



## Operating a Minibus (GBP 5)

### WHO CAN DRIVE A PERMIT BUS?

Any person aged 21 years and over who has a full driving licence\* is entitled to drive a permit bus that can carry more than 8 passengers. Alternatively, a person under that age may drive a small permit bus if they hold a PSV driver's licence. In either case the licence must cover the type of vehicle that is being driven (i.e. manual or automatic).

\* All drivers who qualified after 01 January 1997 must hold a full driving licence for at least 2 years and must be over 21 years of age.

### WHAT ARE THE REQUIREMENTS FOR VEHICLE TESTING?

All permit vehicles must be tested annually from the end of their first year. Although permit vehicles are small PSV's,

- Small buses are exempt from the PSV (Class VI vehicles) test.
- Those adapted to carry 12 or fewer seated passengers (Class IV vehicles) may be tested at those MOT testing stations which are authorised to test such vehicles.
- Those adapted to carry 13 to 16 passengers (Class V) must be tested at approved HGV testing stations or specially designated MOT testing stations allowed to test such vehicles.

If the vehicle is found to be unfit, a Prohibition Notice could be issued to prevent it from being driven. Failure to obey such a notice is against the law and could lead to a heavy fine. Recommended maintenance arrangements are described in Appendix C and failure to adequately maintain a vehicle could lead to your permit being revoked.

### WHAT ARE THE OBLIGATIONS ON THE DRIVER REGARDING PASSENGER SAFETY?

Pending legislation now deems that all children aged between 3 and 14 are to use the "safety systems provided" when seated on a bus or a coach **as well as** when seated in a car or minibus.

As a minimum requirement, we ask that any children between these ages are instructed to fasten their seatbelts when seated in buses/coaches in the course of GB travel/activity. The responsibility of ensuring that children are wearing their seatbelts rests with the driver of the bus/coach.

The legislation in question only makes reference to "safety systems provided" and so does not apply to vehicles not fitted with seatbelts. However, we would ask GB staff (as a matter of good practice) to only consider using such vehicles as do have safety restraints.

Please also remember that the booster seat legislation, which came into effect in September 2006, means that any child under 12 who has not reached the minimum height of 135 cm must use a booster seat/cushion when travelling in a car, van or goods vehicle.

This legislation also maintains that a child under 3 may not sit in the front seat of **any** vehicle without a child seat which can be "fitted suitably".

### DO THE EC DRIVER'S HOURS AND TACHOGRAPH RULES APPLY?

Not to small buses when used in the UK. They do apply to large buses (17 or more passengers) which therefore must be fitted with a tachograph.

### DO ANY OF THE PSV RULES APPLY TO PERMIT VEHICLES?

Yes. Although permit buses are exempt from PSV operator and driving licensing requirements they are still PSVs and subject to spot checks by the Department of Transport Vehicle Examiners on their roadworthiness (as are other buses which are not PSVs). You must ensure that the vehicle has regular maintenance checks.

You can get the addresses of your nearest testing station or designated operator's premises by telephoning your local Vehicle Inspectorate listed under "Department of Transport" in the telephone directory.

### **WHAT VEHICLE INSURANCE WILL WE NEED?**

Like motor vehicles used on the road, a vehicle operated under a permit must be covered by an insurance policy, which insures against liabilities for personal injury to third parties, (which includes the passengers being carried in the vehicle).

Your insurer will need to know that you will be receiving payment from passengers – in other words, operating for 'hire or reward' – but that you are exempted from the requirement for PSV operator licensing through the permit system.

### **WHAT CHARGE CAN WE MAKE TO PASSENGERS?**

You can set fares or contributions at a level to recover some or all of the costs of running the vehicle and may include an allowance for vehicle depreciation.

But they must not be enough to make a profit, even if it goes back into other running costs or charitable purposes.

### **WHAT ARE THE RELEVANT REGULATIONS FOR CONSTRUCTION, EQUIPMENT AND USE OF PERMIT BUSES?**

A small bus operated under a permit must comply with the set of construction standards at either a) or b) below, depending in part on the age of the vehicle. These standards also apply to vehicles hired in.

- a) The new unified standards of construction and equipment contained in Regulations 41 to 43 of the Road Vehicles (Construction and Use) Regulations 1986 (S1 198/1078), and the Public Service Vehicles (carrying Capacity) Regulations 1984 (S1 1984/1406), apply to all small buses first registered on or after 1 October 1987. In practice it will be found that most manufacturers have been complying with these new unified standards since the end of 1986.
- b) For small buses first registered before 1 April 1988 or manufactured before 1 October 1987, and which do not comply with the new unified standards, the regulations governing the construction and equipment of a permit minibus are the Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977 (S1 1977/1203) as amended by S1s 1980/142, 1981/1599, 1982/1484 and 1986/1813 Regulations 5-28.

These regulations governing the use of all types of permit minibus are regulations 29-34 of the 1977 Regulations. Appendix E lists the requirements for equipment and use that apply to all permit minibuses.

Please note that a landrover operated under a permit is exempt from the regulations set out above and the requirements listed in Appendix E.

