



## Minibuses – Purchase & Operation

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### SECTION 1 – General Information

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## 1.1 Introduction

This revised manual on the purchase, use and operation of minibuses has been prepared by Hertfordshire County Council and supersedes all previous versions. The purpose of this manual is to offer advice to owners, users and operators of minibuses and to set down the policy that all HCC employees must follow. **Note: This is not intended to be a legal document, so it should not be taken as an official interpretation of the law – it is for guidance only.**

Reference to Minibuses includes Welfare Vehicles with up to 16 passenger seats used on County Council business whether owned, hired or borrowed.

For ease of use and to enable ready reference the information has been divided into sections.

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| 1. <b>General Information</b>     | 5. <b>Passenger Care &amp; Safety</b> |
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Throughout this manual where reference is made to a vehicle capacity (i.e. number of passengers) the assumption should be made that this, at all times, **EXCLUDES** the driver (unless specified).

This manual covers all aspects of maintenance and legal care of minibuses. However, it must be stressed that for a complete understanding of minibus driving, the manual should be read in conjunction with “Driving Minibuses – The HCC Guide” (see Section 6 ‘Further Reading’ for obtaining copies).

It is essential that this manual is readily available as a source of reference. All those owning, operating or driving a passenger vehicle should consult this manual and it should be brought to the attention of appropriate staff. Its sensible use should ensure that vehicle use is trouble free and in compliance with legal requirements and County Council procedures.

Additional help can be found under Section 7 “Useful Contacts”

## 1.2 Ownership of Motor Vehicles

The ownership and operation of a motor vehicle imposes substantial responsibilities which should not be undertaken lightly. It demands a substantial financial commitment to meet both initial purchase costs and the continuing expense of keeping the vehicle in a safe and roadworthy condition. However, in many cases these burdens will outweigh the disadvantages of alternative methods of providing transport.



Once purchased, an establishment will be publicly linked with the purpose for which the vehicle is used. If the vehicle is found to be faulty, or is involved in an accident, the owner will be associated with the incident and, in addition to legal liabilities, may possibly attract significant public and media comment which could reflect adversely on personal and corporate reputations.

Establishments considering buying a minibus should investigate the need for the purchase. Many journeys can be undertaken in other ways at very low cost, especially if they do not cover the morning and evening peak periods for travel to and from school/centre and a commercial operator is already serving the site. A little flexibility about travel times can result in major savings in the cost of vehicle hire.

### 1.3 Management of Minibuses

**At all workplaces using minibuses, an individual must be nominated as being responsible for all the arrangements relating to their use, including:**

- Ensuring a proper maintenance schedule is followed for each vehicle, covering servicing, weekly checks and prompt rectification of faults.
- Maintenance of appropriate records, with a logbook for each vehicle, to record details of each journey, dates, times, who drove, mileage readings, faults found, damage etc.
- Maintenance of drivers' records.
- Checking medical fitness of the drivers.
- Ensuring drivers fulfil the age criteria.
- Checking that each driver has the appropriate current full driving licence.
- Annually inspecting each driver's licence, recording any changes (especially penalty points) and retaining a copy on file.
- Consulting the Insurance Manager if any driver has penalty points currently in force on the licence.
- Ensuring the competence of each driver through the assessment scheme in accordance with the County Minibus Driver Policy.

### 1.4 Legal Requirements

The Law relating to the ownership and use of motor vehicles is complex and constantly changing.

***Ignorance is not accepted as an excuse  
for breaking the law and any  
establishment owning a vehicle has a  
responsibility to ensure that the law  
is complied with at all times.***

Failure to do so could expose both the individual and the organisation to proceedings in court, which are time consuming, expensive and extremely stressful for those directly involved.

Every effort will be made to incorporate changes in the law in this manual, **but ultimate responsibility lies directly with those looking after the vehicle.** The person with overall responsibility should ensure that the vehicle is supervised by directly nominated members of staff and that all relevant information is passed to them without delay.

## 1.5 Financial Implications

The cost of owning a minibus falls into two categories; the capital cost of the initial purchase and the continuing cost of repairs, maintenance, insurance, taxes and fuel. Furthermore, some provision needs to be made for replacement when it is no longer economic to repair. Operating your own vehicle is expensive and organisations considering this step must take full account of not only the purchase cost, but also the continuing expenses **BEFORE** proceeding with the project.

The following figures give an idea of the 'whole life' costs of owning a 17-seater Transit diesel minibus at April 2009, for a period of eight years but ignoring inflation and manufacturers pricing increases.

|  | <b>Initial Cost</b> | <b>Maintenance<br/>Over 8 years</b> |
|--|---------------------|-------------------------------------|
|  | <b>£</b>            | <b>£</b>                            |
| The HBS Purchase price – Ford Transit 17-seat factory minibus. | 21,500.00           | -                                   |
| Vehicle Excise Duty  | 165.00              | 1,320.00                            |
| Insurance  | 500.00              | 4,000.00                            |
| Maintenance and Repairs  | 690.00              | 13,744.00                           |
| Fuel and Oil (6,000 miles per annum)                           | 1,028.00            |                                     |
| <b>TOTAL</b>   |                     | <b>40,564.00</b>                    |
| Less sale value of vehicle                                     |                     | 2,000.00                            |
| <b>TOTAL COST</b>  |                     | <b>38,564.00</b>                    |

Finance charges in the form of hire purchase, leasing or other borrowing methods would be additional to these costs.

