

# Frequently Asked Questions For Care Homes Operating Minibuses & MPVs

These FAQs have been provided for care homes that hire, own, or operate minibuses (9 to 16 passenger seats plus driver) or MPVs (up to 8 passenger seats) as part of their activities. It provides an *overview only* of what you should know in order to ensure that you operate vehicles legally. Signposts to further reading for more detailed information have been included.

## **Q. What is an operator's licence and do we need one?**

**A.** An operator's licence of some type is needed by anyone operating passenger carrying vehicles in return for any kind of reward. You do require an operator's licence because "hire or reward" will exist in the majority, if not all, transport operated by care homes. Hire or reward is any payment made for, or on behalf of a passenger to give them the right to be carried on a vehicle. In law this is interpreted very widely. It can include residential/care fees, voluntary donations towards trip costs, and donations via a 'friends of' group.

Private, commercially run care homes will need to apply for a PSV operator's licence. Where only one or two vehicles are run a restricted operator's licence may be sufficient. These are issued by the Traffic Commissioner for your area.

Northern Ireland currently does not have an equivalent Restricted Operator's licence.

Where a care home is registered as a charity and/or a not for profit body it will be eligible to operate under a Section 19 Standard Permit (formerly known as a small bus permit) or a Section 10B in Northern Ireland. These can be issued by CTA (to members), local authorities and VOSA (Vehicle & Operator Services Agency).

## **Q. We are a commercial care home, which type of PSV operators licence do we need?**

**A.** In Great Britain, for a company operating just one or two vehicles a restricted operator's licence should be adequate. Where any more than two vehicles are being

operated a standard licence would be required. In both cases you will need to satisfy the Traffic Commissioner that you;

- are of good repute
- have appropriate financial standing
- have adequate arrangements for maintaining your vehicles
- are able to ensure that all staff involved obey the rules.

In addition operators using a standard PSV operators licence must have an appointed transport manager who holds the Certificate in Professional Competence.

In Northern Ireland, a full PSV Operator's licence is required.

**Q. Are there any special operator licensing rules when running an MPV (less than 9 passenger seats)?**

**A.** Yes. In Great Britain, when operating a MPV under either a PSV operator's licence or a Section 19 permit you must charge separate fares. Payment can be as a direct fare, or it could be indirect as in payment for transport within an individuals care package.

Section 10B Northern Ireland permits cannot be used in the operation of MPVs. All hire and reward operation of vehicles with less than 9 passenger seats in Northern Ireland fall under taxi legislation.

**Q. What do permits and PSV operator licences look like?**

**A.** Permits and operator licences are in two parts. The paper permit/licence should be stored safely in the office. The disc must be displayed in the windscreen of the vehicle. For your transport operation to be legal you must have both parts and the disc must remain readable. If either part is missing, or if the writing on the disc fades the permit/licence issuer should be informed and replacements obtained.

The old Section 19 *small* bus permits issued prior to April 2009 did not have an expiry date. Under the Local Transport Act 2008, all these permits will need to be replaced. Contact the CTA if you would like more details.

Section 19 standard permits issued from April 2009 are valid for up to five years and must be renewed before the expiry date shown.

Section 10B permits in Northern Ireland do not currently have an expiry date. It is possible that this arrangement may change in the future with the introduction of new legislation.

PSV Operator licences are valid for life unless revoked or you do not pay the appropriate fee to keep the licence in force. Discs are issued for five years.

*Further reading and information*

- ✚ For a more in depth knowledge of the topic you may wish to subscribe to CTA's Professional Services which has detailed documents on the legal

framework of operating minibuses, including the requirement for, and use of Section 19 Standard Permits. Details can be found at [www.ctauk.org](http://www.ctauk.org).

- ✚ Additional information about operating vehicles under a PSV Operator's licence can be found in VOSA's guide, 'Public Service Vehicle Operator Licensing – Guide for Operators' (PSV 437) available for download from [www.vosa.gov.uk](http://www.vosa.gov.uk) or [www.ctauk.org](http://www.ctauk.org).
- ✚ VOSA's guide, 'Passenger transport provided by voluntary groups under the Section 19 or 22 permit system – Guide for Operators' (PSV 385) gives a useful overview. It can be downloaded from [www.ctauk.org](http://www.ctauk.org).
- ✚ Further information about the Northern Ireland Section 10B permits can be obtained from CTA's Northern Ireland Advice Team on 028 9094 1661.

