

Driver Licensing - Minibuses

Contents

Introduction	Driving abroad
Driving under Small Bus / Standard permits (Section 19 in GB, Section 10B in N Ireland)	Community licence holders resident in the UK
DfT & DfES Guidelines	Driving large buses (under permit & not for hire or reward)
Driving under Community Bus permits (Section 22 in GB only)	Mobile Project Vehicles
Driving minibuses (not for hire or reward)	Other issues
Driving minibuses under PCV	Appendix 1: Old style driver licensing categories
Entitlement	Appendix 2: New style driver licensing categories
Minimum test vehicle requirements for buses	Appendix 3: New style category restrictions
Using trailers with minibuses (under permit & not for hire or reward)	Flowchart

Introduction

Changes which took effect on January 1st 1997 and January 1st 1998 represent the biggest change in driver licensing rules for many years - particularly in respect of minibus driving. This advice leaflet explains details of the new system and what the impact will be for transport managers and drivers across the not-for-profit sector as a whole.

Operators are warned that they should no longer assume that all drivers of minibuses operated under permit are exempt from needing a further driving test.

European harmonisation

The changes represent the incorporation into the law of both Great Britain and N Ireland of the Second EC Directive on the Driving Licence (91/439/EEC). The Directive attempts to harmonise the rules across the EU as part of the "single market" initiative. In fact, UK rules are particularly complicated reflecting the different history of our transport industry. Of particular relevance is that no other EU state has a not-for-profit sector based largely on minibus use quite as developed as that of the UK. In the early 1990s CTA (with the NUS, Help the Aged and others) was part of the successful Mobility Alliance campaign - which included a mass rally of UK minibuses in Brussels - to prevent second tests for all minibus drivers and protect the viability of the sector and the position of employees in community groups, local

authorities and the NHS. The UK government secured important concessions announced in late 1994. In April 1996 the implementation date of July 1st 1996 was postponed for six months until January 1st 1997.

Note: for the interpretation of driving licence categories please see the appendices at the end of this leaflet or go to www.direct.gov.uk.

Glossary

A “**minibus**” is a vehicle constructed or adapted to carry more than 8 but less than 17 passengers in addition to the driver.

“**Existing**” drivers include all those who passed their test for car entitlement before January 1997. These drivers retain significant rights to drive small buses and lorries, including the use of trailers over 750kg *until their licence expires*. On a licence issued since 1990 and before 1997 these are shown as B, B+E, C1, C1+E (restriction 7), D1 (restriction 1), D1+E (restriction 1). The restriction numbers are different on any licence issued from 1997 onwards.

“**New**” drivers are those who pass their first test from January 1st 1997 onwards whose entitlement is much more restricted. On any new licence only B entitlement will appear.

“**Community licence holders**” are drivers who obtain their licences in countries of the European Economic Area - EU states other than the UK - and also Norway, Iceland and Liechtenstein. All these states operate essentially the same classification of driving entitlements.

“**PCV**” stands for Passenger Carrying Vehicle; PCV entitlement is the qualification gained when a further test is passed to drive buses and coaches.

[Back up](#)

Driving under Small Bus / Standard permits (Section 19 in GB, Section 10B in N Ireland)

Existing drivers will continue to be able to drive minibuses *until their licence expires* without a further test whether paid or unpaid, providing that all permit conditions are met and the driver is aged 21 or over and holds a full (not provisional) licence. (If a PCV test has been passed for full D1 or D, the age limit is 18.) It should be noted that even though permit operations are by definition for hire or reward there is a specific exemption under Section 18 of the Transport Act (as amended in July 1996); there is an equivalent exemption in N Ireland. It should be noted that if permit conditions are breached it could be that the driver’s right to drive that vehicle may also be invalidated.

Existing drivers will not automatically retain their existing D1 (minibus) entitlement when their licence expires. This will usually be at aged 70, but can occur earlier for people with certain medical conditions. A letter will be sent from DVLA 3 months before renewal is due outlining the driver’s options. Retention of D1 is indicated by a 120 code restriction on the licence.

