

Legal Framework

Minibus Maintenance, MoTs & Insurance

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Introduction

This leaflet is concerned with the legal obligations of non-profit minibus operators to maintain the vehicle in a safe and roadworthy condition. It also deals with certain aspects of legal documentation which are required by law, principally, vehicle registration and vehicle excise duty, as well as insurance.

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Vehicle maintenance

It is sometimes said that those operating a minibus privately or under Permit are exempt from the system of maintenance which applies to commercial PSV bus and coach operators under the supervision of the Vehicle and Operator Services Agency (VOSA) and the Traffic Commissioners. The CTA believes that this view is simplistic.

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Maintenance and use of a vehicle so as not to be a danger etc.

The Law says:

100 (1) *A motor vehicle, every trailer drawn thereby and all parts and accessories of such vehicle and trailer shall at all times be in such condition, and the number of passengers carried by such vehicle or trailer, the manner in which any passengers are carried in or on such vehicle or trailer, and the weight, distribution, packing and adjustment of the load of such vehicle or trailer shall*

at all times be such, that no danger is caused or is likely to be caused to any person in or on the vehicle or trailer or on a road.

Provided that the provisions of this regulation with regard to the number of passengers carried shall not apply to a vehicle to which the Public Service Vehicles (Carrying Capacity) Regulations 1984 (See Note (j) apply.

Source: (Construction and Use) Regulations 1986

This gives the police and the staff of VOSA a very wide remit in considering whether maintenance is adequate and whether the use of the minibus (considered in [Legal Framework Using a Minibus](#)) is safe. Breach of this section may lead to a heavy fine and obligatory endorsement with three or more penalty points, or even to disqualification if the breach involves the condition of brakes, steering or tyres, or if potential danger is caused.

It is therefore a specific offence to operate a vehicle which is dangerous because of inadequate maintenance.

The only way in which management, drivers and passengers can be assured that the condition of the minibus is as safe as reasonably possible is to follow the same regime as for commercial operators. This is set out in the Department for Transport's (DFT) [Guide to Maintaining Roadworthiness](#) (henceforth, 'the Guide'). On the basis of this, the CTA recommends the following five essential elements of a comprehensive maintenance regime and requires organisations obtaining Permits from the CTA to provide a written assurance that these will be implemented. The Traffic Commissioner also requires these assurances.

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The daily driver's check

This check is sometimes known as the 'walkround' check, and should be carried out on each day on which the vehicle is used. It is vital that individual drivers understand how the checks work and what they should be looking for. Each driver is potentially liable to prosecution if the vehicle is subsequently deemed unfit by the police or VOSA officials. Drivers should therefore be instructed not to take a vehicle out on the road if there are defects which could pose a danger to themselves, their passengers or anybody else.

The checks do not require specialist mechanical knowledge, but should cover at least the following items, which should be ticked or crossed against a checklist:

- Fuel/oil levels/ leaks
- Windows & Wipers
- Mirrors
- Tyre condition
- Washers
- Steering
- Tyre pressure (visual inspection is acceptable)
- Horn
- Head/side lights
- Handbrake
- First aid kit
- Indicators
- Footbrake
- Fire extinguisher(s)
- Rear/brake lights

It should be noted that it will take two people to check rear brake lights.

In wheelchair accessible vehicles, the following should be added:

- Removable seats secured properly to tracking
- Availability and condition of wheelchair clamps, tie-downs and safety belts
- Operation of lift or ramp

There should be a space on the checklist to report defects and record action taken. Drivers should be trained in what defects will cause a vehicle to be unroadworthy and what procedures to follow if this is the case.

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The supervisor's check

In many community transport operations a variety of different drivers - and even different organisations - will use the vehicle. It is therefore important that there is a designated person responsible for the maintenance of the vehicle(s). The identity of this person - and the contact telephone number - needs to be known to every driver. The same person should normally be responsible for other aspects of maintenance and record keeping, and, in smaller organisations, for driver training, insurance, taxation and other documentation.

This 'supervisor' should be in charge of checking the daily driver's reports and arranging for defects to be remedied as soon as possible. He or she will also need to check the vehicle regularly to make sure that there are no other faults being missed in the daily checks and to assess if there is a need for a service or safety inspection. These checks should take place either weekly or fortnightly depending on the annual mileage of the vehicle.

The following must be included:

- Tyres, especially the inner tyres on some rear axles (for tyre requirements, see [Legal Framework Construction and Use Regulations for Minibuses](#)).
- Clutch and brake wear
- Steering
- Engine noise
- Exhaust emissions
- Seat and seat belt condition
- The condition and availability of all safety equipment
- Manual operation of lift or automated ramp
- Vehicle body condition
- Cleanliness of interior and exterior
- Permit and vehicle taxation discs

This kind of check may require a short test drive simulating the range of road conditions experienced in normal use.

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What is Professional Services?

Professional Services replaces the publications previously produced by the CTA. These publications include the popular Minibuses and the Law and Community Car Schemes which needed to be updated due to changes both in the law and also best practice.

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