



## **GUIDANCE ON THE USE OF MINIBUSES**

### **Introduction for Church administrators and Secretaries:**

It will be obvious to most people that when they borrow a car or van that they have the permission of the driver and that they are covered by the driver's insurer to use that vehicle for the purpose for which it is borrowed.

Failure to do so would mean that the insurance policy would be invalidated and the consequences in the event of an accident would be far reaching.

In the case of minibuses, their use is controlled by legislation that the average person will be unaware of and the trustees therefore draw church secretary's attention to the following for:

### **The Connexion Churches operating mini-buses**

The following detail, kindly prepared by Mike Webber of Turners Hill Free Church, gives guidance on the use of Minibuses by Churches. It has been compiled in order to clarify matters for church personnel unfamiliar with the law regarding Minibuses. Guidance given in this document is, in any matter discussed overtaken by guidance and /or requirements as laid down by the latest issue of Road Traffic legislative documents referred to in the narrative.

It is easy to think that a local church can just "borrow" a minibus from perhaps another local church or Scout group and so on, and by making a donation to costs, that it is legal and above board, the insurance is covered by someone else and there are no complications. This is often driven by a desire to keep costs down, but is illegal!

It may well have be that your group borrowed a minibus in the past and you expect to continue this arrangement with the group. It is highly unlikely that you are covered under their minibus permit! You should go back to square one and establish whether the person contacted in the local group is the "responsible" person in the organisation - if not find out who is! An organisation that runs and maintains a minibus under a minibus permit will be fully aware of the requirements they have to fulfil and will have designated people in their organisation that are responsible in law under the terms of that licence.

If there is any doubt in regard to these matters, **DO NOT USE THE MINIBUS.** After you have read the following, and have any queries, your local authority would be able to clarify the matter - it is in their interests to give sound advice!

Glynn Phillips Connexion Trustee August 2011

## What are Minibus permits?

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

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

The type of permit applicable to churches is covered under Section 19 of the Transport Act referred to as 'Section 19 Permits'.

There are two types of permits issued under the Transport Act 1985. (permits in relation to use of vehicles by educational and other bodies).

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

## Who can apply for a permit?

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

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

What is meant by operating without a view to profit

Those applying for a section 19 permit must satisfy the issuing body that the transport services:

Are not run with a view to profit nor incidentally to an activity which is itself carried on with a view to profit.

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

Applying for a permit

Applications forms for standard permits are available from:

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

Standard permits

A standard permit is normally issued to a specific group (e.g. a Church). One permit is required for each vehicle operated. However, a permit may be issued to a named individual on behalf of a body which he or she represents.

Once issued the permit consists of a permit document containing a unique

serial number and a corresponding disc which must be displayed in the windscreen. Permits are valid for a maximum period of 5 years.

Who may be carried on the vehicle?

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

Each permit and disc will specify one or more of the following classes of person: Class A - Class B - Class C - Class D - Class E - Class F -

### **Members of the body holding the permit;**

- Persons whom the body exists to benefit, and persons assisting them; Disabled persons (as defined in the Disability Discrimination Act 1995) or persons who are seriously ill and persons assisting them;
- Pupils or students of any school, college, university or other educational establishment and staff or other helpers accompanying them; Persons living within a geographically defined local community, or group of
- communities, whose public transport needs are not met other than by virtue of services provided by the body holding the permit;
- Any other classes of persons specified in the permit.
- Would suggest that classes A and B are most relevant to churches within the connection.

### **Changes to the permit**

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

### **TAKE NOTE:**

A permit is not transferable to another organisation. You are only allowed to carry the class of passenger as stated in your permit. If your permit was issued by a traffic commissioner and you wish to add another class of passenger then you will need to apply for a new permit. The new permit will have an expiry date which will be no later than five years from the date of issue. If you no longer require the existing permit you should return it to the traffic commissioner. You should note that no refunds will be issued. If your permit was issued by a designated body you should contact that body for advice on how to make changes.

### **What you may charge passengers**

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

### **Passengers in wheelchairs and disabled persons**

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

### **Drivers of permit vehicles**

#### **IMPORTANT**

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

- Drivers should be given clear written instruction about their responsibilities covering all aspects of vehicle operation. They should also ensure that they familiarise themselves with the vehicle, including driving practice, before carrying any passengers.
- Drivers must not use a mobile telephone whilst driving.
- Driving entitlement requirements

#### **TAKE NOTE:**

Regardless of the size of vehicle, all drivers of a vehicle operated under a permit **MUST** be 21 or over. The rules covering the driver licensing requirements depend on size of vehicle and when the driver passed their test.

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

1. A passenger carrying vehicle (PCV) driver's licence;
2. A PCV Community licence; or
3. A Northern Ireland licence corresponding to a PCV driver's licence.

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

- Drivers granted a full licence to drive vehicles in category B (car, not automatic) before 1st January 1997.
- These drivers were automatically granted additional entitlement DI, to drive a small bus not used for hire or reward. For as long as they hold DI entitlement, these drivers may drive a small bus of any weight used under the permit. There is no restriction on such drivers receiving payment.
- On reaching the age of seventy the driver will need to renew their car licence. They may also apply to renew the DI entitlement but will need to undergo a compulsory medical examination as they must meet required health standards. If they pass the medical examination they can continue to drive a small bus under a permit on the same conditions as before. The renewed car licence and DI entitlement are normally valid for three years.
- Drivers who passed their car test on or after 1st January 1997. Drivers who pass their car test on after this date are no longer granted DI entitlement.

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

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

Mike Webber – August 2011

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