



# Fact Sheet 1

## Driving Licence Requirements of Passenger Carrying Vehicles: Minibuses

### Summary:

Driving licence legislation is quite complex and this factsheet should help to clarify the licence requirements to drive Minibuses in service. It will assist Head teachers/service managers who need to recruit staff to posts that are likely to include driving duties

Many new, younger, employees, including newly qualified teachers, are likely to have car driving licences that **do not** cover them for driving minibuses. Since January 1997 anyone driving a minibus for hire and reward requires a D1 entitlement, in order to gain D1 category they are required to be over 21 have had a licence for two years and need pass a DVLA test to gain the statutory D1 entitlement.

As a result of the legislation of 1997 there is a significantly growing number of staff in schools who do not hold a D1 Licence entitlement are therefore unable to drive minibuses as they passed their driving tests **after** 1<sup>st</sup> January 1997. Although there are some circumstances where D1 may not be required most school minibuses fall outside the limits for the exemptions and D1 licence entitlement is therefore a requirement. This is not merely a restriction of school and youth activities but goes across the board to include a range of extended school activities and educational visits, it particularly affects schools which rely on minibuses for their out of hours programmes

### MINIBUS PERMITS

A minibus that is used to carry passengers for “hire or reward”\* is normally classed as a Public Service Vehicle (PSV), and must comply with PSV operator licensing and Passenger Carrying Vehicle (PCV) driver licensing requirements. However, schools and voluntary organisations may be exempted from these requirements if they are eligible for a minibus permit, granted under Section 19 of the Transport Act 1985. Some schools have charitable status and therefore come under the scope of the Permit System, as do Local Authority schools because they are non-profit-making but the restrictions of entitlement to drive still apply. The ordinary permit is for a vehicle that can carry between 9 and 16 passengers. Schools without charitable status must operate under a PSV operator’s Licence.

### Hire and Reward

*\* The definition of “hire and reward” encompasses a wide variety of operations; the Driver and Vehicle Licensing Agency defines hire and reward as encompassing any payment in cash or kind by (or on behalf of) passengers which gives them a right to be carried. There is no distinction between commercial operations running at a profit and non-commercial operations using voluntary drivers without payment. The fact that no profit is being made has no relevance to the definition of hire and reward. In the UK, a Minibus Permit is required for this type of operation and can be obtained through VOSA*

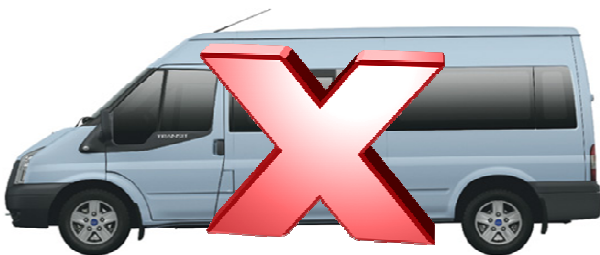
Some establishments may be considering using MPV vehicles or cars that have up to 8 seats, instead of minibuses thinking that the driver does not need the statutory D or D1 licence. However, because the work comes under the description of “hire or reward”\* and is not covered by a section 19 permit (for minibus operation), taxi-driving legislation will apply and the necessary registration and licences will need to be obtained.

### Driving without D1 entitlement

If driver has passed a car driving test in 1997 or after they may drive minibus in UK only if ALL of these conditions apply:

- 21 or over
- Held full licence for 2 years
- Driving on a voluntary basis (see hire and reward definition)
- Minibus used by not-for-profit organisation
- Minibus maximum weight (MAM or GVW) no more than 3.5 tonnes (4.25 if accessible)
- Must not tow a trailer
- Age 70 must pass a medical to renew their entitlement.

### Vehicle Weight Restrictions



MAM – 3700 Kg



MAM–3500Kg