

## CHARITIES AND MINIBUS LAW

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Charitable and voluntary and independent bodies and their volunteers that run a minibus service for disadvantaged folk do a great job. The activity is regulated by law, which is not always so well known, and in view of the nature and vulnerability of the passengers, e.g., disabled, elderly, children, a very high responsibility rightly rests upon those concerned.

The minibus requires a permit, a section 19 permit: see Transport Act 1985 s.19 and The Minibus and Other Section 19 Permit Buses Regulations 1987 SI 1230. A minibus is defined as a small bus, i.e., a vehicle adapted to carry more than eight but not more than sixteen passengers, excluding the driver. The passengers may be seated or in wheelchairs.

The minibus body may not offer a service to the general public nor advertise for that purpose. The minibus may not be run for "hire or reward", although a contribution to running expenses, e.g., x pence per mile and depreciation and administration expenses is lawful.

The permit may be issued by the Traffic Commissioners and by any designated body, such as a local authority, or one of many national voluntary bodies: The Section 19 Minibus (Designated Bodies) Order 1989 SI 1229, as amended 1990 SI 1708.

A separate permit is required for each vehicle (Transport Act 1985 s.19(9)) and is issued in the name of the operator and the driver.

The driver must be at least 21 years of age and the holder of a full driving licence. Neither the operator nor the driver requires a public service vehicle: PSV licence regulation 3.

Whilst being used, the vehicle must display the permit disc so as not to interfere unduly with the driver's view and to be easily read in daylight from the outside of the vehicle: regulation 6(4).

Naturally, the vehicle must be insured. The use of the minibus without the consent of the owner or beyond the purpose and scope of the consent of the owner can lead to uninsured use, a criminal offence, and risk for the passengers. For a detailed study of the Road Traffic Act 1988 s.151, and the European dimension, see *Using a motor vehicle without insurance*, Guy O.A. James (1990) 134 SJ

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1018-1020, 1064-1066. There are some specialist insurers, and consultants, such as Bernard J Knibbs Ltd, who have funded community transport activities.

It seems that although a PSV licence is not required by the minibus it nonetheless ranks as a public service vehicle for the purposes of the Sporting Events (Control of Alcohol, etc) Act 1985 s.1 so that intoxicating liquor may not be carried on a journey to or from a designated sporting event.

The minibus must be fit for use under the Road Vehicles (Construction and Use) Regulations 1986 SI 1078 or, if used before 1st April 1988, the Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977 SI 1203, as amended 1980 SI 142, 1981 SI 1599 and 1982 SI 1484.

The vehicle must not be left with the engine running, but if the vehicle is safely parked there is an exception in the case of the use of a passenger lift (to prevent undue burden upon the batteries). There is a Code of Practice on the Safety of Passengers in Wheelchairs on Buses, Department of Transport VSE 87/1, giving guidance on safety for the carriage of passengers in wheelchairs.

Going abroad may pose problems because of the requirements of varying state laws. A European Union directive is expected soon, which will dispense with any requirement for a second driving test if the driver conforms to English law.

### **Information**

Information and advice may be obtainable from the Department of Transport, the transport department of the local authority, the motoring organisations, and the Community Transport Association CTA, Highbank, Halton Street, Hyde, Cheshire, SK14 2NY (061 351 1475) - which publishes some most informative and comprehensive guides - and from solicitors.