It is very easy to save money in the short term by neglecting a vehicle and postponing expenditure. However, in the long term this could result in a larger bill or a reduced sale value at the end of its useful life.

Before deciding to purchase a vehicle it is imperative that careful consideration be given to both day to day and long term arrangements for maintenance. Responsible persons should be clearly identified and, even where not required by statute, a system of records should be established as a protection for all concerned.

## 1.6 Vehicle Specification and Purchase

The most important consideration when purchasing a vehicle is its size and capacity. Consider the likely maximum number of passengers for each journey and work out how many seats would be needed to carry everyone on four journeys out of five.

The rules governing the operation and use of minibuses change when the levels of 8 passengers and 16 passengers are reached. The smaller the vehicle, the less demanding the legal requirements and there are fewer rules to understand. However, do NOT buy a larger vehicle for the sake of it; remember that the bigger the vehicle is, the greater the cost of purchase, fuel and maintenance.

The next decision is whether to buy a new vehicle or a second-hand one. This will be partly determined by how much money is available to meet the initial purchase price, but the longer term cost of maintenance should also be borne in mind. An older vehicle may require repairs before it can be brought into use and will cost more to maintain from the outset, whereas a new vehicle will have the benefit of a manufacturer's warranty and should be relatively trouble free for the first three years.

Advice should be sought from Fleet Services before a buying vehicle and agreeing any seating arrangements, particularly when considering a van conversion that requires a permit.

Whether a new or a second-hand vehicle is proposed, it is useful to write down the features you are looking for. Useful questions to ask are:

- How many seats are needed and what is the most suitable seating layout for the vehicle's purpose?
- What sort of engine is preferable? Is diesel more economic?
- How many doors are required? (Important consideration when proposing to charge passengers and a minibus permit is required).
- Are disabled people to be carried? Consider that standard minibuses are not suitable for tail-lift fitments and wheelchair use.

Many of these are difficult questions, which will require major decisions to be made about the vehicle's use. Technical choices may have to be made too. However, the extensive experience of Fleet Services is available for producing vehicle specifications for everything from a fire appliance to a car. For further details contact Fleet Services (see Section 7 – Useful Contacts).

The specification of any vehicle donated by a voluntary organisation, etc should be the same as if the County Council was purchasing the vehicle.

If you are proposing to buy a new vehicle the cheapest price can be obtained by taking advantage of the **bulk purchasing power** of Fleet Services purchasing department who are in constant contact with main dealers and leasing companies to obtain the most favourable discounts. They will also process the order and attend to the practical details of payment (see Useful Contacts).

For your own protection you are advised to have your vehicle **professionally inspected** on delivery and before it comes into use. This is essential so that any defects are noted and remedied by vendor before it is finally accepted. If this examination is not carried out, there is a risk that you will inherit a major unexpected expense for which you have not made any financial provision and in addition, you will be denied use of your vehicle whilst the problem is resolved. Fleet Services always examines new vehicles purchased through Hertfordshire Business Services and will also inspect second hand vehicles. This should be done **BEFORE** the vehicle is paid for.

## 1.7 Seat Belt Regulations

Broadly speaking, everyone travelling in a minibus must wear a seat belt.

The Road Vehicle (Construction & Use) (Amendment) (No.2) Regulations 1996 require a forward facing seat with a seat belt for each child on all journeys in a minibus or coach wholly or mainly organised to carry a group of 3 or more children aged 3 to 15 years inclusive.

In minibuses and coaches first used on or after 1 October 2001, which have seat belts and anchorages that meet the requirements of the European Directive, children may be also provided with rearward facing seats with seat belts.

### Who is responsible?

Under the regulations individuals aged 14 years or over are responsible for wearing a seat belt in **all** vehicles.

The **driver** is responsible for ensuring that passengers under 14 years of age are correctly belted in minibuses up to 2,540 kg unladen weight (refer to the manufacturer's handbook for the vehicle). However, HCC has a Duty of Care to ensure that passengers are carried safely in all its vehicles; at the start of **every** journey, drivers must ensure that **all** passengers are correctly belted.

### Fitting seat belts

Hertfordshire County Council requires that all minibuses (whether new or second-hand) used by or on behalf of the county council must have three-point (lap-and-diagonal) seat belts fitted.

Minibuses first used on or after 1 October 2001 must have seat belts fitted by the manufacturer. The seat belts must be fitted in all forward and rearward facing seats, and must meet the technical requirements set out in the European Directives.