## **Q. Who can drive our vehicles?**

### **A. Information for all operators**

It is important in all cases that a driver's licence is checked by a knowledgeable person every six months to ensure they still comply with the legal, insurance and organisational requirements.

### **A. For care homes operating under a PSV Operators Licence**

MPV drivers need entitlement to drive a car (category B).

All drivers of minibuses must have a full, unrestricted D1 entitlement which can only be obtained through taking a second test in a minibus.

### **A. For care homes operating under a Section 19 Small Bus or Standard Permit (or Section 10B Northern Ireland)**

MPV drivers are required to have held a full car (B) entitlement for at least two years and be aged 21 or over.

Minibus drivers who passed their car driving test before 1<sup>st</sup> January 1997 will normally have a D1(101) - minibus, not for hire or reward - entitlement on their licence. This will remain on the licence until it expires at age 70 or unless removed by DVLA (DVA Northern Ireland), usually for medical reasons. Even though the licence restriction says 'not for hire or reward' these licence holders can drive a minibus operated under a Section 19 / 10B permit without additional conditions. Drivers who passed their driving test on or after 1<sup>st</sup> January 1997 are not granted the D1 entitlement on their licence. They can, however, drive a minibus if they can comply with all of the following conditions:

- The driver must have held a full B (car) licence for at least two years.
- The driver receives no payment or other consideration for driving the vehicle other than out-of-pocket expenses.
- The vehicle weighs no more than 3500kg (maximum authorised mass) or 4250kg if the vehicle has additional equipment such as a passenger lift to allow the carriage of disabled passengers.
- There is no trailer of any weight attached.
- The driver is aged 21 or over

- The driver is aged under 70 (unless the driver has passed a PCV Medical and gained code 120).

The two conditions that cause most problems for care homes are the vehicle weight restriction and not being able to pay drivers. The second bullet point above is normally interpreted as meaning that the driver is a volunteer. However, there is a legal opinion that where a carer does not have driving as part of their job description and they receive no more pay as a result of their driving duties, they could be considered to be meeting the condition set out above. This opinion has not been tested in a court but has been accepted by some local authorities. Where any of the above conditions cannot be met, the driver will need to pass a second driving test in a minibus including, medical and theory, hazard perception and practical tests. This will gain them a full PCV, D1 entitlement. Contact the CTA for information about the **CommunityDriver** scheme, which has been designed to provide training for care home employees and others at lower than commercial rates.

#### *Further reading*

- ✚ CTA's leaflet entitled 'Driver Licensing – Minibuses', provides comprehensive information. Also, in 2006 the Departments for Transport and for Education and Skills produced guidelines on incidental driving of minibuses. Both documents are available on CTA's web site at [www.ctauk.org](http://www.ctauk.org).
- ✚ DVLA's leaflet 'Driving a Minibus (INF28)' can be downloaded from [www.direct.gov.uk/prod\\_consum\\_dg/groups/dg\\_digitalassets/@dg/@en/@motor/documents/digitalasset/dg\\_4011275.pdf](http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@motor/documents/digitalasset/dg_4011275.pdf).
- ✚ The Driver and Vehicle Agency in Northern Ireland also has information on their web site at [www.dvlni.gov.uk/drivers/drive\\_minibus.htm](http://www.dvlni.gov.uk/drivers/drive_minibus.htm).
- ✚ CTA's CommunityDriver provides a route for those drivers who find they need to undertake PCV training for the full D1 entitlement. Details can be found on CTA's web site at [www.ctauk.org](http://www.ctauk.org).

### **Q. Is there any additional training our drivers should receive?**

#### **A. For all care homes**

In all cases, but particularly where an additional driving test in a minibus has not been required, it is good practice to have drivers assessed and trained in minibus driving and passenger safety before they take service users out. MiDAS - Minibus Driver Awareness Scheme – provides a structured programme for the assessment and training of minibus drivers and MiDAS for Car & MPV provides similar assessment and training for drivers of smaller vehicles. Further information can be found on the CTA's web site at [www.ctauk.org](http://www.ctauk.org). Under the MiDAS arrangements drivers are reassessed every four years to ensure they remain competent. Reduced minibus insurance premiums may be available to CTA Member organisations that adopt the MiDAS training scheme.

#### **A. For care homes operating minibuses under a PSV Operators Licence**

Drivers with the full D1 (PCV) entitlement who drive a PSV operator's vehicle are required to undertake the Drivers' CPC. This is obtained as part of their initial PCV

training but also requires that they undergo a programme of ongoing training by approved providers. A total of 35 hours training must be completed every 5 years. Further information can be found at [www.drivercpc.org](http://www.drivercpc.org). The CTA provides units of ongoing training under this scheme.

