



BVRLA Guide to Driving a Minibus in the UK and Abroad



Contents

| Section | Page |
|--|------|
| Who can drive a minibus? | 3 |
| PSV operator licences and hire or reward | 6 |
| Impounding | 8 |
| Minibus and community bus permits | 9 |
| Drivers' hours | 10 |
| Tachographs | 13 |
| Seat belts | 14 |
| Fire extinguishers | 15 |
| Maintaining a roadworthy vehicle | 15 |
| Can I remove seats? | 16 |
| What is the maximum speed limit? | 16 |
| Vehicle safety – overloading | 17 |
| Taking a minibus abroad | 18 |
| Glossary | 20 |

Introduction

This guidance aims to assist members and their customers with the steps they will need to take to ensure they are fully compliant with legislation regarding the operation of a minibus in the UK and in other EU countries.

A minibus is a motor vehicle with a minimum of nine and a maximum of 16 passenger seats. Strict regulations govern the operation of minibuses and this guide is to help you to take into consideration the key issues and factors.



Produced by the British Vehicle Rental and Leasing Association

River Lodge, Badminton Court, Amersham, Buckinghamshire HP7 0DD Tel 01494 434747 Fax 01494 434499 Email info@bvrla.co.uk

COMPANY REGISTRATION NUMBER: 924401

COVER PHOTO: FORD TRANSIT MINIBUS, COURTESY NEWSPRESS **OTHER PHOTOS:** COURTESY NEWSPRESS **OTHER GRAPHICS** SHUTTERSTOCK.COM

The purpose of this document is to provide general guidance and information only. Although every effort is made to ensure that the content is accurate, the BVRLA cannot accept any liability whatsoever for any inaccuracy contained within it, nor for any damage or loss, direct or indirect, which may be suffered as a result of any reliance placed upon the information provided, whether arising in contract, tort or in any other way.

Advice should always be obtained from your own professional advisers before committing to a specific action.

Who can drive a minibus?

Entitlement to drive a minibus is dependent on when the driver passed their driving test.

Entitlement for a driver who passed their driving test before 1 January 1997

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

- › the driver is 21 years old or over.
- › the minibus has no more than 16 seats for passengers, in addition to the driver, and does not have a gross vehicle weight of more than 7.5 tonnes.
- › 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 6 for an explanation of hire or reward).

Entitlement for a driver who passed their driving test after 1 January 1997

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

To drive a minibus with 9 to 16 passenger seats the driver must apply for a D1 entitlement.

To drive larger vehicles, ie more than 16 seated passengers, the driver will need to take a passenger carrying vehicles (PCV) test and meet the medical requirements.

For further information regarding PCV entitlements, please visit the Directgov website: www.direct.gov.uk



Volkswagen Caravelle SE LWB

However, if you drive a minibus for an organisation under the minibus or community bus permit scheme you will not need to have the PCV entitlements.

CONTINUED ON PAGE 4

Who can drive a minibus? (continued)

Exemptions to the basic driving licence entitlement rules

Drivers who do not have minibus entitlement

If a driving licence does not have the D1 or A entitlement then there are very limited circumstances in which the driver may still drive a minibus.

Volunteer drivers, within the UK, may drive vehicles with not more than 16 seated passengers, in addition to the driver, if all the following criteria are met:

- › the vehicle is used for social purposes by a non-commercial body, ie not a business, such as universities or charities *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, or 4.25 tonnes if it includes any specialist equipment for the carriage of disabled passengers. (There is an allowance of 750kg for extra equipment for passengers with disabilities, such as wheelchair users.)

If the driver is aged 70 or over they must be able to meet the health standards for driving a D1. Conditions such as coronary disease, epilepsy and diabetes must be declared to the Driver and Vehicle Licensing Agency (DVLA).

When driving a minibus under these conditions you may not:

- › receive any payment or consideration for doing so other than out of pocket expenses *or*
- › tow a trailer of any size.

The legal minimum age for a driver of a vehicle carrying more than eight seated passengers, in addition to the driver, is 21.

If the driver has passed a passenger carrying vehicles (PCV) test then there are certain scenarios in which drivers under the age of 21 years would be permitted to drive a minibus. These are:

- › driving a passenger vehicle out of service without passengers (eg 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.

CONTINUED ON PAGE 5

Who can drive a minibus? (continued)

Driver Certificate of Professional Competence (CPC)

A Driver Certificate of Professional Competence (Driver CPC) is required by anyone who drives certain vehicles, including a minibus, on a commercial basis.

