



Department
for Education

Advice on Driving School Minibuses

**For school employers, headteachers and
other school staff**

April 2013

About this departmental advice

1. This is non-statutory advice jointly produced by the Department for Education (DfE), the Department for Transport (DfT) and the Association of Chief Police Officers (ACPO) on driving licence entitlement when driving a school minibus.

What the law says

2. This advice does not constitute legal advice nor is it a ruling on the law: individual schools etc should seek independent legal advice on these issues if they have any queries or concerns. The relevant legislation is [Part III of the Road Traffic Act 1988](#) and the [Motor Vehicles \(Driving Licences\) Regulations 1999 \(SI 1999/2864\)](#).

Expiry / review date

3. This document replaces the relevant section of the DfE health and safety departmental advice. It will be reviewed should the law change.

Who is this advice for?

4. This advice is for:
- School employers including local authorities, governing bodies, academy trusts and proprietors, and
 - Headteachers and other school staff.

This advice may also be of interest to local authority youth workers and charitable groups working with young people.

Key points

5. There are circumstances in which a member of school staff with a car driving licence (category B) can drive a minibus. This licence entitlement is set out here and in an interactive [flowchart](#) on the DfT website. Schools are also advised to check their insurance and any employer's policies on this matter.

6. There is also an exemption under which drivers can drive minibuses on behalf of non-profit making bodies such as schools using a Section 19 permit. If schools are in any doubt about their legal position they are advised to apply for a permit.

Driving a school minibus

What is a minibus and who can drive one?

7. A minibus is a motor vehicle with between 9 and 16 passenger seats¹. It is described as a category D1 vehicle by the Driving Vehicle Licencing Authority.

8. Minibuses can be driven by drivers who have passed their category “D1 not for hire or reward” test and hold a full D1 (or D) entitlement for profit or for social purposes.

9. There are, however, circumstances when a driver can drive a minibus within the UK when they hold a car (category B) licence. These circumstances vary depending on when the driver passed their car driving test. These arrangements only apply when driving the minibus in the UK not if driving abroad.

a) **If you passed your category B (car) driving test before 1 January 1997**, you can drive a minibus that is not being used for *hire or reward* as these licences automatically include category D1 - 101 (not for hire or reward) entitlement². This means school staff with such a licence can drive a minibus carrying up to 16 passengers with no maximum weight restriction on the vehicle as long as they do not tow a trailer.

b) **If you passed your category B driving test on or after 1 January 1997**, you may drive a minibus that is not being used for *hire and reward* if the following conditions are met:

- you are over 21 and have held a category B licence for at least 2 years;
- the minibus is used by a non-commercial body³ for *social purposes*;
- you receive no payment other than the recovery of your *out of pocket expenses* (e.g. fuel and parking costs);
- you provide the service on a *voluntary basis*;
- the maximum unladen weight⁴ of the minibus is not more than 3.5 tonnes (or 4.25 tonnes if including any specialist equipment to carry disabled passengers); and
- you do not tow a trailer.

¹ The driver's seat does not count for these purposes.

² Drivers who have renewed their licence (e.g. when a photo licence is issued) should check that this entitlement has been retained.

³ Maintained schools, free schools and academies are considered non-commercial bodies, as are independent schools holding charitable status.

⁴ The weight of the vehicle (sometimes known as the Maximum Authorised Mass or MAM) is shown on a metal or plastic plate situated in the engine shell or on a door pillar. At least three manufacturers are currently making lightweight minibus models of 3.5 tonnes or less which are available in the UK.

What is hire and reward?

10. A vehicle which is operated for hire or reward is one where the passengers pay a fare to use the vehicle. A minibus is not being used for hire or reward where the pupils are not obliged to pay in exchange for the right to be passengers. This also applies to independent schools with charitable status, free schools and academies, where the minibus is not used for a passenger service on a commercial basis but to take pupils off-site for curricular purposes. Independent, fee-paying schools which lack charitable status could be viewed as commercial bodies and so we advise such schools to seek legal advice.

11. If schools (or their insurers) are concerned that they may not meet the definition of not operating for hire and reward they are advised to consider applying for a Section 19 permit (see below).

What are social purposes?