**Q. Given that our minibus can carry 16 passengers, is it acceptable for the driver to have sole responsibility for the passengers?**

**A.** For safety reasons it may not be appropriate for a driver to have sole responsibility for the passengers in a minibus or MPV as he/she needs to be able to concentrate on driving without having to ensure the continued welfare and appropriate behaviour of the passengers. Service users who may present challenging behaviour, or may require medical attention should be accompanied by a Passenger Assistant. In addition, where a number of service users are being transported seated in their wheelchairs recommendations state that a passenger assistant should be present. The nominated Passenger Assistant should be trained in their role. Contact the CTA if you require details of appropriate training.

**Q. Do seatbelts have to be worn?**

**A.** The rules regarding the wearing of seatbelts in MPVs are clear – a seatbelt must always be worn unless the passenger has a medical certificate issued by their doctor. Appropriate child seats must be provided where required. The rules concerning passenger restraint systems including the wearing of seatbelts in minibuses can seem complex, therefore the safest rule for all drivers and passengers should be ‘no belt, no trip’. There should also be appropriate child seats and booster seats provided for young children where they can be safely fitted in the minibus.

*Further reading*

Detailed information about seatbelts in minibuses can be found in CTA’s advice leaflet, ‘Seatbelts and Child Restraints’ which can be downloaded from [www.ctauk.org](http://www.ctauk.org).

**Q. Do we need a tachograph and what driver’s hours regulations do we have to comply with?**

**A. For care homes operating under a PSV Operators Licence**

Drivers of MPVs operated under a PSV operators licence must comply with the Domestic driver’s hours rules.

Drivers of minibuses operated under a PSV operators licence must comply with EU drivers hours regulations for which a tachograph will be required.

**A. For care homes operating under a Section 19 / 10B Standard Permit**

There are no driver’s hours rules for the use of MPVs though as with minibus driving a common sense approach should be followed (see below).

When operating a minibus in the UK there is no requirement for the use of a tachograph on minibuses operated under a Section 19 / 10B permit. All employed drivers do need to comply with Domestic driver's hours rules. In addition it is recommended that minibus operators take a common sense approach.

- Ensure that enough time is put into the journey plans to allow breaks for the driver.
- On longer trips share the driving between two drivers.
- Do not expect carers to drive on long journeys after a full day working in the home.
- Do not allow driving whilst the driver is taking any medication (prescription or over the counter) that might cause drowsiness.

#### *Further reading*

- ✚ VOSA produce a detailed guide, 'Rules on Drivers' Hours and Tachographs for Passenger-carrying vehicles in the UK and Europe'. It can be downloaded from [www.vosa.gov.uk/vosacorp/publications/manualsandguides/drivershoursandtachographguides.htm](http://www.vosa.gov.uk/vosacorp/publications/manualsandguides/drivershoursandtachographguides.htm).
- ✚ CTA's guide, 'Minibus Management – Tachographs' can be downloaded from [www.ctauk.org](http://www.ctauk.org).

### **Q. Should our minibus have a speed limiter?**

**A.** Whether a minibus requires its speed limited to 100kph (62mph) depends upon:

- when it was first used
- fuel type
- whether it has a Euro III (or later) engine

Once a speed limiter is fitted, the minibus must not be driven in the outside lane of a motorway with three or more lanes.

#### *Further reading*

- ✚ CTA's advice leaflet, 'Minibus Management – Road Speed Limiters' gives detailed information about which minibuses need to have speed limiters fitted. It can be downloaded from [www.ctauk.org](http://www.ctauk.org).

### **Q. How often should we be inspecting the safety of our minibus or MPV?**

**A.** A nominated person should be responsible for ensuring that a full schedule of inspections takes place including:

- Daily walk-around check by the driver using a pre-printed form (which should be retained as a record) prior to taking the vehicle out.
- A weekly supervisor check may be appropriate, particularly if there are a lot of different drivers using the vehicle during the week. This will help to ensure that daily checks are being done thoroughly and nothing is being missed.
- Servicing as per the vehicle manufacturers recommendations is completed
- An inspection leading to the issue of a MOT test certificate. A new minibus requires a MOT from year 1.

- Safety inspections to a check list similar to that for an MOT and with a maximum interval between inspections of 10 weeks. These should be carried out by a competent person who is able to sign the inspection document to state that in their professional opinion the vehicle will remain safe and legal until the next regularly scheduled safety inspection.
- Where a passenger lift is fitted to the vehicle it will need servicing every six months.

