

Applying for a Section 19 permit

1. What if I lose the permit or disc?

It is important to keep permits and discs safe but if they are lost or destroyed (or become defaced or faded) you should ask whoever issued it for a duplicate. If the originals are subsequently found they must be returned immediately to the issuing body

2. Will I need to display anything on the vehicle?

Yes. For each permit granted a disc will be issued. When a vehicle is being used under a permit the disc must be fixed to the inside of the windscreen so that it can be easily seen from outside the vehicle but does not obstruct the driver's view of the road.

You may be issued with a number of permits but you can only use one vehicle at a time under each permit. You may move a disc from one vehicle to another as long as a small bus disc is not used with a large bus (a large bus disc may be used with a small bus).

Discs may also be used in this way for hired vehicles. However, if you hire or lend your vehicle(s) to another non-profit making body they cannot use your permit(s). They must use the vehicle(s) under their own permit(s) and disc(s).

3. How do I apply for a small bus permit?

A permit is normally issued to a specific group (e.g. a scout group). However, in certain cases a permit can be granted to a named individual on behalf of a body, which he or she represents.

Applications forms are available from:

Traffic Commissioner for your area

A designated body

These are national voluntary organisations who are able to issue permits both to themselves and to any of their local organisations. In some cases they can issue permits to other bodies with the same interests.

A local authority

Local authorities may issue permits to their own departments and to those bodies concerned with:

- Those health and welfare services eligible for grants under the Health Services and Public Health Act 1968.
- Assisting or co-ordinating the activities of community groups in the area. These are known as 'umbrella organisations'. Groups affiliated to one of these organisations may use a small bus under that organisation's permit.
- Schools or other bodies connected with education (if they fulfil the authority's duties under the Education Act 1944).

How long are permits and discs valid?

Indefinitely. However, permits may be taken away or any conditions attached to them may be varied at any time by the body that issued it or by the Traffic Commissioner – although before doing so the Traffic Commissioner would have to tell the issuing body what he proposed to do. Permits cease to be valid if the body which issued them stopped operating or had their right to issue permits revoked.

If a permit is revoked or no longer valid it must be returned to the body which issued it or, in the case of a body which is no longer authorised to issue permits, to the Traffic Commissioner.

4. How much will the permit cost?

A Traffic Commissioner will charge £7 for a small bus permit and £14 for a large bus permit. Local authorities and designated bodies are free to set their own charges to cover their costs.

North Lincolnshire Council charge £27.50 at present but this is under review.

5. What about large buses?

Permits for large buses with 17 or more passenger seats can only be issued by your Traffic Commissioner to umbrella organisations which assist and co-ordinate the activities of bodies in their area concerned with:

education
 religion
 social welfare
 other activities of benefit to the community.

Drivers of such vehicles will need full PCV Category D entitlement on their licence.

6. What about vehicles that can carry fewer than 9 passengers?

Such vehicles are not normally classed as PSVs even if fare-paying

passengers are carried.

However, they would probably be PSVs and need a PSV Operator's Licence if they were operated as part of a public transport business (not subject to taxi or hire car legislation) and passengers were being carried at separate fares.

7. What is meant by 'payment for providing transport'?

If no charge is made for the use of the bus at all, no permit is required. However a charge covers more than just the payment of a fare. Any payment which gives a person a right to be carried on a vehicle (the legal term for this is 'Hire or Reward') would require the operator to hold either a Section 19 permit or PSV Operator's Licence. Hire or reward takes place if the journey is organised in a way that goes beyond the bounds of mere social kindness. Hire or reward would include, for example, someone who provided frequent school transport for his children and friends in return for contributions to running costs.

The payment can be made by the person himself or on his behalf by someone else. The payment may be direct (such as a fare) or indirect (as would be the case for example where a membership subscription to a club or a payment for a hotel room includes the right to use the bus). Although indirect payments are usually made in respect of other services (rather than specifically for the transport) they are still viewed by the courts as hire or reward because anyone who had not made the payment would have no right to be carried.

Remember:

It is your responsibility to ensure your services operate within the law and you can be prosecuted if they do not. Staff at the Traffic Area Offices can provide general guidance on your eligibility for a permit, but not the legality of individual operations under the permit. You should seek independent legal advice if you are in any doubt about the legal status of your operations. Operating without the appropriate licence can also invalidate your insurance.

8. What qualifies as a non-profit making body?

Those applying for a Section 19 permit must satisfy the issuing body that the bus services are not run with a view to profit nor incidentally to an activity which is itself carried on for profit. Organisations that are registered as charities usually qualify. However, any profit-making business would not usually qualify regardless of how it applies its profits or income surpluses.