### Retro-fitting seat belts

Prior to October 2001, many vehicles were fitted with seat belts, either by the manufacturer, or by other suppliers. All minibuses were required to undergo a once-only test at their first MOT after July 1998 to ensure that seat belts have been safely installed, unless they were formally type-approved when fitted at the time of manufacture.

Whilst it is possible to have seat belts retro-fitted to existing vehicles, it can be expensive and there are many practical problems to overcome. For information on where to seek expert advice, contact the Road Safety Unit (see Section 7 – Useful Contacts).

After 1 October 2001, where seat belt anchorages are installed in older vehicles, they must comply with the technical and installation requirements of a Directive (either 76/115, 81/575, 82/318, 90/629 or 96/38) or an ECE Regulation (either 14, 14.01, 14.02, 14.03, 14.04, or 14.05).

The law on seat belts and child restraints changed on 18 September 2006. A summary of the law is on the next page. See also Passenger Restraints – Section 5.7

|  | <b>Front Seat</b>                     | <b>Rear Seat</b>  | <b>Whose Responsibility</b>                             |
|--|---------------------------------------|---|---|
| <b>Driver</b>  | Seat belt must be worn if fitted.     |   | Driver  |
| <b>Child under 3 years of age.</b>   | Correct child restraint must be used. | Correct child restraint must be used.   | Driver  |
| <b>Child aged 3 to 11 and under 1.35 metres in height (approx. 4ft 5in) in height.</b> | Correct child restraint must be used. | Correct child restraint must be used if available. If not, an adult seat belt must be worn.** | Driver<br>(in minibus up to 2.54 tonnes unladen weight) |
| <b>Child aged 12 or 13 or younger child 1.35 metres or more in height.</b>             | Adult seat belt must be worn.         | Adult seat belt must be worn.   | Driver<br>(in minibus up to 2.54 tonnes unladen weight) |
| <b>Adult passenger including child aged 14 years or more.</b>                          | Seat belt must be worn.               | Seat belt must be worn.   | Passenger   |

\*\*Operators are not required to provide child restraints. If a parent wishes to provide a child restraint for their child, the parent is responsible for ensuring that it is suitable for the child and that it is correctly fitted.

For further information and advice on seat belts and the law, contact the Road Safety Unit (see Useful Contacts page).

The penalty for seat belt offences is either:

- a) A fixed penalty of £60 or
- b) A maximum fine of £1000 (w.e.f. 29.06.2009)

Individuals are liable for this penalty, unless they are under 14 years of age, when the driver is held responsible, as shown in the table above. Minibus operators should make their drivers aware of this.

***It is the County Council's Policy that vehicles with bench seats along each side ('crewbus'), or any inward facing seats, must not be used for transporting passengers because of the inability to fit seat belts to a satisfactory standard in such vehicles.***

## 1.8 Maintenance

Establishments are strongly recommended to arrange professional maintenance for their vehicles and not to attempt 'do it yourself' repairs.

A new vehicle should be maintained by a garage qualified to carry out work for the make of vehicle involved especially during the life of the warranty. Failure to do this could invalidate any claims under the manufacturer's warranty.

The County's Central Workshop is able to undertake vehicle maintenance on behalf of County Council establishments and obtains spare parts at competitive prices on County Contracts. The County operates a supply-and-fit tyre service, giving significant discounts on the cost of tyres. Overall charges are very competitive with reputable commercial garages and dealerships. Fleet Services can arrange and authorise all insurance repairs, which will be carried out by authorised repairers.

Even if a motor vehicle is not being used it requires attention to ensure that, when needed, it is in a safe and roadworthy condition. Vehicles stored for long periods deteriorate almost as rapidly as those used regularly and for this reason, many maintenance schedules are based on the time elapsed since the last service rather than mileage actually covered.

Cost savings by deferring maintenance will, in the long term, result in a reduced working life for the vehicle and at the worst could cause the death or injury of a passenger or road user. Furthermore, a vehicle that breaks down miles from a telephone will cause considerable delay and inconvenience for everyone concerned.

Contact Fleet Services (see Useful Contacts) for further advice and information.  
See also Section 4.

## 1.9 Vehicle Testing (MOT)

The Motor Vehicles (Test) Regulations 1981 require that large passenger vehicles with more than eight passenger seats (excluding driver) which are not public service vehicles, for example **minibuses, must be tested annually if they are one or more years old**. Tests are carried out at authorised stations, or at the designated premises of a public service vehicle operator.

A vehicle failing the test but left at the testing station for the necessary defects to be put right will not incur a further fee on re-testing. However, a vehicle removed from the testing station after failure for repairing will incur the full test fee on re-submission. A free re-test will be given if the vehicle fails the test only on 'specified' items and is re-examined on the next working day.



*Note: Large passenger vehicles with more than eight passenger seats (excluding driver) which are not public service vehicles, for example minibuses, are required to be tested annually if they are one or more years old*

## 1.10 Driving Licence Categories and Requirements

This became more complex under the Motor Vehicles (Driving Licences) Regulations 1996, amended 1999, which implemented European Union Directives. Great care must be taken to ensure that an offence is not committed of causing or permitting someone to drive a motor vehicle without proper entitlement.

