



**CHILDREN AND YOUNG
PEOPLE'S DEPARTMENT**

POLICY DOCUMENT

**GUIDANCE TO SCHOOLS AND
THE YOUTH SERVICE ON THE
USE OF LA, SCHOOL AND
HIRED MINIBUSES**

HS/ECS/044

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**Children and Young
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GUIDANCE TO SCHOOLS AND THE YOUTH SERVICE ON THE USE OF LA, SCHOOL AND HIRED MINIBUSES

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SECTION 1

1.0 INTRODUCTION

1.1 There are currently around thirty minibuses based at schools or with the Youth Service, which are used for the transportation of pupils on a wide range of activities. In addition, a number of schools hire or borrow minibuses from hire companies and other organisations. The use of these vehicles allows access by a large number of pupils to a range of activities and experiences which would not otherwise be possible.

1.2 The purpose of this guidance is:

- i) to ensure that as far as possible schools and the Youth Service are aware of safety, legal and operating requirements in respect of minibuses;
- ii) to offer guidance in terms of operating practice, record keeping etc;
- iii) to offer contacts for further guidance and advice.

1.3 Provision of minibus vehicles to meet Construction and Use Regulations

Schools are strongly advised to purchase, lease or hire only minibuses manufactured after 1 October 1987 or registered after 1 April 1988, as these vehicles meet the unified standards of construction and equipment 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 1984/1401). In practice most manufacturers have been complying with these unified standards since the end of 1986.

For older vehicles currently in use, the regulations governing the construction and equipment of a permit minibus, are the Minibus (Conditions and 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.

Schools should not consider purchasing conversions from original non passenger vehicles or attempt to convert such a vehicle themselves.

In respect of the use of all permit minibuses, the relevant regulations are numbers 29-34 of the Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977 (SI 1977/2103). Even if a school decided not to run their minibus as a permit bus, it is recommended that it is equipped and operated to the requirements of these regulations (See Section 4 of this guidance for further details in respect of operating a 'permit' bus). This recommendation also applies to hired and borrowed vehicles.

SECTION 2

2.0 RESPONSIBILITIES OF THE SCHOOL/ORGANISATION OPERATING A MINIBUS

- 2.1 It is important that each school/organisation operating a minibus has in place a system which ensures that the minibus is maintained in a safe condition, with all legal, insurance and permit matters properly implemented and monitored. Such a system should also be put in place where vehicles are hired or borrowed, even for short periods.
- 2.2 This system is best managed by a named individual in the school/organisation, known as 'the named vehicle holder', who has day to day responsibility for the vehicle as outlined below. This person should report regularly to the Headteacher in respect of the vehicle documentation, vehicle use and condition and Headteachers are recommended to inform governing bodies of the systems in place and the name of the 'named vehicle holder'. The named individual can be a member of the teaching/non teaching staff, but should never make decisions about vehicle condition which are beyond their expertise. For this reason it is important that they have the authority in respect of vehicle use as outlined at 2.8.
- 2.3 The 'named vehicle holder' must keep and maintain the correct and up to date documentation for the vehicle, particularly:
- a) Vehicle log book and tax records.
 - b) Insurance certification.
 - c) MOT certification.
 - d) Minibus Section 19 permit (if appropriate, see Section 4).
 - e) Service and maintenance records.
 - f) Register of authorised drivers.
- 2.4 The 'named vehicle holder' should ensure that the vehicle is regularly serviced. DIY maintenance must not be considered.
- 2.5 In respect of servicing there are two main factors to be considered. Firstly, the servicing schedule laid down by the vehicle manufacturer in terms of mileage intervals and timing of servicing. Linked to this will be the type and extent of use the vehicle is put to by the school/organisation.
- Secondly, there is the need, beyond the 'mechanical' servicing of the vehicle outlined above, to ensure that the highest possible safety standards are maintained in respect of vehicle condition by means of regular checks.
- 2.6 The Department of Transport Traffic Commissioners offer guidance on servicing and safety checking of minibuses operating under a Section 19 permit (see Section 4) and outline three levels of check/servicing:
- daily running checks;
 - vehicle safety inspection;
 - routine maintenance checks/servicing.

2.7 In respect of 'daily running checks' these are outlined in Section 3, Responsibilities of the Driver of a minibus. A suggested format for recording 'daily running checks' is attached as Appendix 1 of this document.

2.8 In respect of 'vehicle safety inspections' these should be carried out more frequently than the manufacturers servicing cycle, to take account of the passenger carrying nature of the vehicle, the number of drivers and the variety of journeys made by the vehicle. These 'vehicle safety inspections' are therefore in addition to the routine maintenance cycle. It is recommended that this inspection as listed below should be carried out weekly and a record kept as part of the service and maintenance record. It will generally be the case that these 'vehicle safety inspections' will be carried out by the 'named vehicle holder'. Given that this person is unlikely to be a trained mechanic/vehicle technician it is important that they have:

- the authority to ensure that a vehicle is not used if they have concerns, and
- they have the authority to refer the vehicle for more specialist advice as they feel necessary.

The weekly vehicle safety inspection should be as outlined below:

- i) all pre journey daily running checks as listed in the following Section 3 - Driver responsibilities;
- ii) general mechanical check for loose, leaking or damaged components;
- iii) general bodywork check;
- iv) electrical check;
- v) seats - condition and security;
- vi) seat belts - condition and operation;
- vii) roof rack - condition and security;
- viii) tow bar - condition and security;
- ix) First Aid kit - check and refill as necessary;
- x) fire extinguisher - check seal and security;
- xi) vehicle tools, torch and spare wheel;
- xii) documentation kept with vehicle - breakdown procedure, contact numbers, insurance details etc.

A suggested format for recording vehicle safety inspections is attached as Appendix 1 of this document.

- 2.9 In respect of routine maintenance checks/servicing these should be as a minimum the servicing time/mileage cycle laid down by the vehicle manufacturer, but in any event should not be less than every six months.
- 2.10 Where the 'named vehicle holder' is not available due to holidays, sickness etc, or where school or hired vehicle(s) are being used away from the school/organisation for longer than a week, then a nominated person must be identified by the 'named vehicle holder'. In respect of school minibuses, the Headteacher should be aware of the nominated person and the duration of their responsibilities.
- 2.11 The 'named vehicle holder' should ensure that a 'defect reporting' system is in place, to allow drivers to report defects. A suggested defect reporting form is attached as Appendix 1 of this guidance.

Check List

- i) Schools/organisations need to have a Named Vehicle Holder***
- ii) The Named Vehicle Holder should hold all relevant documentation for the minibus***
- iii) A system of maintenance which comprises:***
 - a) Daily running checks***
 - b) Weekly vehicle safety inspection***
 - c) Routine maintenance checks/service***

should be in place and records kept (sample formats are included in this document)
- iv) A Nominated Person should carry out the duties of the Named Vehicle Holder in their absence***
- v) The Named Vehicle Holder and any Nominated Person must have the authority to take the vehicle out of use***
- vi) A 'Defect Reporting' system should be in place, to allow drivers to report faults/defective items***

SECTION 3

3.0 RESPONSIBILITIES OF THE DRIVER OF A MINIBUS

- 3.1 The driver of the minibus has ultimate responsibility for traffic related matters whilst the vehicle is on the highway, the responsibility covers personal driving standards, road worthiness of the vehicle and the behaviour of persons carried as passengers.
- 3.2 The law states that a driver must be at least 21 years of age and must hold a full driving licence, which covers them to drive vehicles in Group B (cars and light vans) or Category D1 (new style pink and green licence, Group A on old style green or pink licence). Category D1 is a subdivision of category D (buses) and covers small passenger carrying vehicles (9-16 passenger seats) which are not used for 'hire or reward'.
- 3.3 The adoption of the second EU directive on driver licensing will lead to changes in the driver's licence required to drive minibuses for those drivers who pass a test after 1 July 1996. Anyone passing after this date will be given category B entitlement only, which will cover vehicles with not more than eight passenger seats up to 3.5 tonnes only. Beyond this date, the category D1 entitlement will be revised and will cover all 9-16 passenger seat vehicles and new drivers will have to take an additional test and meet higher medical standards, except if the driver is defined as a 'volunteer', age 21 or over with two years driving experience, the vehicle weighs no more than 3.5 tonnes (4.25 tonnes if fitted with specialised equipment for disabled passengers), is used within the United Kingdom and is being used for 'social purposes'. Definitions of 'volunteer' and 'social purposes' have not yet been issued and this change is for noting only at this time (December 1994).

Drivers who pass their car driving test up to 30 June 1996 will continue to receive category B (cars and light vans) and D1 (minibus) entitlement and the new regulation will only apply to drivers taking their tests on or after 1 July 1996.

