

MINIBUS PERMITS AND DRIVING LICENCES

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Churches with minibuses need to ensure that the church has the necessary permit (if required) and that the driver of the minibus is permitted to drive.

Permits

Churches transporting people to church events by minibus will often need a permit issued under Section 19 of the Transport Act 1985 (a “Section 19 Permit”).

The permit – *PSV372: Application for a standard or large bus permit* - can be obtained from the Driver and Vehicle Standards Agency (DVSA). Call 0300 123 9000 or email permits@otc.gov.uk for an application form, guidance notes and details on the fees entailed. Alternatively, download the information at www.gov.uk/government/publications/application-for-a-standard-or-large-bus-permit-psv372

The church needs a Section 19 permit if there is any element of “hire or reward” associated with the use of the minibus. “Hire or reward” is interpreted very broadly. It covers not only situations where passengers are paying for the journey itself, but also where they are being transported to a church event and a charge is made for that event. This would include transporting church members to a church weekend away if there is a charge for the weekend away or transporting children attending a holiday club if a charge is made for their attendance.

Each minibus that your church uses for an activity where a charge is made will need to display a permit issued to your own church. Churches borrowing minibuses from other churches will need their own permit – they cannot rely on the permit issued to the church which owns the minibus. If you are operating two minibuses at the same time, two permits will be needed. However, if you have two minibuses but you only use one at a time, you can transfer the permit from one minibus to another.

Driving Licences

If you have a standard driving licence your entitlement to drive a minibus will depend on whether you passed your test before or after 1 January 1997.

Pre 1 January 1997

If you took the standard driving test prior to 1 January 1997, you should have category “D1 not for hire or reward” on your licence. This entitles you to drive a minibus with up to 16 passenger seats as long as you are not using it for “hire or reward” as explained above. However, you can drive for “hire or reward” if the organisation you are driving for has a Section 19 Permit. “Hire or reward” relates to whether the passengers are paying the organisation/church for the journey or the event they are being transported to. Your position as a volunteer or an employee is irrelevant if you passed your test before 1 January 1997.

Please note that if you still hold a ‘pink paper driving licence’ issued before 1 January 1997, the category D1 may not be indicated. However, according to the DVLA, you are still entitled to drive a minibus in the UK and on temporary visits abroad; but when your licence is next renewed at the age of 70 you will need to apply for a PCV licence (category D1).

Post 1 January 1997

If you obtained a standard driving licence after 1 January 1997 then, unless you have taken a separate test, you will not have category D1 on your licence. However, you can still drive a minibus if the following conditions are met:

1. The minibus has no more than 16 passenger seats
2. You have held your licence for at least 2 years
3. You are over 21 years old
4. You are not towing a trailer
5. If you are over 70, you have passed the relevant medical test
6. The minibus has a maximum authorised mass not exceeding 3.5 tonnes, excluding any part of the weight which is attributable to specialised equipment intended for the carriage of disabled passengers (for which an extra 750kg is allowed)
7. You are driving on behalf of a non-commercial organisation for social purposes but not for hire or reward
8. You do not receive any payment for driving other than out-of-pocket expenses

The last 3 conditions need to be considered in more detail:

- *Weight limits – condition 6:* Some new minibuses that have up to 16 passenger seats will exceed the permitted weight limit. You should not assume that a minibus with 16 passenger seats will fall within the limit.
- *Not for hire or reward – condition 7:* You can drive for “hire or reward” if the organisation/church you are driving for has a Section 19 permit that is displayed in the minibus while you are driving it.
- *No payment – condition 8:* If the person driving the minibus is not a paid church worker and is not paid specifically for the driving, this condition will be met. However, where the driver is a paid church worker, the issue is less clear-cut. In the case of teachers, many schools have taken the view that, if a teacher cannot be required to drive under their contract of employment, then they cannot be said to be receiving payment if they voluntarily choose to drive a minibus on a school trip and there are parallels here with a church worker who chooses to do more than they are required to do under their terms and conditions by driving a minibus on an occasional basis. However, working out what your terms and conditions are is not always straightforward as they can be determined by what you do as a matter of course as well as what is written down in your contract. Therefore, the safest approach (as regards staying within the law) in respect of paid church workers who passed their test after 1 January 1997 is for them to take an additional test so that category D1 is added to their licence, even though technically this may not always be required.

Please note - this article considers what you are allowed to do. You should always consider whether you have sufficient training and experience to drive a minibus even where you are legally qualified to drive.

For more information see the links and contacts below. These are provided for information only rather than by way of endorsement:

- Current DVLA guidance can be found at www.gov.uk/contact-the-dvla
- RoSPA’s guidance referring to the importance of being safe as well as being qualified: www.rospa.com/road-safety/advice/drivers/bus-coach-minibus-drivers

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