is available for all drivers of the minibus if the EU Drivers' Hours rules need to be observed. It is an offence for anyone to drive a vehicle equipped with a digital tachograph under the EU Drivers' Hours rules if they have not been issued with a driver card.

For further information on tachographs please visit the BVRLA website at www.bvrla.co.uk.

seatbelts

Minibuses registered after 1 October 2001 are required by law to have inertia reel three-point seatbelts fitted to all seats. This is the same type of belt you would find in a family car. Minibuses built and registered before then are required to have seatbelts in the rear of the vehicle if it is used to carry children.

Who is responsible for seatbelt compliance?

For minibuses under 2,540kg (approximately 12 seats), passengers aged 14 or over are themselves legally responsible for ensuring that they are wearing a seatbelt, if one is available. The driver is responsible for making sure children aged 13 and under use either an appropriate child restraint or a seatbelt in the front and back seats.

The requirements for seatbelt wearing are the same in larger buses (over 16 seats) and coaches. However, in vehicles over 16 seats, the driver is exempt from this responsibility because he cannot be expected to monitor seatbelt wearing and drive safely at the same time.

Seat belt signs

Operators of minibuses, buses and coaches which have seat belts, are required to take reasonable steps to notify passengers of the need to use seat belts by one or more of the following means:

- ❑ An official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of the passenger doing so
- ❑ A sign prominently displayed at each passenger seat equipped with a seat belt.

The requirement is to use at least one of the notifications - for example, there would be no need to make an announcement if signs are displayed. Therefore, Members will need to consider whether to include signage in all of their minibuses which are fitted with seatbelts similar to the one shown below:

There are no size requirements for this sign but it will need to be displayed at each passenger seat. Operators will need to check when renting a vehicle if signage is present in the minibus and if not make sure an announcement is made as stated above.



maintaining a roadworthy minibus

As an operator or driver of a minibus, it is your responsibility to ensure that the minibus you use is in a roadworthy condition. It is an offence to use an unroadworthy minibus on the road.

All Members are required to inspect and operate vehicles to at least the minimum standard of the BVRLA's Quality Assurance Programme. The Programme also ensures that all vehicles are maintained at least to the manufacturers' recommended standards and the BVRLA's Commercial Vehicle Quality Assurance standards which are based on the Department for Transport's Operator and Passenger Service Vehicle Licence Regulations.

For PSV operator licensing purposes the user is responsible for the vehicle being maintained in a safe and roadworthy condition at all times when in use on the road. There are two types of inspections that VOSA recommends to inspect the roadworthiness of a vehicle.

- ❑ Daily walk around checks/first use inspections – a responsible person must

undertake a daily walk around check before a vehicle can be used. There must be a system of reporting and recording faults that may affect the roadworthiness of the vehicle and having them put right before the vehicle is used. Daily defect checks are vital and results of such checks should be recorded.

- ❑ Regular safety inspections – these inspections should ideally be taken as a separate, albeit often sequential, operation to routine servicing and repair. A roadworthiness inspection can be a freestanding inspection of just those items affecting road safety and certain environmental issues. Or it can be part of a more comprehensive inspection and must include all of the items covered by the statutory annual test.

A clear procedure must be in place to ensure



maintaining a roadworthy minibus

that the minibus is regularly serviced and maintained in accordance with a set schedule. This schedule must include annual tests and should not exceed the manufacturers recommended service intervals. VOSA produces test inspection manuals for use at annual tests. These give details of inspection methods and pass/fail criteria. Safety inspections and maintenance work can take place in-house or externally.

For further information on maintenance of a minibus a document called a 'Guide to Maintaining Roadworthiness' is available from Department for Transport's website at: www.dft.gov.uk.

the removal of seats

It is possible to remove seats from a minibus. However, temporary removal of seats does not change the classification of the vehicle. If the removal of the seats is on a permanent basis, the minibus tax class should be reclassified with DVLA.

If the seats removed are to make space for luggage it is essential that luggage is stowed safely and cannot fly around inside the vehicle, especially as the legislation relating to minibuses stipulates that it would be an offence to carry items in a manner that is likely to cause danger to passengers. It is a statutory requirement to ensure that passengers travelling in a minibus have access to at least two exits from the vehicle.

Where seats are removed on a permanent basis and the vehicle has been reclassified, potentially the vehicle should comply with the child car seat legislation. However, minibus seats are not designed to be fitted with child car seats or booster seats so it is not practicably possible to comply with the legislation.

do I need a speed limiter?

Speed limiters regulate the maximum speed at which a minibus can travel and minibuses with more than eight passenger seats first registered after 1 January 2005 are now required to be fitted with speed limiters.

The exception is minibuses which are used solely within the UK where this requirement is deferred to 1 January 2008.