Existing drivers (ie those who pass their test up to 30 June 1996) entitlement to drive minibuses with up to 17 seats, not used for 'hire and reward' will not change. The Driver Enquiry Unit at the DVLA, Swansea, can provide further information if required (0792 772151).

- 3.4 The driver should ensure that the insurance policy held by the school/organisation covers them for driving the minibus. All Youth Service vehicles are insured through Wirral Borough Council. Insurance for minibuses at individual schools is through the Council in some cases, but direct with individual insurance companies in others. It is therefore important that drivers check that they are covered by the relevant policy. In the case of minibuses insured through Wirral Borough Council, the policy is comprehensive, the minimum age is 21 years and drivers must declare previous convictions for driving offences, for consideration prior to driving the vehicle. Prospective drivers should also declare any accidents during the previous five years. The policy covers drivers acting 'on Wirral Borough Council business'. Minibuses, whether insured through the Council or not, should not be used for purposes not covered by the insurance policy.
- 3.5 The driver should ensure that they are listed on the Register of Authorised Drivers held by the 'nominated vehicle holder'. The Education Committee on 25 May 1994

approved a policy of driver assessment for school minibus drivers, with the initial target of two drivers assessed per school as soon as possible. Schools have been asked to submit lists of drivers to Mr G Proffit, the Senior Road Safety Officer, Birkenhead Town Hall, in order for driver assessments to be carried out. The contact number for the Council's Road Safety Unit is 647 7000, extension 4005 and the cost of each driver assessment is currently £10.00 (1994). The service offered by the Road Safety Unit is one of assessment, not training, at the time of writing (1994/95) drivers who have not yet been assessed may continue to drive minibuses.

The intention of this policy is that an increasing number of drivers will complete the Wirral Borough Council driver assessment, leading eventually to a situation where all drivers of school based buses have completed the assessment.

- 3.6 When a vehicle is changed, or a different vehicle hired or a new driver joins the registered list, the driver should ensure that they have undergone a basic vehicle familiarisation including practice in the driving techniques required by the vehicle and sufficient driving time to become familiar with the handling characteristics of the vehicle before passengers are carried.
- 3.7 All current drivers of Youth Service vehicles have completed the Wirral Borough Council driver assessment and the existing arrangements via the Youth Service management will continue.
- 3.8 Given that the driver has responsibility for the vehicle on the highway, they should carry out the following daily running checks before using the vehicle. The responsibility of the driver for the vehicle when in use is not reduced if these daily running checks are carried out on a shared basis with the 'nominated vehicle holder' or any other person. A recommended format for recording the daily running checks is attached as Appendix 1 to this guidance. Where the daily running checks are carried out on a shared basis by the driver and another person, both should sign the record sheet.

Check List

- Screen washers** - **check level and refill as required**
- Engine oil** - **check level and refill as required**
- Radiator** - **check level and refill as required**
- Brake fluid** - **check level and refill as required**
- Clutch fluid** - **check level and refill as required**
- Fuel** - **check level and refill as required**
- Fuel tank cap** - **check security**
- Glass and mirrors** - **check they are clean and not damaged**
- Lights** - **check they are clean and in working order**
- Wheels and tyres** - **visual check, tread depth and inflation**
- Seat belts** - **check condition and security**
- Body and doors
(inc emergency exits)** - **check condition and operation**
- Tail lifts, ramps,
securing fittings for
wheelchairs** - **check condition and operation**
- Roof rack/ladder** - **check condition and operation**
- Vehicle documentation** - **check and complete**
- Steering]**
Footbrake] - **check before reaching public highway**
Handbrake]
- Check seat position and mirror**
- Allow time to settle before moving off**

3.9 Tyres

- must be inflated to the correct pressure as given in the manufacturers' handbook;
- must be of a load and speed rating (marked on the tyre) which exceeds those of the vehicle;
- must have a minimum 1.6mm tread depth throughout a continuous band situated in the central 75% of the breadth of tread and round the entire outer circumference of the tyre;
- must not have a ply or cord exposed or have a cut in the ply or cord exceeding 25mm or 10% of the tyre width.

4.0 Use of the minibus in compliance with the Road Vehicle (Construction and Use) Regulation 1986 (SI 1986 No.1078) (for vehicles registered after 1 April 1988) and Regulations 29-34 of the Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977 (SI 1977/2103) is initially the responsibility of the manufacturer or supplier of the vehicle. When a second-hand vehicle is purchased/leased/hired the condition of it at the time of purchase/lease/hire should be questioned against the above regulations. It is particularly important to note that this also applies to hired vehicles. Once the school operates the vehicle, particularly if operating under a permit, then it and the driver become responsible for continued compliance with the regulation. If the vehicle and equipment are maintained in the 'as supplied condition' and the recommended sequence of checks are carried out then compliance with the regulations should not cause any difficulty. **The following are aspects the driver should pay particular attention to in order to ensure compliance whilst the vehicle is in use:**

4.1 Trailers: Trailers may not be drawn by a minibus unless there is a nearside exit accessible to every passenger. No trailer can be drawn if a minibus only has a rear exit (an offside driver's door does not constitute an emergency exit). Trailers must be operated and maintained to the same standards as a permit minibus and be subject to the same cycle of checks and maintenance. Trailers must conform with the technical specifications given by the minibus manufacturer. The minibus and trailer combination must be fully insured and the driver fully familiar with the driving characteristics and handling of the combination before carrying passengers.

Trailer brakes/weight: Trailers are required to have a braking system when they exceed 750 kg gross weight. Trailers below this weight must be fitted with brakes if their laden weight exceeds half the towing vehicle's kerbside weight.

4.2 Rear doors: Rear doors must never be locked whilst carrying passengers.

4.3 Roof racks: Careful attention should be given to the loading of roof racks in terms of weight, distribution and security. All minibuses have to pass a 'tilt test' to an angle of 30° from the horizontal with 65kg weight allocated to each seat. Fitting and loading of a roof rack must not lead to the failure of this test, nor should the weight exceed vehicle manufacturers' specifications. Schools are advised to purchase racks from accredited suppliers rather than manufacture their own.

Drivers should take note of the loaded vehicle height and beware of overhead restrictions on entering bridges, car parks, ferries etc.

4.4 No alterations should be made, temporary or permanent, to steps and step heights, tail lifts (if fitted), seats, internal lighting, mirrors and signing on the vehicle.

4.5 Fire extinguisher: Minibuses must be equipped with a fire extinguisher conforming to BS5423 1977, BS5423 1980, BS5423 1987, with a minimum test rating of 8A or 21B.

4.6 First Aid box: Minibuses must be equipped with a first aid box of good and reliable quality and suitable design, which must contain:

- **10 antiseptic wlpes, foil packed;**
- **1 conforming disposable bandage (not less than 7.5cm wide);**
- **2 triangular bandages;**
- **1 packet of 24 assorted adhesive dressings;**
- **3 large sterile un-medicated ambulance dressings (not less than 15cm x 20cm);**
- **2 sterile eye pads, with attachment;**
- **12 assorted safety pins;**
- **1 pair of rustless, blunt-ended scissors;**
- **pack of disposable gloves.**

4.7 The driver must ensure (to conform with the regulations at 4.0) that the following practices are not permitted:

- **obstruction of any entrance, exit or gangway, or of the driver, eg by badly stowed camping gear or articles dislodged by the movement of the vehicle (Regulations 29, 30);**
- **the minibus must not be used with dirty or cracked windows (Regulation 31);**
- **the fuel cap should not be removed or the vehicle be filled with fuel whilst the engine is running (Regulation 32);**
- **flammable or dangerous substances eg camping gaz, paraffin must not be carried in receptacles or stowed in such a manner that in the event of an accident they are likely to cause damage to the vehicle or injury to passengers (Regulation 32 and Construction and Use Regulation 44).**

5.0 Seat Belts

The majority of vehicles in use at this time (December 1994) are fitted with seat belts to all seats and the driver should ensure that these are worn. Schools are advised to fully explore the feasibility of fitting seat belts to all seats in those minibuses which do not currently have them.