- a. Persons who passed their car driving test **before** 1 January 1997 normally have entitlement, until they reach 70 years of age, to drive a minibus (Category D1) shown on the licence, provided the vehicle is **not being used for hire or reward** (unless operating under a Section 19 Permit). 'Hire or reward' means carrying any passenger who makes any contribution in cash or kind that entitles them to be carried. (See below for drivers aged 70 and over).

These drivers must hold a car licence showing Categories B and D1 (if issued 1990-onwards) or the old Group A (pre-1990 all-green or all-pink licences).

- b. Persons who passed their first car driving test **on or after** 1 January 1997 to obtain Category B will only be able to drive vehicles with a **maximum of 8 passenger seats and not exceeding 3500kg**. They will not be entitled to drive a minibus unless they pass a medical and the Passenger Carrying Vehicle (PCV) driving test to obtain Category D1 entitlement.

However, this group of drivers **may** be allowed to drive, providing they meet **ALL** the following conditions:

- i) they drive on behalf of a non-commercial body for social purposes but not for hire and reward, unless operating under a Section 19 Permit;
- ii) they are aged 21 or over;
- iii) they have held a car (Category B) licence for at least 2 years;
- iv) they receive no payment or consideration for doing so other than out-of-pocket expenses (\*see note below) **and**
- v) the minibus maximum weight is not more than 3.5 tonnes excluding any specialist equipment for the carriage of disabled passengers. Minibuses up to 4.25 tonnes will be permitted in certain circumstances, such as a vehicle fitted with tail lift and wheelchair security equipment.

When driving a minibus under these conditions they may not tow any size trailer; they may only drive minibuses in this country.

**\*HCC's legal advisers regard driving in the course of employment as receiving payment for doing so, whether specified by contract or not. This is not permitted for holders of licences obtained from 1 January 1997 without obtaining full D1 entitlement by passing the Passenger Carrying Vehicle (PCV) driving test. Holders of licences before 1997 are allowed, providing their licence continues to show Category D1 (not for hire and reward) entitlement.**

**Drivers aged 70 or over** may only drive minibuses if they continue to hold Category D1 entitlement on their driving licence. To do this, the holder must pass a medical and send a completed Form D4 with their application to DVLA each time they renew their licence. Form D4 can be downloaded from the DVLA web site or is available from DVLA by telephoning Customer Enquiries (see Section 7 – Useful Contacts). The medical is carried out by a Doctor, who will normally charge a fee.

## Licence categories

| Description   | Category (1990-on)         | Old group or class (pre-1990) | Minimum Age |
|---|----------------------------|-------------------------------|-------------|
| <b>Cars and light vans</b><br>Motor Vehicles<br>- with a Maximum Authorised Mass (MAM) not exceeding 3500kg<br>- having not more than 8 passenger seats | B                          | A                             | 17          |
| <b>Automatic cars</b><br>As cars, but with automatic transmission.  | B with restriction code 78 | B                             | 17          |
| <b>Car with trailer</b><br>Combinations of vehicles consisting of a vehicle in category B and a trailer   | B+E                        | A                             | 17          |
| <b>Minibuses</b><br>Motor vehicles with between 9 and 16 passenger seats with a trailer up to 750kg.  | D1                         | PSV4                          | 21          |
| Motor vehicles between 9 and 16 passenger seats not used for hire or reward.  | D1 restriction code 101    | A                             | 21          |
| <b>Minibus with trailer</b><br>Motor vehicles with between 9 and 16 passenger seats not used for hire or reward, with a trailer over 750kg.             | D1+E restriction code 101  | A                             | 21          |



## 1.11. Record Keeping

The person nominated as responsible for the minibus must keep records of who drives the vehicle for each journey. It is a legal requirement to identify the driver in the event of an alleged offence. There should be a logbook in each vehicle for this purpose, together with a record of any faults or damage that the driver reports. See Section 1.3 for details of what records are required.

## 1.12 – Assessment and Training of Minibus Drivers

Hertfordshire County Council policy applies to all persons who it is intended should drive a minibus or welfare bus (e.g. employee, parent, voluntary worker), with the exception of Fire and Rescue Services drivers currently trained to the Emergency Fire Appliance Drivers' (EFAD) standard.

Prior to driving a minibus on County Council activities, a person must satisfy the Council's Road Safety Unit (RSU) of their competence. This can be either by achieving the required standard in an assessment in respect of the criteria agreed by the RSU with one of the Unit's approved assessors, or by producing their driving licence to show they have passed the PCV tests (this is only accepted once).

Prior to driving a 'welfare bus' a person must satisfy a County Transport Services assessor of their competence, including the use of the additional safety equipment. Any establishment using its own minibus with tail-lift equipment must ensure that drivers are trained in its use.