9. What sized vehicles may be covered by permits?

Permits may be issued for: small buses (i.e. minibuses) that can carry 9-16 passengers excluding the driver (see question 7) Large buses that can carry 17 or more passengers excluding the driver (see question 8).

10. Who can apply for a permit?

Any non-profit making body concerned with:

education
religion
social welfare
recreation (small bus permits only); or
other activities of benefit to the community

11. Why are permits necessary?

Vehicles that carry paying passengers are called Public Service Vehicles (PSVs). Ordinarily, any organisation that accepts any sort of payment for providing transport to passengers (see question 3) for more about what this covers) must obtain a PSV Operator's Licence from the relevant Traffic Commissioner. In most cases, drivers of such vehicles will also require a Passenger Carrying Vehicle (PCV) entitlement on their driving licence.

Under the Section 19 permit scheme, non-profit making organisations can make a charge to passengers for providing transport to the people whom the organisation serves without the need to obtain a PSV Operator's Licence and, in most cases, without having to comply with PCV driver licensing requirements. However, permit holders can only provide services to their own members or to groups whom the organisation serves. Section 19 permits cannot be used to provide services to the general public or on journeys outside the UK

Driving a minibus

1. Drivers who do not have minibus entitlement (Category D1)

If your driving licence does not allow you to drive minibuses, there are certain circumstances where you still may be able to do so.

You may drive a minibus with up to 16 passenger seats if:

- i) you drive on behalf of a non commercial body for social purposes but not for hire or reward, unless operating under a permit;
- ii) you are aged 21;
- iii) you have held a car (category B) licence for at least 2 years;
- iv) you are providing your service on a voluntary basis; 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.
- vi) if you are aged 70 and over, you are able to meet the health standards for driving a vehicle (i.e. minibus) which comes within the D1 class;

2. When driving a minibus under these conditions you may not receive any payment or consideration for doing so other than out of pocket expenses or tow any size trailer; you may only drive minibuses in this country.

Drivers aged 70 or over will need to make a special application, which involves meeting higher medical standards.

3. Driving licences held before 1 January 1997

If you had entitlement to drive cars prior to 1 January 1997 - shown as group A (B for automatics) on an old style green or pink licence or as category B and D1 not for hire or reward on a pink and green or photocard licence - you can drive a minibus provided:

You are 21 or over, the minibus has a maximum of 17 seats including the driver's seat and is not being used for hire or reward.

To drive a minibus which has 9 or more passenger seats for hire or reward you will normally need passenger carrying vehicle entitlement

[PCV] (category D1 or D). To obtain this you must meet higher medical standards and take a further driving test.

Hire or reward encompasses any payment in cash or kind by (or on behalf of) passengers which gives them a right to be carried.

However, if you drive a minibus for an organisation under the Minibus or Community Bus Permit Scheme, you will NOT need a category D1 or D licence even if a charge is made to passengers - please see the section on these pages covering Minibus and Community Bus Permits.

4. Maximum authorised mass and specialist equipment

The maximum weight of a vehicle that may be used on the road is known as the maximum authorised mass (mam). It may also be described as the gross vehicle weight or permissible maximum weight. This is normally shown on a plate fitted to the vehicle.

There is no specified method of calculating the weight of specialist equipment such as tail lifts or wheelchair security fittings, but there is an allowance of 750kgs for the extra equipment for minibuses which are intended for the carriage of passengers with disabilities or wheelchair users. This would cover minibuses with a max of 4.25 tonnes and would be comparable with the weight threshold which new drivers of cars/light goods vehicles are permitted to drive.

5. Medically Restricted Licences

In general, car licences have to be renewed when drivers reach the age of 70 but younger drivers with restricted medical licences will also be affected by the new rules when their licences are renewed after 1 January 1998. If you have a medically restricted licence you should note that entitlement to drive non-commercial minibuses on a voluntary basis will NOT be subject to the higher standards until you reach the age of 70. The rules (listed at Car Licences first obtained after 1 January 1997) will also apply to you.

6. Minibus And Community Bus Permits

Minibus and Community Bus Permits are issued to organisations concerned with education, religion, social welfare, recreation or other activities of benefit to the community.

Minibus Permits allow certain organisations to make a charge without having to comply with the full public service vehicle operator licensing requirements and without the need for their drivers to have PCV (category D1 or D) entitlement. The service must be provided for their

own members or for groups of people whom the organisation serves. The service must not be provided to members of the general public and the charges made must be on a non-profit basis. Community Bus Permits are issued to bodies wishing to run a local bus service on a voluntary non-profit basis using unpaid volunteer drivers. Members of the general public can be carried in the minibus.