- 5.1 In respect of the vehicles which are currently only fitted with seat belts to some seats, the regulations are complicated and dependent upon the age of the vehicle and the number of seats. Passenger vehicles with seats for eight or less passengers first used after 1 January 1987, must be provided with seat belts and anchorage points for any forward facing seats beside the driver and for at least two forward facing rear seats immediately behind the driver's seat. There is an option, where it is likely that all rear seats may be occupied at some time, to fit lap belts to all seats (Road Vehicle Construction and Use) Regulations 1986. From 1 October 1988 minibuses with a gross weight of 3.500kg or less, must be provided with seat belts and anchorage points for all front passenger seats. Further information, if required, is available in the Croner Coach and Bus Operation Handbook, a copy of which is held by the LA Transport and Welfare Section or the Department of Transport.
- 5.2 It is the responsibility of individual passengers to wear seat belts provided, but responsibility rests with the driver when a child under the age of 14 is being carried on any seat in the vehicle.
- 5.3 The rules relating to the wearing of belts apply whenever they are fitted, not just where they are required by law to be fitted to a vehicle. From 1 February 1993 the Road Traffic Act 1988 was amended by SI 1993/3105 so as to apply EC Regulation 91/671 on the wearing of seat belts to drivers and passengers in the front seats of all vehicles and the rear seats of minibuses. The rules are:
- Children under 3 years of age travelling in front seats must wear an appropriate child restraint; if travelling in the rear seats they must also wear an appropriate child restraint if one is available.
 - Children aged 3 and under 12, and children under 1.5m in height, will have to use an appropriate child restraint if there is a suitable one available to the child anywhere in the vehicle, and if not, an adult seat belt must be worn where one is fitted.

The maximum penalty for not wearing a seat belt is either a £20 fixed penalty or a fine at level 2. This applies to the individual concerned, unless he or she is a passenger under 14 years of age, when the driver would be held responsible. The usual exemptions for reversing and on medical grounds certified by a General Practitioner apply to the wearing of belts.

- 5.4 Drivers are advised to fill the centre seat (if any) next to the driver last, when there are no other seats available, as this seat often has only a lap belt and also brings a passenger close to the vehicle controls.

6.0 Speed limits

Drivers must obey specific local speed restrictions which apply on most urban roads and also the mandatory restrictions on motorways. The current general limits are:

Motorway	70 mph
Unrestricted dual carriageway	70 mph
Unrestricted single carriageway	60 mph
Restricted roads	30 mph unless appropriate signs repeated at intervals indicate a higher limit

For passenger vehicles over 3 tonnes (3050kg) unladen weight and passenger vehicles adapted to carry nine or more passengers:

Motorway	70 mph
Unrestricted dual carriageway	60 mph
Unrestricted single carriageway	50 mph

For passenger vehicles drawing trailers:

Motorway	60 mph
Unrestricted dual carriageway	60 mph
Unrestricted single carriageway	50 mph

7.0 Breakdown procedure

The primary responsibility of the driver is the safety and well being of the passengers and action taken should reflect this as the first priority. Guidance is given in the Highway Code with regard to accidents and breakdowns on general roads and motorways. Details of the breakdown procedure to be followed, telephone numbers, senior staff contact numbers etc must be kept with the vehicle at all times.

8.0 ***Drivers must ensure they are fit to drive and should not drive if they feel tired or unwell. Fatigue has proved to be a cause of serious accidents and the dangers of driving whilst tired cannot be under-estimated. Drivers should check with their doctor whether it is safe to drive when taking prescribed medicines. Drivers should not consume any alcohol whilst driving or prior to driving the minibus.***

8.1 Drivers should record and report all vehicle defects to the 'nominated vehicle holder'. A sample report form is given in Appendix 1 of this document.

RESPONSIBILITIES FOR THE DRIVER OF A MINIBUS

Check List

- ***Drivers should not drive vehicles whilst tired or feeling unwell.***
- ***Drivers should ensure that they have an appropriate licence to drive the vehicle and are covered by the vehicle's insurance policy.***
- ***Drivers should be listed on the schools/organisation Register of Authorised Drivers***
- ***Drivers should be familiar with the controls and handling of the minibus and at the earliest date should have satisfactorily completed the Wirral Driver Assessment***
- ***Drivers are responsible for 'daily running checks' and the operation of the vehicle on the highway***
- ***Drivers should observe the Highway Code, other regulations and speed limits appropriate to the vehicle***
- ***Drivers should be aware of the breakdown procedure and should report all defects to the 'nominated vehicle holder'.***

SECTION 4

4.0 OPERATING A MINIBUS UNDER A 'SMALL BUS PERMIT'

Introduction

4.1 All schools should give careful consideration as to the need to operate a minibus under a small bus permit' under Section 19 of The Transport Act 1985'. This applies to all minibuses, owned, borrowed or hired. A school which hires a minibus can therefore have a Section 19 permit without owning a vehicle but use the permit on the hired vehicle. A separate permit is needed for each bus. If, for example, a school owns one minibus and hires a second, two permits will be needed. As a further example, if a primary school borrows a secondary school bus it will need its own permit, even if the secondary school operates the bus under a permit held by them. However, a permit disc can be moved from one minibus to another, for example, if a school's bus is off the road for repair and a minibus is hired. The hired vehicle must of course conform to the Road Vehicle (Construction and Use Regulations 1986), Public Service Vehicles (Carrying Capacity) Regulations 1984 and the Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977.

4.2 Section 19-21 of the Transport Act 1985, in conjunction with the Minibus Regulations 1987 (SI 1987/1229) and Section 19 Minibus Order 1990 (SI 1990/1708), allows voluntary groups and other bodies including those concerned with education to obtain a Section 19 small bus permit which allows the group or body to charge for providing transport for their own members, or other people whom the organisation serves, without having to comply with the full Public Service Vehicle (PSV) operator licensing or PSV driver licensing requirements.

Any passenger vehicle with nine or more passenger seats (vehicles with fewer than nine seats do not require a permit) on which passengers pay a charge to be carried are normally classed as being used for 'hire and reward' and therefore are classed as Public Service Vehicles (PSVs). 'Hire and reward' is not linked solely to commercial operations and profit. For example, the driver of a private car who accepts petrol money is running it for hire or reward. Under such circumstances the vehicle is not a PSV as long as it has eight or fewer seats, is not run for profit and the arrangements for carrying passengers are made in advance. A vehicle with nine or more seats used in the same way is a PSV, even though the operation is not for profit.

4.3 Schools must therefore decide whether their minibus is used for 'hire and reward' if it has 9-16 passenger seats. 'Hire and reward' is defined in the Public Passenger Vehicles Act 1981 which can be summarized as follows:

- any payment or contribution for travelling means that the vehicle is being used for 'hire and reward';
- any payment made for other matters such as hotel accommodation or meals if associated with being carried on a vehicle is treated as a 'fare'; and therefore is classed as hire and reward.

- any payment for anything which gives a right to be carried on a vehicle means that 'hire and reward' applies.

It is likely that any contributions from pupils and/or parents will come within the scope of 'hire and reward' outlined above. If this is the case, the school should obtain a Section 19 small bus permit as outlined below for each vehicle it owns, borrows or hires. If a permit is not obtained for a vehicle with 9-16 passenger seats, then no charges of any kind can be made.

- 4.4 The Section 19 small bus permit allows the school to charge on a non profit making basis for services to the school; services cannot be provided on a charged basis to the general public. The charges made by the school can be set to recover all of the running costs if desired and may include an allowance for vehicle depreciation.

Obtaining a Section 19 permit

- 4.5 Permits may be issued for:

- minibuses which are termed small buses that carry 9-16 passengers, excluding the driver;
- large buses that can carry 17 or more passengers.

Note: As no schools or the Youth Service operate any vehicles of 17 or more passenger seats, the details in respect of large bus permits are not included in this guidance document. Permits for large buses are meant only for umbrella organisations, which specialise in running transport for community groups. Such a permit would not be issued unless the Traffic Commissioner was satisfied that there would be adequate facilities or arrangements for maintaining the vehicle in a fit and serviceable condition. Such an operation is beyond the scope of minibus (small bus) operation and schools should not borrow or hire such vehicles to be used for 'hire and reward' other than the normal hire of coaches and buses for school visits etc from PSV operating companies.

- 4.6 Although the Legal Department of the Council can issue small bus permits, current practice is that permits are obtained from the Regional Traffic Commissioners Office which is:

North Western Traffic Commissioners
 Portcullis House
 Seymour Grove
 Stretford
 Manchester M16 ONE

Telephone: 0161 886 4000

Application forms and the relevant guidance booklet, PSV 385 which repeats much of the information given here, are available from the LA. Please contact the Health and Safety Officer or the General Inspector (Development) or obtain them from the above address. A copy of the permit application form and a sample permit disc and permit are included as Appendix 2 of this guidance.

The charge for a small bus permit and disc is currently £7 and permits do not have a time limit. They can be revoked at any time by the issuing body.