### **LEGISLATION**

#### Acts

Public Passenger Vehicles Act 1981

Transport Act 1985:-

Sections 18-21: vehicles in use under minibus permits

Sections 22-23: vehicles in use under community bus permits

#### Regulations on minibus and large bus permits and their use

The minibus and Other Section 19 Permit Buses Regulations 1987 (S1 1987/1230)

The Section 19 Minibus (Designated Bodies) Order 1987 (S1 1987/1229)

The Transport Act (Commencement No 7) Order 1987 (S1 1987/1228 (c.34))

#### Construction and use of Minibuses

**1. Vehicles first registered before 01 April 1988**

The Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977 (S1 1977/1203) amended by S-1s 1980/142, 1981/1599, 1982/1484 and 1986/1813 – Regulations 5-28.

**2. Vehicles first registered on or after 01 April 1988**

The Road Vehicles (Construction and Use) Regulations 1986 (S1 1986/1078) – Regulations 41-43

\*The Public Services Vehicles (Carrying Capacity) Regulations 1984 (S1 1984/1406)

\*These regulations, currently in force, apply equally to vehicles first registered prior to 01 April 1988.

### APPENDIX C

#### RECOMMENDED MAINTENANCE ARRANGEMENTS FOR VEHICLES OPERATED UNDER PERMITS

There are two separate sets of vehicle checks and inspections that should be carried out. These are:

- Daily running checks
- Vehicle safety inspection and routine maintenance checks at set intervals on items which affect vehicle safety, followed by repair of any faults.

##### Daily running checks

Drivers usually do these before a vehicle starts its journey. They are checks on things like engine oil, brakes, tyre pressures, warning instruments, lights, windscreen washers and wipers.

##### Vehicle safety inspections and routine maintenance checks

These should be done at set intervals of either time or mileage whichever comes first. The following items should be inspected: wheels, tyres, brakes, steering, suspension, lighting etc. Specialist equipment such as tail lifts should be inspected and serviced according to the manufacturers' recommendations. The "owners manual" supplied with your vehicle should set the minimum recommended maintenance checks advised by the manufacturer. However, bearing in mind that passengers are to be carried in your vehicle, and possibly a number of different drivers used, you should carry out more frequent safety checks. You could get more guidance from the Department of Transport's PSV Inspection Manual, available from Her Majesty's Stationery Office (HMSO).

Vehicle safety inspections are additional to a routine maintenance check. You should do both. Under no circumstances should vehicle safety inspections be at longer intervals than manufacturers recommended routine maintenance checks.

Whoever carries out the maintenance checks should be able to recognise the faults they find, such as parts wearing out too quickly. They should also know what the standards of performance and normal wear of parts are. They should have the power to make sure that any vehicles with defects which are, or could be, dangerous are not used.

##### Records

You should keep records of all safety inspections to show the history of each vehicle. They should show:

- when and by whom an inspection is carried out;
- the results of that inspection; and
- when and by whom any work is done, and details of that work.

These records can be quite simple as long as they give enough detail so that the inspection history of each vehicle can be followed. These records should be kept for at least 15 months. You should still keep records even if an outside garage does the work (you are responsible for the condition of any vehicle owned by your group and used under your permit).

##### Drivers' Reports

Drivers should tell the person in charge of vehicle maintenance of any faults in a vehicle. These reports should be put in writing and kept with the vehicle records. Owner-drivers should note any faults and put them in their vehicle records as they happen.

#### Hired Vehicles

When hiring a vehicle the permit holder must make sure that the vehicle meets the appropriate conditions of fitness if it is a small bus or has a Certificate of Initial Fitness if it is a large bus. The permit holder and driver are responsible for the vehicle's safety when it is in use on the road.

### APPENDIX E

#### REQUIREMENTS FOR EQUIPMENT AND USE APPLYING TO ALL PERMIT MINIBUSES EXCEPT LANDROVERS

##### Equipment

The requirements concerning the equipment of a permit minibus are given in Schedule 7 to the Road Vehicles (Construction and Use) Regulations 1986 (S1 1986/1078) and Regulations 26 to 28 of the Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977 (S1 1977/2103) as amended by S1 1980/142 and S1 1982/1484.

The following items of equipment must be carried:

- a. At least one fire extinguisher which meets all specifications for a portable fire extinguisher issued by the British Standards Institution, numbered BS 5423: 1980 as amended by Amendment No 1 (reference number AMD 4110 published on 31 December 1982) and Amendment No 2 (reference number AMD 4544 published on 30 April 1984), and which:-
  - contains water with a minimum test fire rating of 8A; or
  - contains foam with a minimum test fire rating of 8A and 21B; or
  - contains, and is marked to show that it contains halon on 1211, or halon 1301, with a minimum test fire rating of 21B.
- b. A suitable, clearly marked, first aid box, which is readily available for use and kept in good condition.

The vehicle must also have a notice showing the maximum number of passengers it can carry painted in letters at least 2.5cm high. This must either be on the outside of the vehicle at the back or inside the vehicle as long as it can be seen from outside.

##### Use

The requirements concerning the use of a permit minibus are given in Regulation 44 of the Road Vehicles (Construction and Use) Regulations 1986 (S1 1986/1078) and Regulations 29 to 34 of the Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977 (S1 1977/2103).

The following restrictions apply to the use of a vehicle:

- a. Passengers must not:
  - Unnecessarily obstruct any entrance, exit or gang way; or
  - Unnecessarily obstruct the driver or take his attention away from controlling the vehicle.
- b. The vehicle must not:
  - Be used to carry an inflammable or other dangerous substance unless it is properly packed so that it will not cause any damage to the vehicle, or injury to passengers;
  - Be used unless all windows are clean and in good condition;
  - While the engine is running be either filled with fuel or have the fuel tank removed; or
  - Be used to draw a trailer unless all passengers have access to a nearside exit.