If you had entitlement to drive cars prior to 1 January 1997 you will continue to be able to drive minibuses under the Permit Schemes, provided your entitlement to drive minibuses (Category D1, not for hire or reward) remains in force. New drivers who passed their car test (category B) on or after 1 January 1997 may also drive a permit minibus provided the driver licensing conditions at Section 2 are met.

7. New rules from 1 January 1998

Your minibus entitlement will remain valid in the UK and on temporary visits abroad until your licence is next renewed. When your licence is renewed, your minibus entitlement (D1 and D1+E not for hire or reward) can only be issued if you make a special application which will involve meeting higher medical standards.

If your minibus entitlement is renewed you will normally be granted a D1 and D1+E licence for 3 years which will allow you to drive minibuses, not for hire or reward, in the UK and on temporary visits to other EC/EEA countries. See below for more details about driving abroad.

If your minibus entitlement is not renewed, categories D1 and D1+E will no longer appear on your licence. However if you are aged under 70 years, you may still be able to drive minibuses in certain circumstances. The rules explained in Section 2 will also apply to you.

Drivers whose licences are due for renewal will receive advice about these new procedures with their renewal reminder letter.

8. Will Licences Be Accepted Abroad?

All entitlements on British licences will continue to be accepted at face value during temporary visits to other EC/EEA countries. But please note that permit minibuses used for hire or reward cannot be driven outside the United Kingdom unless the driver has passed a test for category D1 or D.

Drivers who become permanently resident in another EC/EEA country may find that their entitlement to drive D1/D1+E (not for hire or reward)

minibuses may not be acceptable. Advice should be sought from the licensing authority of the new country with the exception of Northern Ireland, which will accept all GB entitlements.

Operating a Section 19 permit bus

1. 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 still PSVs:

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 seated passengers (Class V) must be tested at approved HGV/LGV testing stations or specially designated MOT testing stations allowed to test such vehicles.

Large buses with 17 or more passenger seats must comply with the Class VI test at approved HGV/LGV testing stations or designated PSV operator's premises (where they are tested by DfT Vehicle Examiners).

You can get the address of your nearest testing station or designated operator's premises by telephoning your local District Office of the Vehicle Inspectorate. Listed under 'Department for Transport' in the telephone directory.

2. Can I pay drivers?

Drivers are permitted to receive payment for driving if they hold a full PCV driving entitlement. Those without this entitlement can only receive payment if the following criteria are met:

The driver was first granted a full British licence before 1 January 1997;
and
They have a full category DI (not for hire or reward) entitlement.

3. Can we carry passengers in wheelchairs?

Yes, but bear in mind the general requirement when carrying any equipment or passengers to do so in such a way as to avoid any danger to those passengers or to anyone else. The Department's Code of Practice 'The Safety of Passengers in Wheelchairs on Buses' offers advice on the safe carriage of passengers in wheelchairs. You are strongly advised to adhere to the safety requirements in the Code, copies of which may be obtained, free of charge, from the Department's Mobility Unit.

4. Can we take a permit vehicle abroad?

No. The permit system only applies to journeys entirely within the UK. An explanatory leaflet is available should you wish to take your vehicles abroad. This can be obtained from the following address: Road Haulage Division, Zone 2/24 Great Minster House, 76 Marsham Street, London SW1P 4DR. Telephone: 020 7944 2766. For general queries on taking minibuses abroad, please telephone: 020 7944 2773.

5. Can we use our permit to run a local bus service?

No. A section 19 permit vehicle cannot be used to provide services to the general public. It should only be used for those members or clients of the organisation whom it is authorised to carry as passengers.

It is however possible for a non-profit making organisation to provide local bus services with a section 22 Community Bus Permit (see next question). It is possible for the same body to hold both kinds of permit and for a vehicle to be used under both permits.

6. Do the EC drivers' hours and tachograph rules apply?

The EC drivers' hours and tachograph rules do not apply to drivers of minibuses with less than 17 passenger seats when operated solely within the UK, but they do apply to drivers of minibuses with 9 or more passenger seats when undertaking an international journey. These rules prescribe maximum limits on driving time and minimum requirements for breaks and rest periods, as well as requiring the fitting and use of tachographs.

Minibuses with less than 17 passenger seats normally fall within the scope of the UK domestic drivers' hours rules, unless they are being used for private use or they are being driven by volunteer drivers.

There are no record keeping requirements under these rules.

Important: All drivers should be aware of the risks to passenger safety, which can result from driving when tired. It is not sensible to embark on a long trip after a full day's work, whether that work involves driving or not. Breaks should be built into journey planning - aim to have a break from driving of at least 10 minutes every two hours.