- 4.7 A small bus permit and disc will then be issued, as shown in the Appendix. When a vehicle is being used under a permit, the disc for that permit must be fixed inside the windscreen so that it can be easily seen from outside the vehicle. As stated earlier, this requirement applies to hired and borrowed vehicles with one vehicle at a time operated under each permit. Schools who hire or borrow a minibus and 'charge' pupils will therefore have a permit but no minibus. When they use the minibus they should attach the disc to the windscreen.
- 4.8 Permits recently issued have been ticked by the Traffic Commissioner's office at Section 'd' *Pupils or students of any school, college, university or other education establishment and staff or other helpers accompanying them*. Schools may wish to have PTA specifically added to the permit and if so, should request this with their application. Other sections not applicable will be crossed through. This does not mean that the vehicle cannot be used for those passengers in section 'b' *'persons whom the .body exists to help and persons assisting them'*, when this is crossed through only that the vehicle cannot be used for 'hire and reward' in such circumstances ie no charges can be made. For example, the minibus can be used to collect elderly people in the community to bring them to school for a concert but no charges can be made for this service. The permit relates to those activities which have an element of charge in some form and therefore 'hire and reward'.
- 4.9 The office issuing the permit will provide a duplicate if the original is lost, defaced or faded. Any lost originals which are subsequently found must be returned to the issuing body.
- 4.10 EC drivers' hours and tachograph rules do not apply to small buses when used in the UK but all schools should be aware of the domestic and EC regulations outlined in Section 6 of this guidance and as a minimum relate their practice to the regulations.
- 4.11 Although permit buses are exempt from PSV operator and driver licensing requirements, they are still PSVs and subject to spot checks by the Department of Transport Vehicle Examiners on their road worthiness. If the vehicle is found to be unfit, a prohibition notice could be issued to prevent it being driven and failure to obey such a notice could lead to prosecution and the permit being revoked.
- 4.12 All permit vehicles must be tested annually from the end of their first year. Small buses are exempt from the PSV (Class VI vehicles) test and those adapted to carry 12 or fewer passengers (Class IV vehicles) may be tested at those MOT stations which are authorised to test such vehicles. Minibuses with more than 12 seats ie 13-16 seated passengers, must be tested at approved HGV/LGV testing stations or specially designed MOT testing stations allowed to test such vehicles. Schools should take particular note of the annual testing requirement for all permit vehicles from the end of their first year.
- 4.13 Passengers in wheelchairs can be carried but the general requirement that passengers or equipment must be carried in such a way so as to avoid any danger must be met. If a wheelchair is not properly secured then it might be held that an offence has been committed and in the result of injury, there could be

insurance difficulties. The Department of Transport has produced a code of Practice 'The Safety of Passengers in Wheelchairs on Buses', which may be obtained free of charge from the Department of Transport.

4.14 Permit buses can be taken abroad. See Section 6 of this guidance.

Operating a permit bus

4.15 The small bus permit is normally issued to the school or other organisation concerned with education rather than to an individual. The school therefore becomes 'the operator' and has to operate and maintain the vehicle to the appropriate standards, whether or not it is being used on some occasions for non hire and reward ie non permit purposes.

4.16 In respect of school minibuses the Headteacher is advised to ensure that the appropriate rules and systems are in place to meet the legal framework for the operation of a permit minibus. This also applies to Heads of Service as appropriate in the LA when services eg Youth Service operate minibuses under hire and reward or when other areas of the LA borrow or hire vehicles. The guidance in this document is intended to provide the basis of such a system.

It should be noted that it is 'the operator' whose disc is displayed in a minibus who is held responsible for the condition of the vehicle being used, irrespective of who owns the vehicle.

4.17 It is therefore particularly important that borrowed or hired vehicles used under a permit meet the construction and use regulations note at 4.1. The operator becomes responsible for a hired vehicle in use on the road, as even though the hire company may contract to supply a properly maintained vehicle, it is, so far as the Public Passengers Vehicles Act 1981 is concerned, deemed merely to be acting as the operator's agent.

4.18 The vehicle insurer will need to be aware that the minibus is operating under a permit and that payments are received from passengers ie hire and reward operation, but that the vehicle is exempted from the requirements for PSV operator licensing through the permit system. In respect of those vehicles insured through the Council, use of a minibus under a Section 19 permit is covered.

4.19 The maintenance cycle for a permit bus is that outlined in Sections 2 and 3 of this guidance ie

- daily running checks;
- vehicle safety inspection;
- routine maintenance checks/servicing.

Full records should be kept for each permit vehicle including those appropriate to hired vehicles eg daily running checks, defect reports and should be retained for at least fifteen months. They should provide an overview of vehicle history, dates and results of inspections, named persons who carried out inspections/checks and work carried out. They should include work carried out by garages. Defect reports should also be retained.

- 4.20 To meet the 1986 Road Vehicle Construction and Use regulations, permit buses require the fire extinguisher and first aid equipment listed in Section 3 part 4.05 and 4.06 and also a notice painted in letters at least 2.5cm high showing the maximum number of passengers to be carried on the vehicle. This notice can be on the outside of the vehicle at the back or inside the vehicle as long as it can be seen from the outside.
- 4.21 To meet the 1986 Construction and Use regulations and 1977 Fitness, Equipment and Use regulations the vehicle must be used in accordance with the rules outlined in Section 3 of this guidance part 4.07.

OPERATING A MINIBUS UNDER A SECTION 19 SMALL BUS PERMIT

Check List

- ***School/organisation must decide if the vehicle is being used for hire and reward.***
- ***If it is, a small bus Section 19 permit must be obtained for all vehicles with 9-16 passenger seats, owned or hired.***
- ***One school cannot operate a vehicle under another school's permit eg if a primary school borrows a high school permit minibus and operates it under hire and reward ie makes any charge, then they should have their own permit.***
- ***Minibuses operated under a small bus permit must meet the maintenance, construction, use and fitness regulations outlined in this section and elsewhere in the guidance. This applies to hired or borrowed vehicles, operated under a permit.***
- ***Even if a school/organisation decides a vehicle is not operating under 'hire and reward' and therefore does not require a permit they are strongly advised to operate a vehicle to the same maintenance, equipment and use standards that apply to a permit vehicle.***
- ***Permit minibuses must be tested on an annual basis from the end of year 1.***

SECTION 5

5.0 ACCIDENT REPORTING

5.1 This section is concerned with accidents involving minibus vehicles. It should be read in conjunction with Section 3 Accident Procedures in the Wirral LA Policy and Guidance Document HS/ECS/036, 'Educational visits, overnight stays and hazardous activities'. It is essential that the driver has the relevant information to allow contact, particularly out of school hours to report accidents and emergencies to the nominated manager/contact person. Schools should ensure that sufficient information is with the vehicle to allow contact with parents either directly or via the school contact. Such provision should include pen/paper/small change.

5.2 The driver must ensure that the insurance policy on the vehicle covers the activity being undertaken. Those vehicles insured through the Council carry a £500 accidental damage excess and are covered for use of the vehicle on school/youth club business only. Particular care should be taken in determining the insurance cover on hired and borrowed vehicles.

5.3 In any accident resulting in:

- personal injury to another person(s);
- damage to the vehicle or any other vehicle(s);
- injury to an 'animal' which means any horse, cattle, ass, mule, sheep, pig, goat or dog;
- damage to any other property on or adjacent to the road.

The driver must:

- stop;
- give their name and address, the name and address of the owner of the vehicle, and identification marks of the vehicle to any person(s) having reasonable grounds for requiring them.

If, for any reason, the particulars are not given at the time of the accident, then the circumstances must be reported to a police constable or at a police station as soon as possible and in any case within 24 hours.

5.4 The following routine must be adopted in case of accidents:

- if any person is injured, seek assistance and send for the police and ambulance;
- try to obtain the names and addresses of witnesses;
- do not admit responsibility for the accident to the other party or witnesses;

- obtain the following information:
 - name and address of the other driver(s);
 - name and address of the other vehicle owner(s);
 - registration number of other vehicle(s), type and colour;
 - name and address of the other driver's insurance company.

As soon as possible, while the events are still clear, prepare a rough report indicating:

- extent of damage to all vehicles involved;
- time the accident occurred;
- where the accident occurred including:
 - the locality;
 - names of streets and roads adjacent;
 - position of vehicle(s) at the time of the accident;
 - visibility and weather conditions at the time of the accident.
- cause of accident (including any information as to whether signals were given);
- rough sketch to emphasize the general situation.

5.5 It is essential to obtain the correct information at the time of the accident as the true facts are difficult to recall; overleaf is a copy of the Council's insurance company's accident form to act as a guide to the information required. Where vehicles are not insured through the Council this form will act as a guide as to the information required. A copy of the Council's insurer's Motor Vehicle theft form has also been included to act as a guide.