Drivers reaching age 70 will be able to continue to drive a minibus, **only** if they pass a medical to the higher PCV standards. There is no longer a recommended fee for this medical, and a further medical will be required at each 3-yearly Licence renewal.

There is no renewal fee to DVLA at this point; however, if the driver seeks to regain D1 after it has been lost, the DVLA will charge a fee of £6.00.

*Drivers aged under 70 with a medically restricted licence may take the medical, as for drivers at age 70 or over. It should be noted, however, that people with certain conditions will not be able to pass the medical, insulin-controlled diabetes, for example. It is possible for these drivers to continue to drive a minibus without the D1 entitlement as long as they are able to meet *all* of the conditions which apply to **new drivers** (see below).*

New drivers will need to have passed a second test for D1 unless all of the following conditions are met on any one use of the vehicle:

- i) the driver has held a full B licence for an aggregate of at least 2 years
- ii) the driver receives no payment or other consideration for driving the vehicle other than out-of-pocket expenses
- iii) the vehicle weighs no more than 3500kg (This is its Maximum Authorised Mass or maximum permitted weight when fully loaded may also be described as the GVW - Gross Vehicle Weight), excluding any part of that weight which is attributable to specialised equipment intended for the carriage of disabled passengers - or no more than 4250kg otherwise
- iv) there is no trailer of any weight attached
- v) the driver is aged 21 or over, but under 70 (unless driver has passed PCV Medical and gained restriction 120).

This exemption for “voluntary drivers” is known as a derogation from the requirements of the EC directive *and applies in the UK only*. The time period in i) does not include the period during which provisional entitlement is held. The main uncertainty remains condition (ii), in respect of those workers (such as some teachers and community workers) who occasionally drive during the course of their employment, but do so on a goodwill basis and are paid no extra money apart from expenses. Operators should be cautious and assume that drivers are being paid to do so unless it is clear that they are doing so on a purely voluntary basis. Operators should take note of the weight limits in iii) when considering future vehicle purchases; the extra 750kg will apply only to those vehicles which have been designed or substantially adapted for the safe carriage of passengers with disabilities or wheelchair users. Operators should also note possible problems in relation to trailers in iv).

*Remember that all these conditions must be met on each use of the bus if a **new driver** is to be exempt from the need for a second test.*

[Back up](#)

DfT & DfES Guidelines

In April 2006 both the DfT and the DfES issued guidelines for teachers and school employees who undertake incidental minibus driving and have passed their B entitlement on or after 1 January 1997. The guidance comes with a health warning that it isn't legal advice nor is it a ruling on the law.

The basis of the guidance is that so long as teachers and school employees don't have any driving duties in their job description or contract they cannot be compelled to drive. This then allows them to drive the Section 19 school minibus as a volunteer, only receiving out-of-pocket expenses, so long as they meet all of the criteria set out for new drivers as shown above.

The guidance does state that best practice should be that these drivers should hold a D1 vocational entitlement and that other training; MiDAS for example, will mitigate the risks to staff and pupils.

For further information see:

www.dvla.gov.uk

www.teachernet.gov.uk

Driving under Community Bus permits (Section 22 in GB only)

Following on from the changes in legislation from the introduction of the Local Transport Act 2008 organisations operating under Community Bus Permits can now use paid drivers as well as volunteer drivers. The rules are as for small / standard bus permits, but heavier buses are quite common and operators will have to think carefully before either buying smaller buses in the future or making sure that new volunteers are qualified to drive.

[Back up](#)

Driving minibuses (not for hire or reward)

Operators need to be very careful before assuming that their operations are not for hire or reward. Fares, donations, grants and club funds would all necessitate permits to avoid stiff fines to the operator for failure to hold a PSV Operator's Licence as well as to the driver for not having PCV. However, some minibus operations in the local authority, NHS and employee transport sectors fall into this group - as also will private use by informal groups or families (providing the driver does not benefit), typically using self-drive vehicles from commercial hire companies.