Driver CPC applies across all EU member states with a view to maintaining high driving standards and improving road safety.

For further information see

Driver Certificate of Professional Competence
(BVRLA Fact Sheet 578)



Driver entitlements outside the UK

UK driving licence entitlements are valid in other European Economic Area (EEA) countries and remain valid in the UK should the driver leave the country and return at a later date. The entitlements remain valid until the licence is next renewed, ie when the driver reaches the age of 70.

Driving licences issued in any other country

Foreign visitors whose driving licences were issued within the European Economic Area (EEA) can drive a minibus in the UK providing the correct entitlements are on the licence.

Residents whose licences were issued within the European Economic Area can drive a minibus:

- › until aged 45 or for five years after becoming resident, whichever is the longer period.
- › if they are aged over 45 (but under 65) until their 66th birthday or for five years after becoming resident, whichever is the shorter period.
- › if they are aged 65 or over for 12 months after becoming resident.

Drivers who hold a driving licence issued outside the EU/EEA may not drive a minibus registered in Great Britain.

PSV operator licences and hire or reward

What is a PSV operator licence?

A public service vehicle (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 minibuses – ie no payment is made in cash or kind by the passengers – are not covered. You may want to contact the PSV section of your local authority for more information.

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 (see definition below).

A public service vehicle means a motor vehicle that 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.

PSV operator types

There are a number of PSV operator licence standards:

- › a standard licence – for national (GB) and international operations.
- › a standard licence – for national (GB) operations only.
- › a restricted licence – for small operations only, not in passenger transport business.
- › a special licence – for holders of taxi licences only.

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 PSV421. 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 apply at least nine weeks before the date the licence is needed.

Criteria for obtaining a PSV operator licence

Licence applications 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.

Hire or reward

This is a complex area, but the BVRLA believes hire or reward encompasses any payment in cash or kind by (or on behalf of) passengers that 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 – eg a payment to someone confirms the right to be carried.

PSV operator licences and hire or reward (continued)

- › Paying for a package of services that includes the right to use the bus – eg 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 – eg 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.

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.

Works buses

Works buses (buses used to transport employees or agency workers) 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.
- › the driver's job title does not imply having driving responsibilities.

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.

Although specifically identified as exempt in the legislation, work buses are not considered to require a PSV operator licence. However, the employer must run the bus and the passengers on the bus must be company employees only (ie no private contractors or consultants, etc).

Rental company's own use of a minibus

If a rental company is delivering or collecting minibuses, or making other internal movements, such as delivery between branches or driving to an annual test, then this would not be operating for hire or reward, as long as no passengers are carried in the vehicle. Carrying of passengers would include fellow employees. It is therefore important that when a minibus is being delivered, collected or making other internal movements, only the minibus driver is in the vehicle.

If a rental company is using a minibus, such as a courtesy bus to transport passengers from an airport terminal to the rental office, then this would be classed as hire or reward and a PSV operator licence would therefore be required. However, if the vehicle has less than nine passenger seats, the BVRLA view is that the vehicle is not a PSV and is therefore outside the scope of PSV operator licensing. Such movements may nevertheless be subject to local authority licensing.

Impounding

The Vehicle and Operator Services Agency (VOSA) has legal powers to impound a goods vehicle or minibus that is being driven on a public road without an operator's licence. Impounded vehicles may be subjected to an eventual sale or disposal.

An owner of an impounded vehicle has a legal right to apply for restoration of the vehicle. An impounded rental or leased vehicle would only be restored to the legal owner if they could demonstrate that they did not know the vehicle was being operated illegally when it was impounded.

The BVRLA has been successful in ensuring that VOSA and the Traffic Commissioners recognise that the association's members are often the innocent victims when their vehicles are impounded. The delay in waiting for a formal hearing can take several months and cost members, especially in lost income. As a direct result, a number of procedures have been introduced by VOSA aimed at assisting BVRLA members.

Notification to detain

In the first instance VOSA will issue a pre-impounding notification to alert all interested parties that it suspects the vehicle of being operated without a valid PSV licence. As the vehicle owner, the BVRLA member will need to act on the notification. Members must ensure that they respond to VOSA, advising it of the steps it has taken, or that will be taken, within 14 calendar days of the notification being issued by VOSA. If VOSA does not hear from the vehicle owner within this timescale the vehicle will be targeted for impounding.