5.6 ALL DEFECTS, DAMAGES, ROAD ACCIDENTS AND OTHER INCIDENTS MUST BE REPORTED IMMEDIATELY TO THE NAMED VEHICLE HOLDER.

Check List

- ***Ensure school/organisation has a system in place for reporting of accidents/emergencies particularly out of hours. Ensure relevant information is with the vehicle/driver.***
- ***Ensure that the vehicle insurance covers the activity being undertaken. Take particular care with hired/borrowed vehicles.***
- ***Drivers must report damage/accidents to the named vehicle holder.***
- ***Guidance given in this Section to be followed in the event of an accident.***

EQUITY RED STAR



692, Warwick Road, Solihull, West Midlands B91 3DX
Telephone: (021) 704 3353

PARTICULARS OF MOTOR ACCIDENT

1 POLICYHOLDER

Name _____
Occupation _____ Policy No. _____
Tel. No. Home _____ Bus. _____
Address _____
_____ Post Code _____

2 V.A.T.

Is the vehicle owner registered for VAT purposes? YES/NO
If YES state if the VAT included in the cost of repairing or replacing the vehicle can be recovered
a) Completely b) Partially _____% c) Not at all (delete as necessary)

3 DRIVER OR PERSON IN CHARGE OF VEHICLE

(It is still necessary for this section to be fully completed even if the policyholder was the driver or the vehicle was unattended or parked.)

Name _____
Address _____
Occupation _____ Date of Birth _____
Licence No. _____ Date test passed _____
Driving Licence held Full/Provisional/Heavy Goods/International/Other (delete as appropriate)
Length of recent and regular driving experience in the U.K. etc. _____

Has he/she been convicted of any motoring offences? YES/NO
If so give details _____

Has he/she any physical infirmity, or defective vision or hearing, or lost a limb or an eye YES/NO. If so give details _____

If your permanent Driver, how long has he/she been in your employ? _____

Has he/she, in his/her name, a Motor Insurance Policy? YES/NO
If so please state name of Insurers and the Policy Number _____

4 NAMES AND ADDRESSES OF WITNESSES

Independent _____

Passengers (State if injuries sustained by any such person, and, if so the nature thereof) _____

5 INJURED PERSONS

Give name(s) and address(es) of any injured persons (other than occupants of your car) _____

Nature of injuries _____

6 PARTICULARS OF VEHICLE

Make & Model _____ Reg. No. _____
Year of Make _____ CC's _____ Colour _____
Present Value _____
VIN/Chassis Number _____
If the vehicle is not your property entirely state the name and address of the owners including any finance company interested.

State exact details of the journey at the time of accident
Travelling from _____ to _____
What was the purpose of the journey? (The word PRIVATE is not sufficient) _____
Was the vehicle being used in accordance with your instructions? YES/NO
How many passengers were being conveyed? _____
State nature and weight of any goods carried, and gross vehicle weight (For Commercial Vehicles only) _____

7 PARTICULARS OF ACCIDENT

Date and time of the accident _____
Where did the accident occur? _____

Class of road _____ Approximate width of road _____
Condition of road _____
Your position on road _____
If driving on n/s how far out were n/s wheels from kerb? _____
At what speed was your vehicle travelling immediately prior to the accident? _____ Was your horn sounded? _____
If dark, what lamps were showing on your vehicle _____
Who in your opinion, was to blame? _____
Give name if other than yourself or driver _____

Are you a member of the AA or RAC? _____

8 POLICE EVIDENCE

Did the Police take evidence or particulars? YES/NO
If so, give his/her Number and Station _____

Was he/she a witness? YES/NO
Did he/she indicate that anyone may be prosecuted? YES/NO
If so, whom? _____

9 PARTICULARS OF THIRD PARTY VEHICLE INVOLVED OR OF OTHER PROPERTY DAMAGED

Name and address of the owner _____

Name and address of the driver _____

Make, Model, Reg. No. and Colour _____

Nature of damage _____
Has notice of any claim been given to you? YES/NO
If in writing, forward immediately unanswered. If verbally, give particulars _____
Details of the third Party Insurers if known _____

EQUITY RED STAR

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Telephone: (021) 704 3353



MOTOR VEHICLE THEFT REPORT FORM

1 POLICYHOLDER

Name _____
Address _____

Postal Code _____
Occupation _____
Tel No. Home _____ Business _____
Driving Licence No. _____
Date of Birth _____

Where the policy covers damage/loss of the vehicle, please complete the following

Is the vehicle owner registered for VAT purposes? YES/NO

If YES state if the VAT included in the cost of repairing or replacing the vehicle can be recovered.

a) Completely b) Partially _____% c) Not at all (delete as necessary)

Are you the actual owner of the insured car? YES/NO

If NO who is? _____

2 Policy/Certificate Number _____ Broker or Agent _____ Renewal Date _____

3 VEHICLE

Please state exact specification e.g. Manual/Automatic RH/LH Drive GT, GTL, XL, Super, etc, Saloon/Coupe/Sports/Estate/Hatch: 2/3/4/5 Door

Make, model and colour _____ Registration No _____

Year _____ Engine capacity cc _____ Petrol/Diesel _____ Details of trailer (if any) _____

4 PERSON IN CHARGE OF THE VEHICLE

Name _____ Date of Birth _____ Licence No. _____

Address _____

Occupation _____ If your permanent Driver, how long has he been in your employ? _____

Has he/she in his/her own name, a Motor Insurance Policy? YES/NO. If so please state name of Insurers and the Policy Number _____

Has he/she any physical infirmity, or defective vision or hearing, or lost a limb or an eye? YES/NO. If so give details _____

Since when has he/she been licensed to drive? _____ Date test passed _____

Has he/she been convicted of any motoring offences? YES/NO. If so give details _____

5 THE OCCURRENCE

Date of Theft _____ Time _____

Place: Street or Road _____ Town _____ County _____

To which Police Station was the Theft reported? _____

When was the Theft reported to the Police? Date _____ Time _____ (a.m./p.m.) Crime Book Ref. _____

By whom was the Theft discovered? _____

Was the vehicle locked and the ignition key removed prior to the Theft? YES/NO

State the precise purpose for which the vehicle was being used (The word PRIVATE is not sufficient) _____

State the circumstances in which the Theft occurred _____

Has the vehicle recently been offered for sale? YES/NO

6 IF THE VEHICLE HAS BEEN FOUND AND HAS SUSTAINED DAMAGE (please complete the following)

Where was the vehicle found? _____

Was the vehicle found by Police? YES/NO If NO, by whom, please state their Name and Address _____

Have Police charged any person(s) in connection with the theft? YES/NO. If YES, state the name and address of person _____

Details of Damage _____

Where may our Engineer inspect the vehicle? _____

Is the vehicle there now? YES/NO

Please continue overleaf.

SECTION 6

6.0 DRIVER'S HOURS

- 6.1 There are three elements to this section; general guidance, British Domestic Regulations and European Community Drivers Hours Regulations (Reg 3820/85/EEC).
- 6.2 General guidance From the information given in the following section that currently applies (December 1994) it can be seen that the regulations, both domestic and EC, have little impact on minibuses small bus permit operation, ie vehicles with 16 or fewer passenger seats. However, the fact that there is little regulation to comply with does detract in any way from the serious consideration of drivers' hours.
- 6.2:1 Driver fatigue has been shown to be a key factor in a significant number of road accidents and it is important that drivers are alert and fit to drive and that the demands made upon them before driving and between driving are taken into account. Where activities are being undertaken at the end of the school day careful account should be taken of the workload of the driver prior to driving and the supervision demands between any outward and return journey. Except for short, local journeys, driving and supervision should be shared whenever possible by at least two persons.
- 6.2:2 Where a journey will approach or reach the EC maximum driving time without a break of 4½ hours, the start time and workload of the driver during the day, prior to starting the journey, should reflect the planned driving demands. Where an evening out and return journey reach or approach this figure, with supervision demands in between, then serious consideration should be given to the sharing of the driving and/or the supervised elements of the visit.
- 6.3 Domestic regulations (Transport Act 1968, Modification Order SI 1971 No.818). Minibuses of 16 or fewer passenger seats come within the scope of the British domestic regulations although vehicles with 12 or fewer seats are exempt from the requirement unless they are full public service vehicles. School and Youth Service vehicles will therefore only be covered by these domestic regulations if they have 9-16 passenger seats and are being operated under a small bus permit as described in Section 4 of this guidance.