#### *Further reading*

- ✚ CTA's advice leaflets on maintenance schedules and MOT as well as VOSA's 'Guide to Maintaining Roadworthiness' can be downloaded from CTA's web site at [www.ctauk.org](http://www.ctauk.org).

#### **Q. Where can we find further information or get answers to other questions about operating our minibus or MPV?**

**A.** CTA's Advice Service is able to help with enquiries about any aspect of operating transport – see the back page for contact details.

## 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, community and not-for-profit transport operations.

Membership of the Community Transport Association is open to individuals, community and other voluntary groups, local authorities and other statutory bodies. Healthcare and care home establishments are invited to join CTA's Transport with Care Network.

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 & care 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](mailto: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), and the National Assembly for Wales. 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 130 6195  
Email: [AdviceUK@ctauk.org](mailto:AdviceUK@ctauk.org)

Northern Ireland Advice Line  
Phone: 028 9094 1661  
Email: [AdviceNI@ctauk.org](mailto:AdviceNI@ctauk.org)

Web page: [www.ctauk.org](http://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.

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# TRANSPORT WITH CARE



Is your healthcare or care home transport  
safe and legal?



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Find peace of mind by joining the UK's best source  
of advice to healthcare and care home providers  
on how to provide safe and legal transport.

# Day trips, social outings, shopping and getting to medical appointments .....

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There are a host of trips which you may provide for your service users with your own minibuses, MPVs or other vehicles. Whether you are a healthcare provider, care home or other care provider it is important that the transport you use is safe and legal.

However, with the increasing raft of regulations governing transport provision, running a minibus or MPV is not as straightforward as you might think.

## Are you up to speed on the following:

- Do I need an operator's licence and if so what type and where can I get one?
- Do I need to sit a new test to drive a minibus or am I covered by my existing licence?
- Do I need specialist training for safe minibus driving?
- How should I deal with passengers who don't want to wear a seatbelt?

The Community Transport Association has been answering these questions and more for a range of organisations, including the care sector for 25 years. CTA Membership gives you access to the UK's most authoritative source of advice and information on any aspect of transport provision outside mainstream public and commercial services.

## Join us today and you will receive the following benefits:

- Access to free legal and technical advice that will answer all your questions
- Issue of Section 19 permits
- CTA Minibus Insurance Scheme with exclusive discounts
- CTA Vehicle Purchase Scheme
- Help in developing and training your drivers
- Criminal Records Checking service

The Community Transport Association, Highbank, Halton St, Hyde, Cheshire SK14 2NY, Tel 0161 351 1475, [info@ctauk.org](mailto:info@ctauk.org)



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# CTA Transport with Care Membership Application Form

Any queries please call 0161 351 1475 or email membership@ctauk.org

## PLEASE COMPLETE IN BLOCK CAPITALS

### ABOUT YOUR ORGANISATION

Name of organisation	
Address	
	Postcode
Telephone	Fax number
Main email address	

Is your organisation a registered charity? Yes  No

If yes, please add registered charity number

Is your organisation a company limited by guarantee? Yes  No

If yes, please add registered company number

### DETAILS OF MAIN CONTACT PERSON

First name	Surname	Title
Job title		
Telephone		
Email address (if different from above)		

### FURTHER INFORMATION

If you would like to receive additional general information from the CTA tick here

If you would like to receive information from suppliers on relevant products and services tick here

**CTA Transport with Care Membership costs £49 a year (including VAT)**

**PLEASE SEE OVERLEAF FOR PAYMENT DETAILS**

**RETURN YOUR COMPLETED APPLICATION FORM TO THE CTA MEMBERSHIP TEAM, HIGHBANK, HALTON STREET, HYDE, CHESHIRE SK14 2NY OR FAX TO 0161 351 7221**

**I wish to join the CTA Transport with Care Membership costing £49 (inc. VAT)**

**PLEASE TICK YOUR PREFERRED METHOD OF PAYING YOUR £49 FEE**

**Cheque** (payable to CTA UK, ensure your organisation name is written on the back and post to us with this application form)

**Direct Debit** if you wish to pay by Direct Debit please contact the office for a form

**Credit/Debit Card** (please fill in the details below)

Please send me a receipt

**Expiry date:** Month

Year

**Security code:**

(this is the 3 digit code on the reverse of your card)

**Card number**

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Cardholder name

**Signature**

**Print name**

**Date**

**For CTA official use only**

CTA number

Date received

Slip

Database