Fast-track procedure

If, after the 14 days are concluded, the vehicle is still being operated illegally, VOSA will commence with impounding the vehicle. The vehicle will be returned swiftly, provided that the BVRLA member has:

- › kept VOSA informed through documentary evidence of its efforts to retrieve the vehicle from its customer, *and*
- › filled in an appeal form, available from VOSA, *and*
- › provided proof of ownership.

If any of the above is not available, or the vehicle owner does not react to the pre-impounding letter, then the vehicle may be subject to the formal impounding and appeal process.

More information on impounding can be found in *Impounding of Illegally Operated Goods Vehicles and Minibuses* (BVRLA Fact Sheet 533)

Minibus and community bus permits

Minibus permits allow certain organisations to make a charge without having to comply with the full passenger carrying vehicle entitlement (PCV) operator licensing requirements and without the need for their drivers to have PCV entitlement.

The minibus permit is for a vehicle that can carry more than eight and maximum 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 permit:

Section 19 Permit

Minibus and community bus permits are issued to organisations concerned with education, religion, social welfare, recreation and other activities of benefit to the community.

The services must be provided for the organisations' own members or for groups of people they serve. The service must not be provided to members of the general public and any charges must be made on a non-profit basis. Registered charities usually qualify.

Smaller vehicles, eg cars and MPVs, can also be used under a section 19 permit to carry passengers who pay fares individually.

All permits issued in or after April 2009 must be valid for a specified period of not more than five years from the 'valid from' date. It is at the issuing body's discretion as to whether the permit is valid for the maximum five-year term or for a lesser period. Permits issued under the previous scheme (ie with no expiry date) will cease to be valid after April 2014.

Section 22 Permit

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

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

See also the DVLA leaflet *DfT Guidelines on Incidental Driving of Minibuses*, which can be downloaded from www.dft.gov.uk

Drivers' hours

A minibus driver will need to monitor the length of time they spend at the wheel and periods of rest in order to satisfy either the EU or domestic rules on drivers' hours. Rental or leasing company employees moving vehicles without passengers being carried within the UK would have to observe domestic drivers' hours only.

EU drivers' hours

Drivers of minibuses used on a commercial basis need to comply with EU drivers' hours. 'Commercial basis' is defined as any use of a minibuss in relation to a business that operates on a for-profit basis: for example, driving colleagues from site to site or taking a group of holidaymakers from an airport to their destination.

EU drivers' hours need to be observed on minibuses when the vehicle is taken abroad, regardless of use, eg on a stag do or golf tour (exceptions are noted below). Please also see the section on tachographs.

The key requirements under the EU drivers' hours rules are set out in the table below.

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

| | |
|--|---|
| Breaks from driving | A break of no less than 45 minutes must be taken after no more than 4.5 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 4.5 hours. |
| Daily driving | Maximum of 9 hours, extendable to 10 hours no more than twice a week. |
| Weekly driving | Maximum of 56 hours. |
| Two-weekly driving | Maximum of 90 hours in any two-week period. |
| Daily rest | Minimum of 11 hours, which can be reduced to a minimum of 9 hours no more than three times between weekly rests. May be taken in two periods, the first at least 3 hours long and the second at least 9 hours long. The rest must be completed within 24 hours of the end of the last daily or weekly rest period. |
| Multi-manning (more than one driver) daily rest | A 9-hour daily rest must be taken within a period of 30 hours that starts from the end of the last daily or weekly rest period. For the first hour of multi-manning, the presence of another driver is optional, but for the remaining time it is compulsory. |
| Ferry/train daily rest | A regular daily rest period (of at least 11 hours) may be interrupted no more than twice by other activities of not more than 1 hour's duration in total, provided that the driver is accompanying a vehicle that is travelling by ferry or train and has access to a bunk or couchette. |
| Weekly rest | A regular weekly rest of at least 45 hours, or a reduced weekly rest of at least 24 hours, must be started no later than the end of six consecutive 24-hour periods from the end of the last weekly rest. In any two consecutive weeks a driver must have at least two weekly rests – one of which must be at least 45 hours long. A weekly rest that falls across two weeks may be counted in either week but not in both. Any reductions must be compensated in one block by an equivalent rest added to another rest period of at least 9 hours before the end of the third week following the week in question. |

Drivers' hours (continued)

Exemption from EU drivers' hours

There are a number of exemptions from the EU drivers' hours and in some cases this means that domestic drivers' 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.