EC regulations (3820/85) do not apply to small buses used wholly within Great Britain, only to large buses with over 16 passenger seats of which there are none in use in schools or the Youth Service. The British domestic regulations are as below:

- Maximum daily driving 10 hours
- Maximum driving time without a break 5½ hours (or 8½ hours if breaks aggregating 45 minutes are taken during that time)
- Minimum break period 30 minutes
- Minimum daily rest 10 hours reducible to 8½ hours on 3 occasions per week
- Minimum weekly rest 24 hours each fortnight

Breaks from Driving

The minimum break of 45 minutes which a driver must take after 4½ hours aggregate driving time may be split into shorter breaks of at least 15 minutes duration. However, drivers should not follow a 4½ hour driving period split in this way with 4½ hours uninterrupted driving since it could be held that they had not a break of at least 45 minutes after an aggregate of 4½ hours driving time (R v Mayfield Chicks 1989).

Daily Rest

The daily rest period of 11 hours may also be split to allow driver and passengers to take rest and refreshment at different locations. In this case the rest must be extended to 12 hours and include a block of eight hours.

Working Week

The working week for the purpose of both domestic and Community regulations is now a fixed week of seven days commencing at 0001 on Monday and finishing at 2359 on Sunday.

Emergencies

Stemming from the Transport Act S.96(10), emergencies are very precisely defined in the Drivers' Hours (Passenger Vehicles) (Exemptions) Regulations 1970 (SI 1970 No.145) as:

“Events which:

- a) cause or are likely to cause such:
 - i) danger to the life or health of one or more individuals, or
 - ii) a serious interruption in the maintenance of public services for the supply of water, gas, electricity or drainage or of telecommunication or postal services, or
 - iii) a serious interruption in the use of roads, or
 - iv) a serious interruption in private or public transport (not being caused by a trade dispute (within the meaning of the Trade Disputes Act 1960) involving persons who carry passengers for hire or reward), or
- b) are likely to cause such serious damage to property, as to necessitate the taking of immediate action to prevent the occurrence or continuance of such danger or interruption of the occurrence of such damage”

and this exemption from the hours rules allows drivers to deal with such events.

Unavoidable Delay

The Transport Act 1968 also makes provision for drivers to exceed the permitted hours in the event of what is described as an 'unavoidable delay'. In this case the reasons for the delay should be noted in the records being kept by the driver.

Under the Community regulations relating to national and international operations,

“provided that road safety is not jeopardised and to enable him to reach a suitable stopping place, the driver may depart from the provisions of the regulations to the extent that is necessary to ensure the safety of his passengers or the vehicle.”

The occurrence and the reason why the requirements were disregarded must be noted by the crew member on his tachograph chart.

It is important that the reasons for exceeding the hours regulations in such cases are entered on the driver's record.

Part time Drivers

Drivers covered by the United Kingdom domestic rules - Drivers' Hours (Passenger and Goods Vehicles) (Modifications) Order 1971 (SI 1971 No.818) and who drive every day (with an exemption made for two days full time driving) of a working week are not subject to any limitations on fortnightly rest or weekly duty (Transport Act 1968 S.96(7)).

6.4 European Drivers Hours Regulations (Reg 3820/85 EEC)

EC drivers hours regulation apply to any vehicle used on journeys outside Great Britain which has more than 8 passenger seats, irrespective of whether it is a permit vehicle or not. Such a vehicle used for an international journey must be fitted with a tachograph.

6.4:1 The EC regulations are, in principle, as given below:

- Maximum daily driving 9 hours, extendible to 10 hours on 2 days in the driving week
- Maximum weekly driving 6 daily driving periods
- Maximum fortnightly driving 90 hours
- Maximum driving before a break 4½ hours
- Minimum breaks after driving 45 minutes or other breaks of at 15 least minutes each
- Minimum daily rest 11 hours, reducible to 9 hours three times a week - compensation must be given before the end of the following week; alternatively 12 hours if split into 2 or 3 periods (one of which must provide at least 8 hours of continuous rest)

- Minimum weekly rest 45 hours, reducible to 36 hours at base or 24 hours elsewhere; reductions must be compensated by an equivalent period of rest taken before the end of the third week following the week concerned and attached to a daily or weekly rest period

Ferries

Under Community rules, if a vehicle is transported by ferry boat or train on an international journey the daily rest period may be interrupted on one occasion only, so that part of the rest may be taken on board the boat or train and part elsewhere. The interruption must be as short as possible and not more than one hour, to allow embarkation, disembarkation, customs, etc. During both portions of the rest period the driver must have access to a bunk or couchette and when so interrupted the rest period must be increased to two hours. Time spent on a ferry, boat or train not treated as rest may be regarded as a break.

6.4:2 Description and use of Tachographs

The tachograph is an instrument which automatically records:

- a) distance travelled by the vehicle;
- b) the vehicle's speed;
- c) driving time;
- d) periods of work of crew members;
- e) breaks in the working day and daily rest periods;
- f) the opening of the case containing the record sheet;





Further, it must:

- g) allow the driver to check that the trace on the chart is being produced;
- h) enable the last nine hours of driving time to be visible on the chart to an examiner without the need for any action by him or her other than opening the tachograph;
- i) be capable of recording four modes of driver time.

For vehicles used by a crew consisting of several members the equipment must allow the recording of time referred to under (c), (d) and (e) simultaneously and in a different way for two crew members on two separate sheets.

The instrument is driven either by the speedometer or electrically from a pick up in the transmission mechanism. It makes recordings with three styluses on a circular chart which is rotated once every 24 hours by a quartz clock mechanism. If the vehicle is stationary the three styluses make concentric circular traces.

When the vehicle moves, two of these automatically record speed and distance. The third stylus is controlled by the 'mode key' which the driver moves to different positions:

- a) driving 
- b) other period of work 
- c) rest or break 
- d) active work (this symbol is not used in Great Britain) 

When the vehicle is moving this stylus makes a thick band on the chart instead of a thin line.

Users' Responsibilities

The operator and *whoever drives the vehicle* must ensure that the tachograph equipment is in working order and that the seals remain intact. Seals may be broken only in cases of absolute necessity, which will have to be proved.

The instrument must be kept running continuously whilst the crew member is on duty.

The record chart which fits into the tachograph, is a personal log and the centre of this chart must be completed by each person driving the minibus. The driver must use a record chart on every day on which he or she is driving, starting from when the vehicle is taken over, and must not (unless authorised) withdraw the chart until the end of his or her daily working week. (NB: This removes any doubt about leaving a chart in the vehicle during daily rest, which is clearly unnecessary.)

Operators' Responsibilities

The operator must ensure:

- a) that sufficient charts are supplied to drivers for the operation involved bearing in mind that the charts are personal and may be damaged, become dirty or be removed by an authorised examiner;
- b) the charts issued are of an approved type and suitable for the instrument installed in the vehicle (charts are not interchangeable with the different makes of instrument);
- c) that drivers return completed charts within 21 days (a requirement under UK law);
- d) that completed charts are kept in good order for at least 12 months and are available for inspection by an authorised examiner;
- e) that copies of record sheets are given to drivers concerned who ask for them.

Operators are responsible for ensuring hours rules are observed.

Drivers' Responsibilities

The driver must:

- a) complete the centre field of each chart with the following details:
 - i) full name;
 - ii) date and place of commencement and finish of chart;
 - iii) registration number of each vehicle used;
 - iv) the odometer reading at
 - the start of the first journey recorded on the chart
 - the start and at the end of each working day
 - the end of the last journey recorded on the chart
 - if more than one vehicle is used during the working day, the respective readings on each vehicle
 - v) the time of any change of vehicle.

Note: each record chart is used only to record personal work of the driver to whom it is issued and he must transfer it to other vehicles which he drives during his working day;

- b) keep the instrument running continuously whilst he is responsible for the vehicle and by operating the mode switch ensure that the trace is recording driving, work and rest. Any time spent away from the vehicle must also be recorded;
- c) ensure that the time recorded on the chart agrees with the official time in the country of registration of the vehicle;
- d) be able to produce to an authorised inspecting officer charts for the current fixed week and for the last day of the previous week in which he drove. (Failure to return completed charts without a reasonable excuse within the time limit can incur a fine on summary conviction);
- e) be able to produce to an authorised examiner at any time during the prescribed period, each chart used in the tachograph. (The examiner may enter the vehicle and inspect the instrument and copy or remove any charts found therein);
- f) if the tachograph develops a fault or becomes inoperative, mark on the chart or a temporary chart attached to it all the relevant information required by the regulations;
- g) if a seal is broken, give the reason, in writing.

Dirty or damaged charts must not be used. If a chart is damaged in use a new chart should be used and attached to it at the day's end.

If a chart is *removed and retained* by a police officer or authorised examiner of the DTp a receipt should be obtained for it.