Following the successful completion of the minibus assessment, the assessor will issue a certificate of competence to the driver. The Road Safety Unit then issues a permit to drive minibuses (or 'welfare buses' as appropriate) on County Council business, valid for 5 years (3 years for Welfare Buses). **Drivers should be advised to carry their licence and HCC permit card with them to show they are authorised to drive.**

The competence of all minibus drivers, including holders of full category D or D1 licences, must be re-assessed every 5 years against the agreed criteria by an assessor approved by the Road Safety Unit. (For Welfare Buses re-assessment is required every 3 years by a County Transport Services assessor).

Further details of the County Minibus Driver Policy can be found in the County Health and Safety Policies and Guidance Manual, a copy of which has been distributed to every workplace and can be accessed through the HertsDirect web site.

For more information and advice about training, assessment and driving licences, contact the Road Safety Unit (see Section 7 – Useful Contacts).

Drivers must be aged 21 or over in accordance with any restrictions imposed by the vehicle's insurance policy.

### **Fitness to drive.**

Drivers should have their eyes tested every 2 years or as recommended by their optician. Prior to assessment and annually thereafter, the medical fitness of the driver should be assessed.

### **Towing**

All drivers **must** be trained or already experienced in towing before being permitted to drive a minibus with a trailer. Holders of licences first obtained after 1 January 1997 **must not** tow a trailer unless they hold a full Category D+E or D1+E obtained by passing the PCV test with a trailer. See also Section 1.23.

## 1.13 Safe Drivers' Hours

### TIREDNESS

#### – safe driver's hours

Driving a minibus can make extra demands on the driver's concentration, particularly for people whose main job is not driving. Falling asleep at the wheel, or even just losing concentration for a few seconds, can have lethal consequences. Tired drivers have caused thousands of crashes, including some tragedies involving minibuses.

#### Recommended Hours for Drivers

For all minibus drivers, whether employed or volunteers, Hertfordshire County Council **strongly recommends** the guidance issued by RoSPA, (incorporating the Domestic Drivers Hours Rules):

- If you do no other work than driving, your maximum working day should be 13 hours, of which you should spend no more than 9 hours driving.
- If you do any other work as well as driving, your maximum working day, taking account of other work undertaken before starting a journey, should be 10 hours, of which you should spend no more than 4 hours driving.



**All drivers** should take a break every 2 hours (or sooner if tired).

The break should be a minimum of 15 minutes. Second and subsequent breaks may need to be longer to prevent fatigue.

After 4½ hours of driving, the accumulated length of breaks from driving should be at least 45 minutes.

Between one working day and the next, you should have a rest period of at least 11 hours, during which you can get adequate sleep. You should have a weekly rest period of at least 45 hours.

#### Examples:

##### Driving only

| Driving period | Rest break | Driving period | Daily rest |
|----------------|------------|----------------|------------|----------------|------------|----------------|------------|----------------|------------|
| 2 hrs          | 15 min     | 2 hrs          | 30 min     | 2 hrs          | 15 min     | 2 hrs          | 30 min     | 1 hr           | 11 hrs     |

##### Driving and other work

| Other work | Driving period | Rest break | Other work | Rest break | Other work | Rest break | Driving period | Daily rest |
|------------|----------------|------------|------------|------------|------------|------------|----------------|------------|
| 1 hr       | 2 hrs          | 15 min     | 2 hrs      | 30 min     | 2 hrs      | 15 min     | 2 hrs          | 11 hrs     |

It is essential that drivers have sufficient sleep before a journey and rest breaks during a journey to maintain their alertness. Regular breaks are important for the comfort of the passengers as well.

- Drivers should not be required to supervise children or other passengers during their break, as this would not be a rest for the driver. With each additional driving period, the break time should be extended. Second drivers should also have adequate rest breaks, without supervisory responsibilities.
- Drivers should **never** be expected to do a day's work (regardless of the type of work), or be awake for a day, and then drive for several hours in the evening.
- On journeys lasting several days fatigue caused by consecutive days on duty must also be taken into account. EC Drivers Hours Rules specify weekly rest periods.

**The above guide represents safer limits for all drivers, whether driving is their main job or not. Experts in driver fatigue now say that even full-time drivers should take regular breaks every two hours or sooner if feeling tired.**

Details of drivers hours and record keeping requirements for passenger vehicle drivers are given in the booklet "Rules on Drivers Hours & Tachographs - Passenger Vehicles in the UK & Europe 2009", available from Traffic Area Offices or the VOSA web site (see Section 7 – Useful Contacts).

Both drivers and employers are responsible for ensuring that they comply with the relevant drivers' hours rules.

- Within the UK, if the minibus (9 to 16 passenger seats) is being driven by paid employees the Domestic Driver's Hours Rules must be obeyed.
- Private use and vehicles driven by unpaid volunteers are exempt within the UK.