7. Is it mandatory to have seatbelts fitted?

Most minibuses are required to have seat belts for the driver and front passenger seats and forward facing front seats if first used on or after 1 October 1988. They should be worn where fitted. It is an offence to carry children under 12 in the front seats of minibuses unless they are wearing a seat belt or suitable restraint. Regulations which require seat belts to be fitted to coaches and minibuses carrying children on organised trips were made in 1996. They came into effect on 10 February 1997 for coaches first used from 1 October 1988 and all minibuses. Older coaches have had to comply with the regulations from 10 February 1998.

The requirement governing the fitment of seat belts and their anchorages is contained in the Road Vehicles (Construction and Use) Regulations 1986 as amended. Particular care must be taken when new seatbelts are installed in older vehicles to ensure that anchorages conform to both EC and C&U Regulations.

Where mandatory requirements are specified then the technical requirements for mandatory belts also apply to any optional belts. Where vehicles are excluded from all mandatory requirements, for example because of their age, weight or type of vehicle, we recommend that the technical requirements for mandatory belts be applied wherever practicable. For full details please consult the regulations (Regulation 46(5) for standards for optional belts).

8. What about vehicle maintenance and testing?

Even if your buses operate under a permit they are still PSVs and subject to spot checks by Vehicle Inspectorate examiners on their roadworthiness. You must ensure all vehicles have regular maintenance checks. If the vehicle is found to be unfit, a Prohibition Notice could be issued to prevent it 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 Part 6 and failure to maintain a vehicle adequately could lead to your permit being revoked (see question 12 in part1).

The DTLR has produced a guide entitled 'Guide to Maintaining Roadworthiness: Commercial Goods and Passenger Carrying

Vehicles'. The guide is available from Traffic Area Offices, HMSO, the Vehicle Inspectorate Executive Agency, and VI Testing Stations.

9. What are the relevant regulations for construction, equipment and use of permit buses?

Small 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 (see question 10 in Part 1).

(a) The new unified standards of construction and equipment contained in Regulations 41 to 43 of the Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078) and the Public Service Vehicles (Carrying Capacity) Regulations 1984 (SI 1984/1406) apply to all small buses first registered on or after 1 April 1988 and manufactured 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 (SI 1977/1203) as amended by SIs 1980/142, 1981/1599, 1982/1484 and 1986/1813 Regulations 5-28.

The regulations governing minibuses first used after 1 April 1988 are to be found in regulation 44 and Part IV of the Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078). For earlier vehicles regulations 29-34 of the 1977 Regulations apply.

Large Buses

The governing regulations in this case are the PSV (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 (SI 1981/257) as amended by SIs 1982/20, 1982/1058, 1982/1482, 1986/1812 and 1989/2359. Every large bus operating under a permit must have a Certificate of Initial Fitness certifying that it complied with current PSV conditions of fitness when manufactured, and is therefore unlikely to require further modification. If you buy a large bus second hand you should check that the Certificate of Initial Fitness is transferred with it.

10. What charges can we make to passengers?

You can set fares or contributions at a level to recover the costs of running the vehicle, including an allowance for vehicle depreciation and drivers' wages (see question 2). However, fares must not be set at a level, which would produce a regular surplus of income over expenditure because that would be a profit-making operation.

11. What vehicle insurance will we need?

Like all motor vehicles used on the road, a vehicle operated under a permit must be covered by an insurance policy which insures against liabilities 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.

12. Who can drive a permit bus?

All permit bus drivers must be 21 or over.

- a) Drivers who passed their test before 1 January 1997 Drivers who passed their car (category B) test before 1 January 1997 were automatically granted additional entitlement to drive minibuses with 9-16 passenger seats (category DI) not used for hire or reward. For as long as they hold DI (not for hire or reward) entitlement, these drivers may drive a 9-16 seat minibus of any weight used under a permit. On expiry of the licence the DI (not for hire or reward) entitlement may be renewed provided the driver can meet the necessary standards of health (this involves a compulsory medical examination). Any driver who does not renew the DI (not for hire or reward) entitlement at age 70 but retains car (category B) entitlement may still drive a 9-16 seat minibus provided the conditions at (i)-(iv) in paragraph (b) below are met.
- b) Drivers who passed their test on or after 1 January 1997 Those who pass(ed) a car test on or after 1 January 1997 are no longer granted DI (not for hire or reward) entitlement. Their category

B entitlement allows them to drive vehicles with no more than 8 passenger seats. However, they may still drive a 9-16 seat minibus under a permit provided the following conditions are met:

- i) the driver has held the category B licence for at least 2 years
- ii) the driver receives no payment or consideration for driving the vehicle other than out-of-pocket expenses
- iii) the minibus has a gross weight not exceeding 3.5 tonnes (4.25 tonnes including any specialised equipment for carriage of disabled passengers)
- iv) in the case of drivers aged 70 or over, they must be able to pass the medical examination referred to in paragraph (a) above.