If the vehicle is *double manned* a two man tachograph will be required and each crew member must insert his own chart, with the driver's chart at the time he drives in the correct position for recording driving time.

Leaving/changing vehicles

At the end of a working period, unless the vehicle will not be moved in his absence, the driver is advised to remove his chart, and record his rest by either drawing a line across the face of the chart, or using the back of the chart. (Many charts now provide a time graph on the back for doing this.)

If a driver changes vehicles during a working day and his chart is incompatible with the tachograph in the new vehicle he should use a new, compatible chart, and attach this to the first chart at the day's end.

SECTION 7

7.0 EUROPEAN TRAVEL

- 7.1 There are strict regulations governing the use of minibuses on the continent and these vary between EC and non EC countries.
- 7.2 For the purposes of European travel a minibus is defined as being constructed and equipped with 9-16 seats, excluding the driver's seat, such vehicles are subject to the rules governing international bus and coach journeys, whether or not operated commercially.
- 7.3 In respect of the vehicles insured through the Council, the intention to take the vehicle abroad must be notified in advance to the Council's Insurance Section. Schools with vehicles insured with other companies are strongly advised to do the same. An international motor insurance card or 'Green Card' should be obtained to show evidence of comprehensive cover beyond the minimum.
- 7.4 Under the rules there are three categories of service; OCCASIONAL, REGULAR and SHUTTLE. For all practical purposes journeys made by schools and other organisations will be OCCASIONAL, ie excursion, tours and private hire. For example, a round trip back to the starting point and carrying the same group of passengers throughout is known as OCCASIONAL CLOSED DOOR TOUR.
- 7.5 Any tour which starts or finishes in a European Community (EC) member state is subject to EC regulations. Other tours between the UK and non-EC countries are subject to rules agreed by the European Conference of Ministers of Transport (ECMT). Other countries (eg in Eastern Europe or further afield) are covered either by bilateral agreements or by the domestic licensing laws of the countries concerned.
- 7.6 Currently EC and ECMT rules are harmonised for occasional closed door tours. They allow complete freedom of movement in Western Europe provided a control document known as a WAYBILL is carried.
- 7.7 If travelling through countries covered by EC and ECMT rules to Eastern Europe or further afield a waybill must be carried although it has no validity beyond the EC and ECMT countries. For other countries advice should be sought from the appropriate embassy or tourist office.
- 7.8 The new waybill is A4 format and is available in books of twenty-five from:

Confederation of Passenger Transport
London
Tel: 0207 240 3131

The book is valid for five years and covers any vehicle operated by the person to whom the book is issued. The book is not transferable.

- 7.9 Before starting an international journey a waybill for each vehicle must be completed, the top copy being carried on the vehicle and shown on demand. This exempts the vehicle from any EC or ECMT licensing laws.
- 7.10 In addition, each vehicle must carry a MODEL CONTROL DOCUMENT, which is a set of translations of the instructional sheets from the book of waybills. The document is also available from the Bus and Coach Council.
- 7.11 Schools wishing to make one journey with one vehicle can obtain from the Bus and Coach Council a single waybill and model control document.
- 7.12 Current costs of Waybills and Control documents are (July 94):
- One individual waybill for International Service £5.50 + 0.96 VAT = £6.46
 - Book of 25 waybills for International Service £8.60 + 1.51 VAT = £10.11
 - One copy of the Model Control Document £4.40 - no VAT

Cheques should be made payable to the Confederation of Passenger Transport and sent to the above address. For further advice contact Department of Transport on 0207 676 2773.

- 7.13 Mere completion of a waybill does not permit the use of spare seats by additional passengers eg by members of the host group while abroad. To do this an INTERNATIONAL PASSENGER TRANSPORT AUTHORISATION (IPTA) must be obtained for each country where additional passengers may be carried. An IPTA can be obtained from:

Room S/17/10
 Department of Transport
 2 Marsham Street
 LONDON
 SW1

Please note that operating an occasional journey without a properly completed waybill is an offence and carries in the UK a maximum penalty of £400.

- 7.14 Additional documentation and Regulations

The full British driving licence is valid in most European countries. Italy requires a translation, obtainable from the AA or RAC if the driver is a member or from the Italian State Transit Office.

An international driving permit is needed in addition to the licence in many countries including Hungary, Morocco, Poland, Turkey and the former USSR. It is also recommended in Spain and can be obtained from the AA or RAC.

A bail bond is necessary for Spain where the alleged guilty party in an accident is liable to imprisonment unless a deposit is paid to cover liability or fine. A carnet may be required for some countries outside of Western Europe and certainly in Eastern Europe and Africa. It avoids the payment of import duty and can be obtained through AA or RAC.

It is advisable to carry a copy of the vehicle registration documents with the vehicle or, if the vehicle is hired, a copy of the vehicle registration documents and the vehicle owner's written permission, allowing the vehicle to be taken abroad. In addition, the vehicle must carry a GB plate of the approved oval type with black letters on a white background.

Left dipping lights are not permitted on the Continent. There are various ways of adapting the lights to right-dipping eg. beam deflectors or replacement bulbs.

Additional equipment eg. warning triangle and spare bulbs are a requirement in most European Countries.

7.15 Drivers Hours abroad

The rules governing drivers' hours abroad differ from those for full internal UK use and are outlined in Section 6 of the guidance Drivers Hours.

A record of hours driven must be kept and all vehicles with 9 or more seats (excluding the driver) must be fitted with a tachograph when used in any other EC country (excluding Eire). Section 6 of this guidance provides further information on Tachographs.

Check List

- ***The above information is intended as a framework for the process of taking a minibus abroad. Further information is available from:***

Department of Transport leaflet 'Taking a Minibus Abroad'. Available from Department of Transport, 2, Marsham Street, London, SW1P 3EB or the Manchester Traffic Commissioners office.

Document PSV 375 Drivers Hours Rules for Road Passenger Vehicles available from the same address.

The Croner Guide to Bus and Coach operation which gives further general detail and information on individual country requirements, a copy of which is held by the LEA Transport and Welfare Section.

The Council's Insurance Section in terms of insurance requirements for those vehicles insured through the Council.

CONTACT NAMES AND ADDRESSES

Driver Enquiry Unit

DVLA
Tel: 01792 772151

North Western Traffic Commission

Portcullis House
Seymour Grove
Stretford
Manchester
M16 0NE

Tel: 0161 886 4000

Department of Transport

2 Marsham Street
London
SW1P 3EB

Wirral Advanced Motorists

c/o The Oatlands
Village Road
West Kirby
CH48 7HN

ROSPA

Cannon House
The Priory
Queensway
Birmingham
B4 6BS

Bus and Coach Council

Sardina House
52 Lincoln Inn Fields
London
WC2A 3LZ
Tel: 0207 831 7546

Metropolitan Borough of Wirral contacts:

Road Safety Unit

Birkenhead Town Hall
Tel: 647 7000, ext 4005

Health & Safety Officer
Children & Young People's Department

Tel: 0151 666 5602/5603

LEGISLATION REFERENCES

Acts

Public Passenger Vehicles Act 1981

Transport Act 1985:

- Sections 18-21: vehicles in use under minibus permits
- Sections 22-23: vehicles in use under community bus permits

Regulations on minibus and large bus permits and their use

The Minibus and Other Section 19 Permit Buses Regulations 1987 (SI 1987/1230)

The Section 19 Minibus (Designated Bodies) Order 1987 (SI 1987/1 229)

The Transport Act (Commencement No.7) Order 1987 (SI 1987/1 228 (c.34))

The Section 19 Minibus (Designated Bodies)(Amendment) Order 1990 (SI 1990/1708)

Construction and Use of Minibuses

1. Vehicles first registered before 1 April 1988

The Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977 (SI 1977/1203) amended by Sis 1980/142, 1981/1599, 1982/1484 and 1986/1813 Regulations 5-28.

2. Vehicles first registered on or after 1 April 1988

The Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1708) Regulations 41-43 as amended by SI 1989/2360.

- The Public Service Vehicles (Carrying Capacity) Regulations 1984 (SI 1984/1406)
- These regulations, currently in force, apply equally to vehicles first registered prior to 1 April 1988

Construction and Use of Large Buses

The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 (SI 1981/257, as amended by Sis 1982/20, 1982/1058, 1982/1482, 1984/1763, 1986/1812 and 1989/2359).