Most school and council minibus operations therefore fall under the Domestic Driver's Hours Rules. The overall legal limits under these rules are:

- 10 hours driving on any working day.
- A break of at least 30 minutes must be taken after a maximum 5<sup>1</sup>/<sub>2</sub> hours driving, during which the driver can obtain rest and refreshment;  
or within any period of 8<sup>1</sup>/<sub>2</sub> hours in the working day, total breaks amounting to at least 45 minutes, so that the driver does not drive for more than 7<sup>3</sup>/<sub>4</sub> hours.
- Working day no longer than 16 hours between starting and finishing times, including work other than driving and off-duty periods during the working day.
- 10 hours continuous rest must be taken between 2 working days.

#### **1.14 Section 19 Permits – new regulations from 6<sup>th</sup> April 2009**

**All schools should obtain a Section 19 Permit for each vehicle that they operate.**

The Section 19 Permit Regulations 2009 enable certain educational and non-commercial bodies to transport their members and certain other people in a Passenger Carrying Vehicle without the need to satisfy the usual Public Service Vehicle Operator Licence requirements. It is an offence to operate "for hire or reward" without a valid permit. "Hire or reward" is defined as any payment in cash or in kind, paid by or on behalf of passengers that gives them a right to be carried.

The payment may be made directly or indirectly; it may be only part of a larger payment such as for a trip in which the price of accommodation, admission or meals is included. Any payment or subscription made to a club or association which entitles a person to be carried in the vehicle also constitutes "hire or reward", even though the payment is not directly related to particular journeys.

In the past the Section 19 Permit scheme only applied to vehicles with 9 or more passenger seats, but the 2009 Regulations have extended this to include vehicles with fewer than 9 passenger seats. As a result there are two classes of Section 19 Permit:

- a large bus permit for vehicles built or adapted to carry more than 16 passengers
- a standard permit for
  - minibuses (9-16 passengers) and
  - vehicles with fewer than 9 passenger seats used to carry passengers paying "separate fares", i.e. the vehicle has not been hired out as a whole for a single payment

A Section 19 Permit is now valid for a maximum of 5 years from the date it is granted. Permits issued before 6<sup>th</sup> April 2009 will continue to be valid until 2014 (exact date to be confirmed); however if they are lost or destroyed before then, the replacement permit will be valid up to 5 years from the date it is granted.

Each permit is issued with a corresponding disc that must be displayed in the windscreen of the vehicle. A new one must be obtained before the existing one expires.

Certain conditions have to be met:

- Each vehicle must have a permit and be used in accordance with its conditions;
- The vehicle must not be used to carry the public at large;
- The vehicle must not be run to make a profit nor incidentally to an activity which is itself carried on for profit;
- The vehicle must be used in accordance with the regulations made under the Act.

Any establishment must obtain a permit if clients, pupils, parents or carers contribute in any way toward the running expenses of the vehicle used for conveyance of clients, pupils, students, staff and adult supervisors on an activity organised by or approved by the School or other establishment. A permit is required whether the vehicle is owned by the school, PTA, County Council, a voluntary organisation or hired from a contractor or another establishment on a self-drive basis.

A permit is required for each vehicle used. If, for example, an establishment owns a minibus and also borrows or hires another vehicle to take two parties out at the same time, two permits will be required.

Any external body or similar organisation that wishes to borrow an HCC vehicle will also need to obtain their own permit if the vehicle is to be used for hire or reward.

The permit disc must be displayed in the vehicle in a similar fashion to a Road Fund Licence disc. Permits can be transferred from one vehicle to another except that a standard permit, for a minibus or smaller vehicle, cannot be used for a large bus. Failure to display the **disc** could result in a prosecution.

The vehicle can only be used by the body to which the permit is issued to carry:

- Members of the permit holding body
- Persons who benefit from the existence of the permit holder, and persons assisting them
- Disabled persons or persons who are seriously ill, and persons assisting them e.g. Adult Care Services.

- Pupils or students of any school, college, university or other educational establishment and staff or other helpers accompanying them;
- Any other class of persons specified in the permit.

**Section 19 Permits are only valid in the United Kingdom  
For journeys abroad, see Section 3 of this manual**

### Obtaining Permits

There are three methods for obtaining a Section 19 Permit: from the local authority; from a designated body or from VOSA on behalf of the Traffic Commissioner.

- The County Council issues permits but only for vehicles **owned** by the County Council, LEA Schools and Youth Organisations who can prove they are affiliated to Herts County Council. Permits can be obtained from Passenger Transport Unit, Environment Department, County Hall - 01992 588624.
- Designated bodies are in general the national governing body of the organisations concerned. For example, the Scouts Association, the National Confederation of Parent Teacher Associations & the Community Transport Association can issue permits to their affiliated groups.
- The Traffic Commissioner can issue permits to anybody concerned with education, religion, social welfare, recreation or other activities of benefit to the community. Hertfordshire falls within the jurisdiction of the Vehicle & Operator Services Agency (VOSA) Eastern Traffic Office, City House, 126-130 Hills Road, Cambridge, CB2 1NP (Tel: 0300 123 9000).

A Guide for Operators giving more information is published on the VOSA web site (see Section 7 – Useful Contacts).