| Exempt from EU Drivers' Hours | Detail | Drivers' Hours Rules Applying |
|--|--|-------------------------------|
| Vehicles used for the carriage of passengers on a regular service that does not exceed 50 kilometres. | Members wishing to use this exemption will 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, with passengers being taken up and set down at pre-determined starting points. | Domestic |
| Vehicles driven by company employees who are never engaged in the carriage of passengers. | This includes, for example, vehicles being delivered, collected, moved between branches or taken to annual test by a rental company. | Domestic |
| Vehicles used under Section 19 or 22 permits by volunteer drivers. | This could be schools. Scout groups or any organisation concerned with education, religion, social welfare, recreation or other activity of benefits to the community. | None |
| Vehicles used under Section 19 or 22 permits by employee drivers. | As above | Domestic |
| Vehicles used by the police, fire and armed forces. | Any use of a minibus that relates to these services. | None |
| Vehicles used for emergencies, rescue operations or medical purposes. | Any use of a minibus that relates to these services. | Domestic |

Drivers' hours (continued)

Domestic drivers' hours

Domestic drivers' hours apply when the driver is exempt from EU drivers' hours, eg when vehicles are driven by company employees who are never engaged in the carriage of passengers. Other exemptions are listed above.

There is a requirement for records to be kept when the domestic drivers' hours are being observed but this does not need to be done on a tachograph. A record sheet can be used which details the time spent on duty and the time spent driving. A sample record sheet is available at [Annexe A](#).

Employers should assign someone to sign off the record sheets on a weekly basis and both the driver and employer should keep copies. We would recommend as best practice that a driver carries two weeks' worth of records when he is driving and that an employer keeps records for one year.

Agency drivers

Drivers employed through an agency who are used for internal movements of minibuses with no passengers need to observe domestic drivers' hours in the same way that employees do. If they do move passengers then EU drivers' rules apply.

Compliance

The exemption from EU drivers' hours that has been secured for BVRLA members' internal use of minibuses can be removed by the Department for Transport if VOSA believes that it is being abused. It is therefore recommended that members monitor closely compliance with domestic drivers' hours and make sure their drivers are not working longer than they should and are taking all the required breaks.

| 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 7.45 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 (spread over) | 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 hours driven and rest periods under the EU drivers' hours regime.

There are two types of tachograph:

Analogue – these record the hours driven and rest periods on discs of paper inserted into the tachograph. They can only be fitted to minibuses registered prior to 1 May 2006.

Digital – these record the hours driven and rest periods onto a 'driver card' inserted into the tachograph. They are fitted to all minibuses registered on or after 1 May 2006.

Driver cards are available through the DVLA. Application form D777B (for a driver card) and D779B (for a company card) can be obtained from DVLA local offices: call 0300 790 6109 or see www.businesslink.gov.uk. They currently cost £38 and delivery takes approximately two weeks from submitting the application. This may be subject to change in the future.

Customers will need to consider what type of tachograph is in the vehicle before renting it.

If a digital tachograph is fitted then the customer will need to ensure that a driver card is available for all drivers of the minibus if EU drivers' hours need to be observed, eg by a private customer who will be driving outside the UK. It is an offence for anyone to drive a vehicle equipped with a digital tachograph where the user is covered by the EU drivers' hours rules if they have not been issued with a driver card. An application form can be found at www.dft.gov.uk.

Driver card(s) will be required when taking abroad a minibus fitted with a digital tachograph.

Drivers out of scope of the EU drivers' hours are not legally required to use the tachograph. However, where other drivers also use a vehicle within the scope of the EU drivers' rules, BVRLA members may wish to keep track of the vehicle's use and mileage in case it is subject to a VOSA inspection.

To do this, BVRLA members may wish to consider asking the out-of-scope drivers to voluntarily use a tachograph chart in analogue tachograph equipment, or the out-of-scope mode on a digital tachograph (which can be done with or without a driver's card).

Do I need to record my hours when travelling abroad in a minibus?

When travelling abroad, a tachograph must be used from the start of the journey until the end of the journey, wherever it starts or finishes, eg a journey starting in London and finishing in Paris (or vice versa).

If it is an analogue tachograph, a new disc must be used each day. Taking abroad a rental minibus which has a digital tachograph fitted will require drivers' cards, delivery of which can take up to two weeks from submitting the application.

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

Seat belts

Minibuses registered after October 2001 are required by law to have inertia reel three-point seat belts 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 fitted seat belts in the rear of the vehicle if it is used to carry children.

Who is responsible for seat belt compliance?