There are additional retrofitting requirements for older minibuses and if this information is required please review [Fact Sheet 555](#) on Speed Limiters.

taking a minibus abroad

In addition to the requirements for observing drivers' hours rules outlined on pages 6 and 7, it is important that the correct documentation is carried with a minibus when it is being taken abroad. The following documents will be required for journeys into other member states of the European Community (they also apply in Switzerland and Norway):

- ❑ If you are hiring a minibus for a short period:
A waybill – available in books of 25 'top + copy' sets from the Confederation of Passenger Transport (telephone 020 7240 3131 during office hours, credit card payments possible). A waybill must be completed in advance for each vehicle making an international journey. CPT can supply a sheet that shows how to complete a waybill. The top copy must be carried on the journey to demonstrate that it is an international journey and exempt from the local licensing rules in the countries through which it is passing, while the book (with the carbon copy of each journey form) must be left at the vehicle's base.
- ❑ If you have your minibus under a lease or a long term rental agreement: An own account certificate. International journeys carried out within the EU by a non-profit making body for the transport of its members in connection with its social objective or by a body for its own employees and fall within the category of own account operations. Provided that transport is not itself the main activity of the operator and that the vehicle used is driven by a member of staff or a member of the operator body, such journeys can be carried out under an own account certificate. These vehicle-specific certificates are valid for up to five years and are available on application from the Department for Transport's International Road Freight Office (City House, 126-130 Hills Road, Cambridge CB2 1NP. Tel: 0870 6060440). If you are entitled to use an own account certificate, you do not need a waybill.
- ❑ A VE103B – Members can purchase these for their customers from the BVRLA. This document acts as the only legal substitute for the V5 (registration document) which must otherwise be carried with the vehicle. It confirms that as the vehicle is on hire the driver and passengers have the consent of the registered keeper to take the vehicle abroad. This document is essential.
- ❑ Proof of Insurance – 'Green Card'. Green cards are not compulsory in the EU but are required in other countries. However, evidence of insurance or an international insurance certificate must be provided to confirm that third party insurance is in force for the vehicle.
- ❑ Passport and Visas.
- ❑ Driver License – A driver should carry a licence confirming D or D1 entitlement. If the licence does not show this then it is recommended that the driver should obtain form INTP4 from their local traffic area office confirming that the driver has had at least one year's experience of driving a minibus. Holders of older style licences should obtain an official translation of their licence or an international driving permit.

Many European countries have speed limits for minibuses which are significantly lower than those which apply in the UK e.g. 80 kilometres per hour (50 miles per hour) is typical in France and Germany. Traffic offences are subject to on the spot fines.

Additional Items

Each European country has different requirements for additional items, for example, in some countries it is compulsory to carry spare light bulbs, fuses, supplies of oil and water, warning triangles and reflective jackets. We recommend that you check the necessary requirements for the countries you intend to travel to. The RAC provides this information on a country by country basis which can be accessed from the link below:

http://www.rac.co.uk/web/knowhow/going_on_a_journey/driving_abroad/european_motoring_advisor/.



minibus safety overloading

Overloading a minibus is illegal and ensuring that a vehicle is not overloaded is the responsibility of both the operator and the driver. In addition to this, if anyone else causes or permits a vehicle to be overloaded, they may also be charged with committing an offence.

Fines can be up to £5,000 for either of these offences. If a vehicle is overloaded and results in someone being killed, both the driver and operator could face jail for manslaughter or death by dangerous driving.

If a vehicle is overloaded it may cause that vehicle to be unsafe and put the driver and other road users at risk. Overloading a vehicle can:

- ❑ Make the vehicle less stable, difficult to steer and take longer to stop. Vehicles react differently when the maximum weights which they are designed to carry are exceeded
- ❑ Put a strain on tyres - overloading can cause tyres to overheat and wear rapidly which increases the chance of premature, dangerous and expensive failure.

To avoid the possibility of a vehicle being overloaded there are a number of steps Members and their customers can take:

- ❑ Know the weight limits of the vehicle
- ❑ Check the load before setting out
- ❑ If possible weigh the vehicle and try to establish axle weights. If you cannot do this, seek advice, but remember that the responsibility ultimately falls with the driver.

glossary

Analogue tachograph	Analogue tachographs record the driver's activities on a wax-coated paper chart.
D1 Entitlement	If you have a D1 Entitlement on your licence you can drive a minibus.
DfT	Department for Transport
Digital tachograph	Digital tachographs store digital data on the activities of the driver and vehicle in their own memory and separately on a driver's smart card.
Driver Card	This is a smart card that is similar in appearance to a credit card and displays a photograph of the driver together with his/her signature. It must be used by a driver when driving a vehicle equipped with a digital tachograph.
EU Drivers' Hours Rules	Set maximum limits on driving time and minimum requirements for breaks and rest periods.
UK Domestic Drivers' Hours Rules	In the UK these rules set maximum limits on driving and duty time for drivers of most vehicles exempted from the EU Drivers' Hours rules.
DVLA	Driver and Vehicle Licensing Agency
EC	European Community (27 European Union countries plus Iceland, Liechtenstein and Norway)
EEA	European Economic Area
EU	European Union
Green card	This is an international motor insurance certificate, part of the International Motor Insurance Card System, used in and around Europe
PCV Operator Licence	This is required by operators of vehicles that carries passengers by road for payment (this is called hire or reward); when the vehicle is classed as a Passenger Carrying Vehicle (PCV), which is a vehicle suitable for carrying, nine or more passengers (as well as the driver) and does so for hire or reward.
Speed limiter	An alarm system which sounds in the vehicle if you go over the speed limit or limits the vehicle to a maximum, pre-determined speed.
VOSA	Vehicle and Operator Services Agency