### 1.15 Road Traffic Offences and Fixed Penalty System

All drivers using County Council minibuses should be informed that:

- They are liable to bear the fines for road traffic offences, for which they may be prosecuted, whilst they drive County Council minibuses.
- Any fines incurred against the driver are the responsibility of the driver and not the owner of the vehicle. **Failure to pay a fixed penalty within 28 days may lead to increased fines or imprisonment.**
- If a driver is disqualified they must notify the establishment concerned immediately; **failure to do so may result in disciplinary action.**
- Driving whilst disqualified is an offence for which they may be fined and/or imprisoned and may result in disciplinary action.**
- All vehicles must be checked prior to their use to ensure that they are in fit and serviceable condition. **Failure to comply may render both the driver and the owner guilty of an offence.** (see *daily checklist – section 4 Vehicle Maintenance*).
- If a driver is not present at the time a fixed penalty ticket is issued, it will automatically be made out addressed to the 'registered keeper'. However, the responsibility to pay the fine will always remain with the driver who committed the offence (*except where the offence is for a vehicle defect*).

- There have been instances where the County Council has received penalty notices because employees using its vehicle(s) have committed offences, for which they are responsible, and have failed to pay the fines. **The County Council may take disciplinary action where this occurs.**

**Establishments should be aware of the following consequences of the fixed penalty system action where this occurs.**

**Non-endorsable fixed penalties**

- In certain circumstances a driver may be dealt with under the **Vehicle Defect Rectification Scheme (VDRS)**. The driver will be reported for the offence; however, if offered the opportunity he may accept the VDRS, in which case the driver will be given the opportunity to present the vehicle for inspection at a registered MOT station within 14 days. If the vehicle is then considered to be roadworthy, the VDRS will be stamped and signed by the garage. It must then be forwarded to the police to arrive within the 14 days of the offence having occurred. The driver should then avoid prosecution. **Failure to comply with these instructions could result in court action.**

**Endorsable fixed penalties**

- When a driver is issued with a fixed penalty notice he will be required to produce his driving licence at that time, or if he has not got his licence with him, then he may present it at a police station within 7 days. **Failure to produce driving documents requested by the police will result in the driver being summoned.**
- The fixed penalty procedure will not be offered to drivers when the driver would become liable to disqualification under the totting up procedure.

**1.16 – Speed and Speed Limits**

**At all times, the minibus driver must adjust speed according to the range of vision, the road conditions and the safety and comfort of passengers.**

**Note: The 30 mph limit applies to ALL TRAFFIC on all roads with street lighting, at the specified distance indicating a built-up area, unless repeater signs show otherwise.**

Elsewhere the following maximum speeds **must not be exceeded** if lower limits are **not** in force:

|                   |                                       |
|-------------------|---------------------------------------|
|                   | Minibuses not exceeding 12m in length |
| Motorways         | 70 mph*                               |
| Dual Carriageways | 60 mph                                |
| Other Roads       | 50 mph                                |

\*Passenger vehicles with more than 8 passenger seats, including Minibuses, first registered on or after 1 January 2005 must be fitted with a speed limiter set to 100kph, equivalent to 62mph. Such vehicles are not permitted to drive in the outside lane of a motorway where three or more lanes are open to traffic.

A vehicle towing a trailer is not permitted to drive in the outside lane of a motorway with three or more lanes and is confined to a maximum speed of 60 mph but must observe a lower limit where indicated.

**1.17 – Rearward Vision**

External mirrors must be kept clean, correctly adjusted, safe and secure. Cracked glass must be replaced. County Workshops can arrange for this to be carried out (see Section 7 – Useful Contacts).

A normal minibus will have the main door on the nearside of the vehicle and the rear doors will be emergency doors only and so it does not legally require a rear-view lens; however, it is recommended that all minibuses have a rear-view lens fitted.

## 1.18 - Restricting Visibility

The windscreen and windows in the front and rear doors must be kept clear of stickers or signs that could restrict visibility. This includes the bus sign showing children, which should be located off the glass; there could be legal implications particularly with the windscreen in respect of obstructed vision.

## 1.19 Emergency Equipment

The Law requires that Minibuses **MUST** have a BSI-approved fire extinguisher and first aid box, as detailed below.

Supplies can be obtained through County Fleet Services and replacements are available through Hertfordshire Business Supplies Stock catalogue. There must be a system of ensuring that first aid boxes are kept stocked and that fire extinguishers are replaced as necessary.

### Fire Extinguisher



Must be either water or foam, kept in good condition with all seals and pins in place. Pressure readings must be checked regularly.

Fire Extinguishers must be kept safely in the vehicle, as shown left.

Note: To comply with VSE87/1, wheelchair accessible minibuses must carry **two** fire extinguishers.