Children and adults travelling in the front of all vehicles, including minibuses, must use an appropriate child restraint or adult seat belt.

Passengers sitting in the rear of small minibuses (ie ones that have an unladen weight of 2,540kg or less) must wear the seat belts that are provided.

It is the driver's responsibility to ensure that:

- › children under three years of age use an appropriate child restraint, if available.
- › children aged between three and 11 years, under 1.35 metres tall, use an appropriate child restraint if available, or, if not available, wear the seat belt, if available.
- › children aged 12 and 13 years (and younger children who are 1.35 metres tall or taller) use the seat belt, if available.

Passengers over the age of 14 years are themselves legally responsible for wearing a seat belt.

All passengers are strongly advised to wear seat belts or the correct child seat on all journeys.

The requirements for seat belt wearing are the same in larger buses (over 16 passenger seats) and coaches. However, in vehicles with more than 16 passenger seats, the driver is exempt.

Operators of minibuses, buses and coaches that have seat belts are required to take reasonable steps to notify passengers of the need to use them 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 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 announcements if signs have been displayed. Members will need to consider whether to include signage similar to the example shown on the left in all their seat belt-equipped minibuses.

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.

Fire extinguishers

Minibuses must carry suitable apparatus for extinguishing fire. These must be accessible and maintained in good working order. The extinguisher should be tested according to the manufacturer's schedule, usually annually. Fire extinguishers must comply with

British Standards Institution BS 5423: 1977 or BS 5423: 1980 or BS 5423: 1987 and have a minimum test fire rating of 8A or 21B, and contains water or foam, not a dry powder.

Maintaining a roadworthy vehicle

As an operator or driver of vehicles, it is your responsibility to ensure that the vehicles you use are 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. Details of this can be found in *Commercial Vehicle Quality Assurance Programme* (BVRLA Fact Sheet 540).

This programme also ensures that all vehicles are maintained to at least 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.

› 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 the 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 the items covered by the statutory annual test.

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 inspection that VOSA recommends to assess the roadworthiness of a vehicle. Further details can be found here: www.dft.gov.uk.

A clear procedure must be in place to ensure that the minibus is serviced regularly and maintained in accordance with a set schedule. This schedule must include MOT tests and satisfy the manufacturer's 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 at either your own workshop or an external workshop.

Can I remove 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 the Driver and Vehicle Licensing Agency (DVLA) and the vehicle will need to be tested. For further information on how to reclassify a vehicle, contact your local DVLA office.

If seats are removed to make space for luggage, it is essential that the luggage is stowed safely and cannot fly around inside the vehicle, especially as the legislation relating to minibuses stipulates that it

is an offence to carry passengers in a manner which could cause them to be put in danger. 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, the vehicle might have to comply with legislation on child car seats. However, minibus seats are not designed for use with child car seats or booster seats so it is not practicable to comply with the legislation, as a suitable child car seat is not available.

What is the maximum speed limit?

| | Built-up areas | Single Carriageways | Dual Carriageways | Motorways |
|---|----------------|---------------------|-------------------|-----------|
| Minibuses, buses and coaches (not exceeding 12 metres in overall length) | 30 mph | 50 mph | 60 mph | 60 mph* |

* Minibuses registered in or before 2001 can travel up to 70 mph on motorways

Vehicle safety – overloading

The majority of minibuses have a predetermined, specified maximum gross vehicle weight (GVW). Exceeding this will be classed as overloading. Overloading a minibus is illegal. Ensuring a vehicle is not overloaded is the responsibility of both the operator and the driver. If anyone else causes or permits a vehicle to become overloaded they may also be charged with committing an offence. This could potentially include rental companies.

If a vehicle is overloaded it will not only cause that vehicle to be damaged but will also 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 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.

Fines of up to £5,000 can be imposed for overloading a minibus or permitting one to become overloaded. If vehicle overloading results in someone being killed, both driver and operator could face going to jail for manslaughter or death by dangerous driving.

To avoid overloading, 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 the maximum load permissible per axle. If you cannot do this, seek advice, but remember that the responsibility ultimately rests with the driver.

Taking a minibus abroad

In addition to requirements for observing drivers' hours, outlined on pages 10-12, it is important to carry the correct documentation when a minibus is taken abroad. The following documents will be required for journeys into other member states of the European Union (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 (CPT) (tel 020 7240 3131 during office hours, credit card payments possible). A waybill must be completed in advance for each vehicle making an international journey. The 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 passes, while the book (with the carbon copy of each journey form) must be retained by the operator.

