



Transport Club Guidelines

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Transport

1. Introduction

This document is for anyone who uses shared transport, gives lifts, allows others to drive their cars, and for those who use minibuses. It is intended to provide an overview of current legislation surrounding the use of motor vehicles. It is not a definitive document. It aims to provide general information and stimulate further investigation into the use of, and responsibility for, vehicles. Everyone has a Duty of Care not to cause harm to others by their acts or omissions. When driving minibuses, there are more issues to consider than just checking on your licence that it's "OK to drive a minibus".

Overview

Personal insurance for driving almost always carries with it exclusion on use of your car "for hire or reward". (See section 4.1 - What constitutes "Hire or Reward" is unfortunately imprecise).

A major complication in preparing this advice is that different insurance companies therefore have different interpretations of what constitutes "Hire or Reward".

For most, sharing fuel costs appears to fall outside their interpretation of "Hire or Reward", so long as a profit is not being made. The best advice is to CONTACT YOUR INSURANCE COMPANY and check with them what their policy is on sharing fuel costs.

Remember also that if you let someone drive your vehicle, you have a responsibility to ensure that that person is legally licensed and insured to do so.

The situation with minibuses is complex and it is hard to summarise. Read section 4 of this document as a starting point.

2. Responsibility

It is an offence to cause or permit any person to drive a motor vehicle without a current driving licence, insurance or entitlement covering a particular class of vehicle, or if a person is disqualified from driving.

Both drivers and vehicle owners must therefore know and understand their respective responsibilities.

Drivers from other countries who do not hold a licence issued by the DVLA in the UK, but are resident or visiting may, subject to their having the correct licence categories, use their country of origin driving licence within the UK, as long as it is current and valid.

After 12 months from the date of entry to the UK, they should register with the DVLA and obtain a UK licence covering the same categories as their original licence.

It should also be borne in mind that insurance cover is invalid if a person drives a vehicle without a licence because virtually all insurance policies contain a clause excluding liability in such circumstances. This can have very serious financial consequences, in addition to the legal consequences, if the driver is involved in an accident.

If you let someone drive your car, it is your legal responsibility, and in your interest, to check that they are entitled to do so.

The driver of any vehicle has the responsibility to ensure that there is valid insurance, MOT and the vehicle is in a roadworthy condition.

Any load carried on the roof or towed must also be secured safely. The Highway Code and the Vehicle and Operator Services Authority (VOSA) website also give advice in relation to the loading of vehicles.

3. Cars

In regard to the law a car is defined as a motor vehicle with a gross weight not exceeding 3500kg having not more than eight passenger seats (not including the driver) i.e. up to 9 seats in total. This will be shown on a UK driving licence as category 'B' if the licence was issued after 1/1/1997.

Any vehicle having more than eight passenger seats or exceeding the above weight will not be in category 'B' and therefore the driver may not be able to drive the vehicle lawfully. This would also invalidate the insurance.

4. Minibuses

There are special licensing arrangements allowing drivers with only a category 'B' licence (car licence) to drive minibuses and buses without having to hold the higher passenger-carrying vehicle (PCV) driving licence entitlement.

Drivers of minibuses having 9-16 passenger seats (remember, these numbers don't include driver's seat) will normally need to hold a PCV licence category D1 to drive the vehicle.

If there is no D1 category on the licence, then you may still be able to drive a minibus if the following criteria are met. The important thing to realise with this is it must not be for "Hire or Reward".

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

- i) you drive on behalf of a non-commercial body for social purposes but not for "Hire or Reward" (This excludes the carrying of fare-paying passengers, unless operating under a permit – See below);
- ii) you are aged 21 or over;
- 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 (see below);

When driving a minibus under a category 'B' licence, you may not receive any payment or consideration for doing so (other than out of pocket expenses) or tow any size of trailer.

It is recommended that any driver should be encouraged to take further driver training in order to ensure they are competent to drive that type of vehicle.

Any passenger-carrying vehicles with more than 16 passenger seats will come under category 'D' and a full PCV licence will be required.

NB Caution about the maximum load mentioned above. If most or all of the seats are occupied, think about how much equipment is being carried. CLIMBING AND CAMPING KIT IS HEAVY!

4.1 "Hire or Reward"

"Hire or reward" encompasses any payment in cash or kind made by or on behalf of passengers which gives them the right to be carried in a vehicle. What constitutes "Hire or Reward" is an area of the law which is open to interpretation.

Advice should be obtained from DVLA or VOSA in relation to this in order to ensure that you do not fall foul of the law!

4.2 Operator Licensing (Section 19 Permits)

(E.G. clubs with their own minibuses – student clubs, Scouts Association etc.)

The operator of a minibus having between 9 and 16 passenger seats would normally be required to hold an operator licence in order to use the vehicle for "Hire or Reward".

Some voluntary operators of minibuses and, in a few cases, larger buses, are free from PCV operator licensing if they use their vehicle under special permits. These permits let the holder carry fare-paying passengers in fairly restricted circumstances.

Voluntary groups concerned with education, religion, social welfare, recreation or other activities of benefit to the community can get minibus permits. The ordinary permit is for a vehicle that can carry between 9 and 16 passengers, plus the driver.

These permits are issued either by Traffic Commissioners or designated bodies (local authorities, various national charities or church organisations etc). They allow the holder of the permit to carry members of the group (e.g. The Scout Association) or people whom the group aims to help (e.g. the disabled or the elderly). The permit gives details of those who may use the vehicle, but it must not be the general public.

Minibus permits do not allow a vehicle to be used to make a profit, or to be used in connection with a profit-making activity.

A body may hold more than one permit but may not use more than one bus at any one time under the same permit.

A minibus cannot be used outside the UK under the Section 19 Permit.

Driving the Minibus under a section 19 Permit

You may drive a minibus with up to 16 passenger seats for hire or reward (i.e. the club may make a charge for the use of this service) provided that:

- i) you drive on behalf of a non-commercial body for social purposes.
- ii) you are aged 21 or over;
- 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.

When driving a minibus under these conditions the driver may not receive any payment or consideration for doing so other than out of pocket expenses or tow any size trailer.

5. Further Information

Department for Transport <http://www.dft.gov.uk>

Vehicle Operator Services Authority <http://www.vosa.gov.uk>

Driver and Vehicle Licensing Authority <http://www.dvla.gov.uk>