12. Social purposes are defined as non-commercial activities. This includes school trips and travel to sporting fixtures within the school day or as an extra-curricular activity. Non-commercial activities do not fall into the definition of hire and reward.

13. Where a minibus is operated for commercial purposes the driver must hold the full D1 (or D) licence. If the vehicle is being used for hire and reward, the driver triggers other legal requirements (for example the laws on drivers' hours, tachographs, medical checks and Certificates of Professional Competence).

What are Out of Pocket Expenses?

14. Out of pocket expenses are remuneration for any fuel costs, parking fees, toll fees or similar expenses incurred as part of a trip. The driver should receive no other payments for driving the minibus.

15. In our view, if the terms and conditions of a teacher's contract of employment state that driving minibuses is part of their duties, such staff would be deemed as receiving payment for driving a minibus. In these cases a D1 licence would be needed. However in our view, if a driver takes pupils on trips, or to social / sporting events, on a **voluntary basis** this would be classed as *incidental* to their employment contract and would not be deemed to be receiving payment for driving the minibus, even if the journey is made within the school day. In this case the category B licence would suffice (assuming the conditions are met) even if parents are making a contribution to cover fuel, parking and tolls.

Medical standards and renewing a driving licence

16. When your category B driving licence expires at age 70, the entitlement to drive a minibus can be renewed upon request, if you meet the medical standards for category D1 drivers. You will need to complete a D2 application form and provide a Medical Examination Report (D4). Further information can be obtained from the DVLA's INF28 leaflet, [Driving a Minibus](#).

17. Every driver must comply with medical standards for any driving licence issued.

Driving under the Section 19 permit scheme

18. A Section 19 permit is usually issued free of charge and is given to non-profit making bodies⁵ that run transport services which benefit the community. This permits category B licence holders to drive minibuses operated for hire or reward. The same driving licence requirements as described in paragraph 9 apply.

19. Permits are available free, or for a small fee, from [Traffic Commissioners](#) and designated bodies such as local authorities and various church organisations. Once a permit has been obtained, a member of staff can drive a minibus under the conditions outlined above. These permits only apply within the UK.

Insurance and police

20. It is up to drivers to check with their insurer whether their insurance policy covers a minibus in the circumstances in which it is proposed to be driven.

21. This guidance has been cleared by the ACPO who will promote awareness of this legislation amongst local traffic police officers.

⁵ Examples of such non-profit making bodies are volunteer groups concerned with education, religion, social welfare, recreations and other activities that are beneficial to the community. Schools would fall within this classification.

Frequently Asked Questions

Question: We are taking a small group of pupils on a school trip and asking for a contribution toward petrol costs. Does this constitute hire and reward?

Answer: Petrol costs would come under the definition of “out of pocket expenses” and would not be seen as hire or reward.

Question: Do staff need MIDAS⁶ training?

Answer: The MIDAS scheme allows organisations to assess and train minibus drivers and is highly recommended for school staff driving on a category B licence. Although the scheme is not mandatory there are many advantages to successful completion of the training. Drivers will feel more confident in their ability to drive and valuable experience of driving a minibus is gained, increasing competence. Some employers may require drivers to have taken this training and some insurance companies may offer lower premiums based on drivers having completed the training.

Question: How does the status of the school affect the teacher’s right to drive under the above derogations (usually in Charitable Trusts, Private Schools)?

Answer: The right to charitable status for a fee paying school is determined by a number of criteria, one of which is how the school will work with the local community. It is arguable that a fee paying school which does not have charitable status operates as a business rather than on a community basis and as such their teachers would be driving minibuses on a “hire and reward” basis. Schools without charitable status are advised to seek legal advice. (Academies and free school have charitable status.)

Further sources of information

- The DfT website has an interactive [flowchart](#) to help drivers identify whether or not they meet the conditions to drive a minibus.
- All drivers should be familiar with the [Highway Code](#).
- Further details of [exemptions and permits](#).
- Schools may also like to consult [The Outdoor Education Advisers’ Panel website](#).

⁶ MIDAS is the Minibus Driver Awareness Scheme (organised by the Community Transport Association U.K.) which promotes a nationally recognised standard for the assessment and training of minibus drivers.



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