The Public Service Vehicles (Carrying Capacity) Regulations 1984 (SI 1984/1406)

Drivers' Hours

1. EC Rules

EC Regulation 3820/85 on drivers' hours

EC Regulation 3821/85 on tachographs

The Drivers' Hours (Harmonisation with Community Rules) Regulations 1986
(SI 1986/1458)

The Community Drivers' Hours and Recording Equipment (Exemptions and
Supplementary Provisions) Regulations 1986 (SI 1986/1456)

The Community Drivers' Hours and Recording Equipment (Exemptions and
Supplementary Provisions) (Amendment) Regulations 1988 (SI 1988/760)

2. AETR Rules

European Agreement concerning the work of crews on vehicles engaged in International
Road Transport (AETR) (Cmnd. 7401) (as amended by Cmnd. 9037)

APPENDIX 1

Sample forms for:

Daily Running Check

Vehicle Safety Inspection

Vehicle Defect Report Form

Journey Record Form

SCHOOL: _____

NOMINATED VEHICLE HOLDER: _____

DAILY RUNNING CHECK RECORDING FORM FOR MINIBUS REG NO.: _____

Hired/owned

(if hired name of Hire Company _____)

Use one line per journey to confirm that all checks have been carried out to your satisfaction. If defects are found on any items a YES should be placed in the last column and the defect report form completed. The named vehicle holder should be informed.				
CHECK LIST	DATE	Signature Of Driver	Second signature If check carried out by more than one person	Defect found Yes/No
SCREEN WASHER Check and refill as required				
ENGINE OIL Check and refill as required				
RADIATOR Check and refill as required				
BRAKE FLUID Check and refill as required				
CLUTCH FLUID Check and refill as required				
FUEL Check and refill as required				
FUEL TANK CAP Check and refill as required				
GLASS AND MIRRORS Check ????????????????				
LIGHTS Check clean and working				
WHEELS AND TYRES Visual check, tread depth and inflation				
SEAT BELTS Check condition and security				
BODY AND DOORS Check security including emergency exits				
TAIL LIFTS/RAMPS, WHEELCHAIR FITTINGS Check security, condition and operation				
ROOF RACK/LADDER Check condition and security				
VEHICLE DOCUMENTATION Check and complete				
STEERING, FOOTBRAKE, HANDBRAKE Check before reaching highway				
CHECK SEAT POSITION AND MIRROR				
ALLOW TIME TO SETTLE BEFORE MOVING OFF				

SCHOOL: _____

NOMINATED VEHICLE HOLDER: _____

VEHICLE SAFETY INSPECTION FORM FOR MINIBUS REG NO.: _____

Hired/owned

(if hired give name of Hire Company _____)

TO BE COMPLETED WEEKLY

<p>CHECK LIST</p> <p>ALL ITEMS ON DAILY RUNNING CHECK</p>	<p>Use one line per week to confirm that all checks have been carried out to your satisfaction. If defects are found then a YES should be placed in the last column and the defects MUST be rectified as soon as possible by the named vehicle holder.</p>			
	<p>DATE</p>	<p>NAME</p>	<p>SIGNATURE</p>	<p>DEFECTS FOUND YES/NO</p>
<p>GENERAL CHECK FOR LOOSE, LEAKING OR DAMAGED COMPONENTS</p>				
<p>GENERAL BODYWORK CHECK</p>				
<p>ELECTRICAL CHECK</p>				
<p>SEATS – CONDITION AND SECURITY</p>				
<p>SEAT BELTS – CONDITION AND OPERATION</p>				
<p>ROOF RACK – SECURITY</p>				
<p>TOW BAR – SECURITY</p>				
<p>FIRST AID KIT – CHECK CONTENTS</p>				
<p>FIRE EXTINGUISHER – CHECK SEAL AND SECURITY</p>				
<p>VEHICLE TOOLS, TORCH AND SPARE WHEEL</p>				
<p>DOCUMENTATION KEPT WITH VEHICLE</p>				

SCHOOL: _____

NOMINATED VEHICLE HOLDER: _____

DEFECT RECORDING/REPORTING FORM FOR MINIBUS REG NO.: _____

Hired/owned

(if hired name of Hire Company _____)

TO BE COMPLETED FOR ALL DEFECTS

MILEAGE	DATE	FAULT/DEFECT DESCRIPTION	REPORTED BY (Name)			FAULT RECTIFIED MILEAGE/DATE	MEANS OF REPAIR BY NAMED VEHICLE HOLDER BY NOMINATED PERSON BY GARAGE OTHER - SPECIFY	SIGNATURE OF NAMED VEHICLE HOLDER OR NOMINATED PERSON

Vehicle details Please fill in this section **only** if you are applying for a **large bus permit**. If **not**, please go on to the next section.

6 If you are going to use only hire vehicles, please tick the box and go on to the next section.
If **NOT** please fill in **this section first**.

7 Have you already got your vehicle? Yes No

- If **Yes**, please fill in questions 8 - 10.
- If **No**, please tell the Traffic Area Office when you get one.

8 No. of passenger seats (*delete as appropriate) Single / Double decker*

9 Name and address of person(s) or garage etc. who will maintain and service the vehicle

 Postcode

- Please attach a written maintenance contract or letter of agreement from the person or garage doing the work.

10 How often will safety checks be made on the vehicle?

	Weeks	Miles
	<input type="text"/>	<input type="text"/>

Declaration

- I am authorised by the body applying for this permit to make this declaration on behalf of its members (or the members of the local branch or group named in the application).
- The body will operate under this permit within the terms of sections 19 to 21 of the Transport Act 1985 and any regulations made under these sections

The body will make proper arrangements so that any vehicle used under the permit:

- will comply with the appropriate construction requirements and conditions of fitness;
- will be kept fit and serviceable and regular maintenance inspections will be carried out;
- will be properly insured for the uses authorised by the permit.

Drivers will:

- report mechanical faults in vehicles as soon as possible and get them put right promptly;
- be either over 21 years of age and hold a full (not provisional) driving licence or the holder of a PSV driver's licence. If the vehicle has manual transmission the full driving licence must be in group A and the PSV drivers' licence must be in class 1.

I enclose a fee of £ (cheques made payable to the Traffic Commissioner)

Signed Date

Name (capitals) Position held

Now send this form to the Traffic Commissioner for the Traffic Area in which the body is based.

Using a vehicle to carry passengers for hire or reward other than as authorised by your permit, or operating the vehicle with the intention of making a profit, either directly or indirectly, is against the law. A false statement made in order to get a permit is also a criminal offence.

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SAMPLE OF SMALL BUS PERMIT AND DISC

Permit No. _____

PSV 370

Department of Transport
Transport Act 1985: Section 19
Small Bus Permit

This permit is granted under section 19 of the Transport Act 1985 in accordance with the provisions of The Minibus and Other Section 19 Permit Buses Regulations 1987 and, subject to the conditions specified below, it is issued to _____ authorising the use of one vehicle with seats for more than 8 but not more than 16 passengers to carry passengers for hire or reward in compliance with section 19 of that Act and with regulations made under section 21 of that Act.

The conditions referred to above are:

1. Any vehicle being used under this permit shall display disc No. _____
2. Only passengers of the following classes shall be carried (tick as appropriate):
 - a. Members of the body holding the permit;
 - b. Persons whom the body exists to help, and persons assisting them;
 - c. Persons who are physically or mentally handicapped or seriously ill, and persons assisting them;
 - d. Pupils or students of any school, college, university or other educational establishment and staff or other helpers accompanying them;
 - e. Other (please give details here): _____

Your attention is drawn to the following legal provisions:

1. Any vehicle being used under the permit must comply with the conditions of fitness prescribed under section 21 of the Transport Act 1985 and in regulation 9 of the Minibus (Permits) Regulations 1987.
2. Any person driving the vehicle when being used under the permit must be either over 21 and hold a full driving licence or the holder of a PSV driver's licence. If the vehicle has manual transmission the full driving licence must be in group A and the PSV driver's licence must be in class 1.
3. This permit does not authorise the carriage of passengers for hire or reward with a view to profit, or incidentally to an activity which is itself carried on with a view to profit, or in any circumstances other than those permitted by section 19 of the Transport Act 1985.
4. Any vehicle being used under this permit must be fully insured for the purposes authorised by the permit.

Signed _____ Date _____
On behalf of and with the authority of (designated body or Traffic Commissioner)

Warning: Use of a vehicle being operated under this permit to carry passengers for hire or reward other than as authorised by this permit can lead to prosecution for offences under the Public Passenger Vehicles Act 1981.

PSV 370 (1/87)

00001

ISSUED TO: _____

ISSUED ON: _____

TO BE USED IN CONJUNCTION WITH SMALL BUS PERMIT NO: _____

FOR PASSENGER CLASSES: _____

Detach the disc from the surround

Display the disc in the vehicle where it can easily be read

PSV370A