The rules are as for driving under a permit, except that **new drivers** (and **existing drivers** with medical restrictions whose licences expire) must meet an extra condition to take advantage of the "voluntary drivers' exemption". *This, in addition to i) to v) above, must be met on each use of the bus:*

vi) the vehicle is being used for social purposes by a non-commercial body

This condition appears to rule out any exemption for private individuals, informal groups and personnel transport by commercial enterprises; note that it extends to private use of a vehicle which is at other times used under a permit. This condition is not set out in the legislation relating to driving under permit since permits are already

restricted to non-profit bodies and the purposes which qualify organisations to hold permits are, we understand, what is intended by the term “social”. It would therefore be reasonable to assume that, on operations which are not for hire or reward, activities concerned with education, religion, social welfare, recreation and other community activities will be allowable.

[Back up](#)

Driving minibuses under PCV Entitlement

PCV entitlement for D1 or D is required by all drivers if the use of the minibus does not come within one of the regimes already mentioned. In particular all **new drivers** of minibuses will need PCV entitlement to drive any vehicle with more than 8 passenger seats unless they come within the “voluntary driver” exemption outlined above. *This means that the driver must take, or have taken, a second test. The second test is also necessary for the driver of any minibus used for hire or reward outside the UK.*

Minimum test vehicle requirements for buses

Any vehicle or vehicle/trailer combination presented for use at test must meet minimum test vehicle standards. These standards are part of European Community Legislation on driver licensing. Great Britain as a member of the European Union is obliged to comply with these requirements.

Irrespective of the date vehicles were first registered, with effect from **1 April 2006** all vehicles used for Categories D1, D1+E, D and D+E tests must have externally mounted nearside and offside mirrors for use by the examiner or any person supervising the test. Seatbelts for use by the examiner or anyone supervising the test will be required to be fitted to these categories of vehicles from **1 July 2007**

Requirements for buses registered before 1 October 2003. The requirements listed in this paragraph will end on 1 July 2007 when all vehicles must conform to the standards for vehicles registered after 1 October 2003 listed in the next paragraph.

Category D1

A passenger carrying vehicle (PCV) with 9 -16 passenger seats capable of 80 km/h (50 mph)

Category D1 + E (See note 3)

A category D1 vehicle towing a trailer of at least 1.25 tonnes maximum authorised mass (MAM), capable of 80 km/h (50 mph).

Requirements for buses registered after 1 October 2003. From 1 July 2007 all vehicles must conform to these requirements.

All vehicles presented for test must be unladen, they must also be fitted with both a fully working tachograph and an anti-lock braking system (ABS).

Category D1

A passenger carrying vehicle (PCV) with 9 - 16 passenger seats with a maximum

authorised mass (MAM) of at least four tonnes, of at least five metres in length and capable of 80 km/h (50 mph).

Category D1 + E (See note 3)

A category D1 vehicle towing a trailer of at least 1.25 tonnes MAM, capable of 80 km/h (50 mph) and with a closed box trailer at least two metres high and two metres wide (the overall width needs to be at least 2 metres wide (this can be the wheel track) and the box body needs to be at least as high and as wide as the towing vehicle).

If the test vehicle used is over 9m long D rather than D1 is issued. The test consists of a theory followed by a practical test (for current fees see www.transportoffice.gov.uk); the cost increases if the test is taken in the evening or on a Saturday). **New drivers** (but not existing) will need a provisional licence before being able to undertake tuition for the D1 test. **All drivers** need provisional entitlement in order to take the test itself. Provisional PCV licences are now free and it is also free to add the entitlement to your licence. In order to obtain either provisional or full PCV entitlement, drivers will need to undergo a GP medical examination. If you are planning to put drivers through PCV training you will therefore need to budget for at least £660, taking the cost of tuition into account and maybe up to £1000.

The contents of the medical have also been changed. There are particular conditions which cause difficulty, such as eyesight problems, diabetes and epilepsy. The major area of controversy has been that of eyesight standards for both PCV and lorry drivers. The Directive states that new PCV drivers must have an uncorrected visual acuity of 3/60 in both eyes. The Department for Transport, (DfT) realised that many current drivers would not reach this standard when their licences fell due for renewal. There are 2 groups of such drivers:

- i) existing drivers who currently meet the visual acuity standard in one eye only. These drivers will retain their rights when their PCV licence comes up for renewal.
- ii) current drivers who comply with the eyesight standard in force up to 1983. These drivers will retain their rights at renewal as long as they certify that they have been driving PCVs on at least 10 occasions over the preceding 5 years of which 3 must have been in the previous 18 months and that they have not been involved in an accident in the preceding 10 years where their eyesight may have been a factor.