**All fire extinguishers must be inspected annually.**

### First Aid Kit



Minimum contents:

- Ten antiseptic wipes (foil packed)
- One conforming disposable bandage (not less than 7.5 cm wide)
- Two Triangular bandages
- One packet of 24 assorted adhesive dressings
- Three large sterile unmedicated ambulance dressings (not less than 15 cm x 20 cm)
- Two sterile eye pads (with attachments)
- Twelve assorted safety pins
- One pair of rustproof blunt ended scissors

Note: First aid equipment must be maintained in good condition and must be of a good and reliable quality and of suitable design. Some items have an expiry date and must be replaced as and when required.

It is also good practice to carry the following items:

- Resuscitation mouthpiece
- Spillage Kit – Containing rubber gloves and equipment for cleaning up blood, urine, etc. Anyone with these duties **must** be provided with appropriate training to ensure that their health and safety is not put at risk.
- Appropriate documentation, e.g. driving licence, HCC driver's permit card
- Torch
- High Visibility Jacket
- Blanket
- Mobile Telephone
- Warning Triangle
- Webbing Cutter
- Spare fuses and bulbs (for temporary repair only – fault to be reported to the vehicle manager)

**Note:**

Most fuses are colour coded; ensure replacement fuse is of the same capacity as the one being removed, as it can be dangerous to use a fuse with a higher rating.

## 1.20 – Breakdowns and Emergencies

The action to be taken will depend upon the circumstances, such as whether it occurs on an urban road, a rural road or on a motorway. However, generally the following points should be taken into account:

1. The passengers should **not** be left unsupervised.
2. If possible the vehicle should be driven into a lay-by, onto the verge or onto the hard shoulder. In any event every effort should be made to move the vehicle off the highway.
3. Consider evacuating the vehicle. This should **always** be done if on a motorway, but it requires great care and close supervision, especially where children or people with special needs are involved (but see 6 below). Ensure all passengers are moved away from the carriageway to a place of safety. Passengers should be kept together in one group, children and anyone with special needs should be kept calm and under constant supervision.
4. Warn other road users by using hazard warning lights if the vehicle is causing an obstruction. Keep sidelights on if it is dark or visibility is poor. Put a warning triangle at least 45 metres behind the broken down vehicle on the same side of the road. Take care when placing it, but **never** use one on a motorway. Do not stand (or let anyone else stand) between the vehicle and oncoming traffic.
5. The high visibility jacket should be worn when leaving the vehicle to, for instance, place the warning triangle or organise its evacuation.
6. The emergency services should be contacted for assistance, especially if there are children or people with special needs on board.
7. If the breakdown occurs on a motorway, using the roadside emergency telephones will enable emergency services to pinpoint the vehicle location.
8. Contact should be made with school or base to let them know what has happened.

See also Section 4 – Vehicle Maintenance

## 1.21 – In the Event of a Vehicle Fire

- Procedures for dealing with a vehicle fire are an important part of minibus driver training courses. The presence of an escort will reduce the risk to passengers if a fire breaks out.
- In the event of a vehicle fire, the passengers should be evacuated first, and moved as far away from the vehicle as possible before any attempt is made to extinguish the fire. Under-bonnet fires should **NEVER** be tackled, but left for the Fire and Rescue Service. Fire extinguishers should be checked regularly.
- The danger of fire should be considered when preparing the Technical Specification and choosing the minibus. It is recommended that the minibus be fitted with an automatic fuel cut-off device which, in the event of an accident, will retain the fuel in the tank and prevent it being pumped into the engine.
- An automatic cut-off device is also recommended for the electrical system to reduce the possibility of sparks or overheated cables igniting loose fuel, fluids or gases. Diesel fuel is less combustible than petrol. An under-bonnet fire extinguisher is also recommended.
- See also Section 5.5

## 1.22 Roof Racks

Check, with the manufacturer if necessary, that a roof rack may be used with the vehicle and what types of roof rack are suitable. Some manufacturers make it clear that the fitting of a roof rack may infringe the vehicle's warranty.

If a roof rack is used, check the stability, handling and overall gross weight of the vehicle to ensure that the maximum weight limit has not been exceeded (see vehicle handbook). Goods on a roof rack must not increase the overall height of the vehicle by more than 30.5cm.

The law requires that loads carried must be secured. Remember, after loading a roof rack to tighten the securing bolts, as they may become slack.

## 1.23 – Towing Trailers

Trailers can only be towed behind a minibus if the driver has a D+E or D1+E entitlement on their licence – see Section 1.10. All drivers must be trained or experienced in towing before driving a minibus with a trailer.

In addition, they can only be towed if all passengers have unrestricted access to a nearside exit **and** an emergency door on the offside of the vehicle. If not, passengers can only be carried on the two front passenger seats beside the driver. Where this is the case, i.e. with a minibus which only has one side door and rear doors, the following should be displayed:

**“WHEN TOWING A TRAILER NO PASSENGERS ARE TO BE CARRIED IN THIS VEHICLE EXCEPT ON THE SEATS BESIDE THE DRIVER”**

When a trailer is attached, a minibus must not be driven in the right-hand lane of a motorway with more than 2 lanes.

Further advice on the use of trailers can be obtained from the Fleet Services (See Useful Contacts).