OR

› **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 objectives, or by a body for its own employees or moving its own goods. 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 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.

- › VE103 – Members can purchase these for their customers from the BVRLA. This document acts as a legal substitute for the V5C (registration document), which should 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 and if it is not produced could result in the vehicle being impounded.
- › Proof of Insurance – 'Green Card'. Green cards are not compulsory in the EU but are required in some 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 licensing – A driver should carry a licence confirming D, D1 or A entitlement. If the licence does not show this then it is recommended that the driver obtain a form INTP4 from the local traffic area office confirming that they have 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.

A tachograph must be used from the start of the journey in the UK until the end of the journey in the UK. Tachographs are used to record the hours that are driven and the rest periods under the EU drivers' hours regime.

Taking a minibus abroad (continued)

Additional Items

Each European country has different requirements for additional items. For example, in some countries it is compulsory to carry light bulbs, fuses, fire extinguishers, supplies of oil and water, warning triangles and reflective jackets. We recommend that you check the necessary requirements for the countries in which you intend to travel before setting out.

Further information can be found at www.rac.co.uk.



Ford Transit Minibus

Glossary

‘A’ entitlement – The entitlement to drive a minibus for drivers who passed a driving test before 1990.

Analogue tachograph – Analogue tachographs record the driver’s periods of duty on a waxed paper disc.

Commercial basis – Any use of a minibus in relation to a business that operates on a for-profit basis: for example, driving colleagues from site to site or taking a group of holidaymakers from an airport to their destination.

D1 Entitlement – If you have a D1 Entitlement on your licence you can drive a minibus (ie a vehicle with nine to 16 passenger seats).

DfT – Department for Transport

Digital tachograph – A tachograph combines the functions of a clock and a speedometer. Fitted to a motor vehicle, a tachograph will record not only the vehicle’s speed but also the length of time that it is moving or stationary. Tachographs are installed to monitor the amount of time drivers spend driving a vehicle.

Driver card – A smart card to be used by any driver of a vehicle equipped with a digital tachograph.

Drivers’ hours – Both EU and UK rules restrict the length of time drivers can spend behind the wheel and set out required rest periods. Generally speaking, the rules on EU drivers’ hours apply to journeys that involve travel outside the UK; domestic rules on drivers’ hours apply to most journeys taking place exclusively within the UK.

DVLA – Driver and Vehicle Licensing Agency

EEA – European Economic Area (the EU plus Iceland, Liechtenstein and Norway)

EU – European Union

Green card – An international motor insurance certificate, part of the International Motor Insurance Card System used in and around Europe.

Hire and reward – Payment in cash or kind by (or on behalf of) passengers that gives them a right to be carried.

Minibus – A motor vehicle constructed or adapted to carry between nine and 16 passengers.

PCV – Passenger carrying vehicles

PSV (public service vehicle) operator licence – You need an ‘O’ licence if you use a motor vehicle with a gross plated weight of more than 3.5 tonnes to carry goods (or burden) connected with any trade or business on a public road. This covers both ‘own account’ and ‘hire and reward’ operations and all types of commercial activity, including local and public authorities, statutory undertakings and any other activity pursued for gain. Privately run goods vehicles are not covered.

Speed limiter – An alarm system that sounds in a vehicle if it goes over the speed limit or a device that restricts a vehicle automatically to a predetermined speed.

VOSA – Vehicle and Operator and Services Agency

Waybill – A document carried on a journey to demonstrate that it is an international journey and exempt from the local licensing rules in the countries through which the vehicle passes.

Annexe A: sample record sheet

| Weekly Sheet | | | | | | | |
|------------------------------|-------------------------------------|--------------------------------|--|---|----------------------|----------------------|-----------------------|
| 1 Driver's name : | | | 2 Period covered by sheet Week commencing (date) : To week ending (date) : | | | | |
| Day on which duty commenced | 3 Registration number of vehicle(s) | 4 Place where vehicle(s) based | 5 Time of going on duty | 6 Time of going off duty | 7 Time spent driving | 8 Time spent on duty | 9 Signature of driver |
| Monday | | | | | | | |
| Tuesday | | | | | | | |
| Wednesday | | | | | | | |
| Thursday | | | | | | | |
| Friday | | | | | | | |
| Saturday | | | | | | | |
| Sunday | | | | | | | |
| 10 Certification by employer | | | | I have examined the entries in this sheet Signature : Position held : | | | |