Sub-category D (limited to 16 passenger seats) (the old PSV4 class which ended in 1991) has been reclassified as D1 from 1997 when licences come up for renewal. D (not more than 5.5m long) will be retained as a UK entitlement, but accepted as D1 when the driver goes abroad.

One unusual feature is that the Traffic Commissioners can object to the issue of PCV entitlement if information has come to them about misconduct or illegal activities.

[Back up](#)

Using trailers with minibuses (under permit & not for hire or reward)

Existing drivers will continue to be able to drive minibuses with trailers of any weight (subject to Construction and Use rules - in particular not exceeding the gross train weight). This is shown on the licence as D1+E (not for hire & reward). Existing drivers whose licences expire will not be able to drive minibuses with trailers unless they have passed the medical to retain D1 + E entitlement.

New drivers will have to take the D1 test (which allows for trailers up to 750kg) before they can move on to the D1+E test if they need entitlement to draw trailers over 750kg. *The exemption from D1 requirements for new “voluntary” drivers does not allow trailer use.*

[Back up](#)

Driving abroad

(The CTA has another advice leaflet on the requirements for taking a minibus to Europe.)

All drivers need full D1 if taking a minibus operated for hire or reward to any part of the EEA. This includes any minibus which would be operated under permit in the UK. Operators and drivers are warned that failure to observe this may result in prosecution or insurance failure in the result of an accident. If the operation is genuinely not for hire or reward, D1 (restriction 1 or 101) will be accepted.

Existing drivers (excluding those whose licences have expired and who have not passed a medical) have D1 (not for hire or reward). This results in a problem for drivers of permit vehicles since the regulations which protect them from needing full D1 have no force outside the UK. Where the operation of a minibus is genuinely not for hire or reward (see earlier) drivers with D1 (restriction 1 or 101) may still drive abroad.

New drivers will need to have taken a second test, whether or not the operation is for hire or reward. There is no exemption for “voluntary” drivers outside the UK.

[Back up](#)

Community licence holders resident in the UK

European **Community licence holders** have always been obliged to exchange their licences for UK ones within a year of residence in the UK. In broad terms this system is no longer needed for EU citizens since their domestic entitlements will now be recognised by the UK. However resident PCV licence holders still need to obtain the UK “counterpart” section so that UK endorsements can be applied and points totted up in the event of a driving conviction. Residence is defined as a minimum of 185 days in any one year.

Existing drivers who exchanged before January 1997 benefit from the various UK exemptions in the same way as UK drivers.

New drivers will be in the same position as new UK drivers. Normally they will need PCV D1 to drive a minibus, but can take advantage of the exemptions for “voluntary driving” under the minibus permit system or if not driving for hire or reward.

For drivers from other countries please contact the CTA's Advice Services or DVLA Customer Enquiries (Drivers).

[Back up](#)

Driving large buses (under permit & not for hire or reward)

Since January 1997 no driver has been able to drive large buses (those with 17 passenger seats or more) on B licences under the Section 19 (10B in N Ireland) permit system.

New drivers will therefore need to take a PCV test for full D entitlement unless the vehicle is used as a mobile project vehicle (see below).

Existing drivers who obtained D (not for hire or reward) in 1992 (so-called “grandfather rights”) will still be able to drive such vehicles either under Section 19 (10B in N Ireland) large bus permits or if the use is genuinely not for hire or reward. Drivers with grandfather rights have to undertake medical examinations from aged 45 onwards in the same way as other PCV drivers with the same arrangements on new medical standards. Existing drivers without grandfather rights will have to take the PCV test.

[Back up](#)

Mobile Project Vehicles

Existing drivers can continue to drive these vehicles (most commonly, but not exclusively, playbuses - a definition is included in the new legislation) on B entitlement provided that they are 21 or over and the vehicle does not carry more than 8 passengers in addition to the driver. The vehicle must be being taken to or from the place where the equipment it carries is to be, or has been, mounted.

There are extra conditions for **new drivers**:

- i) that they have held a full B licence for an aggregate of at least 2 years that the vehicle is being used by a non-commercial body

[Back up](#)

Other issues

Checking Driving Licences

It is vital that no driver is allowed to take a vehicle out until their original (not photocopy) licence is properly checked to ensure that they are entitled to drive it. This procedure should be repeated at regular intervals, usually every 6 months. It is an offence to permit a driver to drive a vehicle for which s/he is not entitled.

Those checking licences should familiarise themselves with old and new style licences – and the photocard system now in operation.

Driver Training

Whilst the law may not always require a second test to be taken it is strongly recommended that an assessment of a driver's ability to drive a particular vehicle, and appropriate training should be provided. CTA runs MiDAS (Minibus Driver Awareness Scheme), which provides the facility for assessment and training of Minibus Drivers. Further details can be obtained from CTA.

The legal framework

The legislation is complex. The recognition of community licence holders in the UK is contained in The Driving Licences (Community Driving Licence) Regulations 1996 SI 1974. This also contains an important amendment to Section 18 of the Transport Act 1985, which concerns exemptions for permit holders from operator and driver licensing rules. The main bulk of the new rules are contained in The Motor Vehicles (Driving Licences) Regulations 1996 SI 2824 (as amended by SI 3198 to allow the continued driving of large buses under permit on grandfather rights). The Minibus and Other Section 19 Permit Buses (Amendment) Regulations 1996 SI 3088 and The Community Bus (Amendment) Regulations 1996 SI 3087 cover non-profit hire and reward minibus operations.

The legislation is essentially replicated in N Ireland - with the necessary difference that entitlements will be retained at the 10-yearly renewal of ordinary licences.

Further information

- Further information is available from the CTA
- For information on the PCV test and curriculum, the Bus & Coach Driving Manual (DSA/HMSO) is essential. Available from CTA - price on application.

Northern Ireland

[Driving a minibus in Northern Ireland](#)

[Driver licensing requirements for towing trailers in Northern Ireland](#)

[Minimum Test Vehicles](#)

- These are all free leaflets available by SAE from CTA (Northern Ireland) Graham House, Knockbracken, Healthcare Park, Saintfield Road, BELFAST BT8 8BH.

[Back up](#)

Appendix 1: Old style driver licensing categories

Notes:

- 1) These are found on all pink or green licences issued up until 1990. They will stay on the licences of existing drivers until they come to exchange them - i.e. when moving house, changing name or at the age of 70.
- 2) All weights expressed in Gross Vehicle Weight (GVW or maximum permitted weight when fully laden).

Non Vocational Licences

A

- Cars/light vans up to seats/3500kg
- Small lorries up to 7500kg
- Small buses 9 -16 seats under permit
- Minibuses not used for hire or reward
- Any of these with trailer (any weight subject to Construction & Use regulations)

B

- Cars with automatic transmission

Vocational licences (separate licence documents discontinued 1/4/91)

HGV 1 - 3

- Lorries over 7500kg in three classes (+ trailers)

PSV 1 - 4

- Buses used for hire & reward (+ trailers)
- PSV1 Double deckers
- PSV2 Single deckers over 8.5m
- PSV3 Single deckers 5.5m - 8.5m
- PSV4 Single deckers not exceeding 5.5m

[Back up](#)

Appendix 2: New style driver licensing categories

Note: these are found on pink and green licences issued since 1990 and on new photocard licences.

Non Vocational licences

B

Cars/light vans up to 8 seats (excluding the driver) and no more than 3500kg; allows a trailer up to 750kg, but not one drawn by a minibus

Vocational licenses

D1

Small buses 9-16 seats (excluding the driver); allows a trailer up to 750kg

D

Any bus; allows a trailer up to 750kg

+E

Any vocational or non-vocational category, but allows a trailer over 750kg

[Back up](#)

Appendix 3: New style category restrictions

On any category the DVLA may place one or more category restriction on the column next to the category on the Licence document. The numbers in brackets refer to restriction codes on new style licences issued before January 1st 1997. These have now been changed to incorporate the European system of code restrictions. The codes listed from 100 onwards are only issued in the UK.

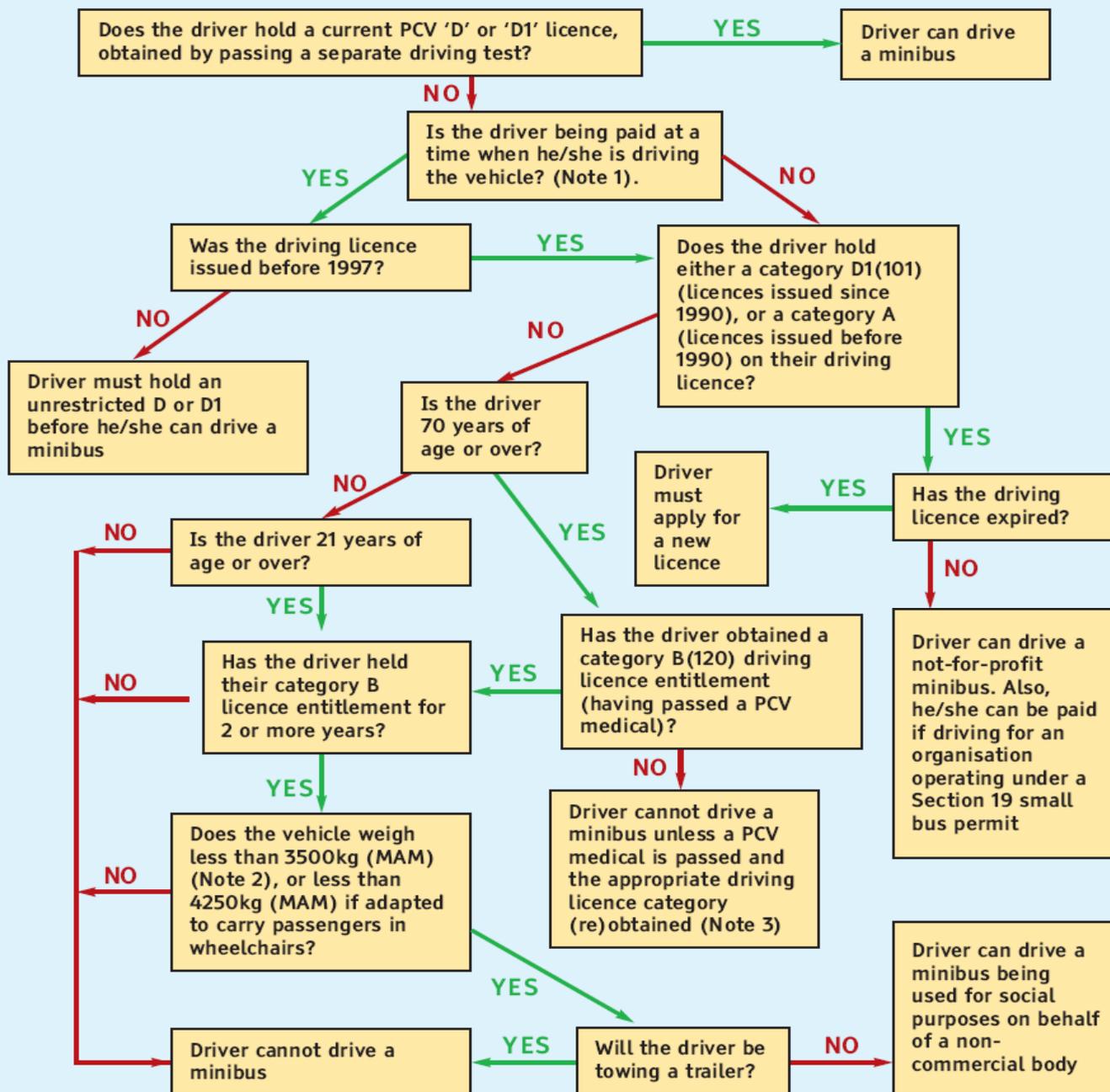
EC CODES		NATIONAL CODES	
01	Eyesight correction	101 (1)	Not for hire and reward
02	Hearing/communication aid	102 (2)	Drawbar trailers only
10	Modified transmission	103 (3)	Subject to certificate of competence
15	Modified clutch	105 (5)	Not more than 5.5m long
20	Modified braking systems	106 (6)	Restricted to vehicles with automatic transmission
25	Modified accelerator systems	107 (7)	Not more than 8250kg
30	Combined braking and accelerator systems	108 (8)	Subject to minimum age requirements
35	Modified control layouts	110 (10)	Limited to invalid carriages
40	Modified steering	111 (11)	Limited to 16 passenger seats
42 (4)	Modified rear view mirror(s)	113 (13)	Limited to 16 passenger seats except for automatics
43	Modified driving seats	114	With any special controls required for safe driving
44	Modifications to motorcycles	115	Organ donor
45 (12)	Motor cycle only with sidecar	118	Start date is for earliest entitlement
70	Exchange of licence	119	Weight limit does not apply
71	Duplicate of licence	120	Complies with health standards for Category D1
78 (6)	Restricted to vehicles with automatic transmission		
79	Restricted to vehicles in conformity with the specifications in brackets		

[Back up](#)

Flowchart

UK-WIDE ADVICE LINE: 0845 130 6195

Who can drive a minibus in the UK?



Notes

1. It is CTA's view that, for driving licence purposes, a person cannot be considered to be unpaid when driving for an organisation and be a current employee for that same organisation.
2. MAM is Maximum Authorised

3. Mass of the vehicle (also known as the GVW – Gross Vehicle Weight). Drivers who had a D1(101) can reapply for this category to be put back on their driving licence after the age of 70, provided they have passed a PCV medical. Drivers who

never had the D1(101) licence category entitlement, and have subsequently reached the age of 70, will need to pass a PCV medical to obtain the B(120) licence entitlement to allow them to continue to drive a minibus as a volunteer.

About the Community Transport Association

The CTA is a rapidly growing national charity giving voice and providing leadership, learning and enterprise support to member organisations, which are delivering innovative transport solutions to achieve social change. CTA UK promotes excellence through providing training, publications, advice and information on voluntary, accessible and community transport.

Voluntary and community transport exists to meet the travel and social needs of people to whom these would otherwise be denied, providing accessible and affordable transport to achieve social inclusion.

Membership of the Community Transport Association is open to individuals, community and other voluntary groups, local authorities and other statutory bodies. Full details available on the CTA website.

The CTA provides training on many subjects, either as pre-booked training days, or tailor-made to suit your organisation. CTA organises MiDAS Training, which includes Minibus Driver Awareness Scheme, Passenger Assistant Training and Car & MPV Driver Training. CTA has introduced CommunityDriver - The minibus driving test solution for non-professional drivers, i.e. teachers & youth workers, who needs to undertake their PCV D1 driving entitlement.

If you would like any addition information, please contact us at:

Community Transport Association
Highbank, Halton Street, Hyde, SK14 2NY
Phone: 0161 351 1475
Fax: 0161 351 7221
Email: info@ctauk.org

About the Community Transport Association's Advice Service

The CTA's Advice & Information Service is funded by the Department for Transport, the Department for Regional Development (Northern Ireland), the National Assembly for Wales and the Scottish Government. The Service offers information and support on any aspect of non-profit transport operations.

CTA Advice & Information Service Contact numbers

UK Advice Line
Phone: 0845 1306195
Email: AdviceUK@ctauk.org

Northern Ireland Advice Line
Phone: 028 9094 1661
Email: AdviceNI@ctauk.org

Web page: www.ctauk.org

Disclaimer

The Community Transport Association has made every effort to ensure the accuracy of the information contained in this leaflet, but it should be noted that this is only a guide, and should be treated as such.

©CTA 2010