

## Transportation Policy and Legal Requirements

(Setting name) takes the safety of children seriously and realises the responsibilities required when transporting children. We will ensure all legal requirements are met.

### Cars

- We will ensure that there is one seat per child
- The vehicle will have a valid M.O.T. certificate.
- The vehicle will have a working fire extinguisher.
- The vehicle will carry a first aid kit.
- We will ensure that no side facing seats are used.
- The setting will be insured for liabilities to third parties, (which covers passengers in the vehicle).
- The driver will hold a full licence.
- If there are four children or more then, at least one non-driving escort will be in the vehicle.
- We will obtain written permission from parents prior to transporting children.
- All transportation used by (setting name) will be covered for business use insurance.

### Minibuses

- We will ensure that there is one seat per child.
- All seats will be equipped with appropriate seat belts.
- The vehicle will have a valid M.O.T. certificate and appropriate insurance.
- The vehicle will have a fire extinguisher and first aid kit.
- Section 19 (Local Authority driving permit) will be obtained if appropriate.
- The driver will hold a pre 1997 driving licence with valid Category D1 authority, unless Section 2 applies. (Please see below).
- If there are four children or more then, at least one non-driving escort will be in the vehicle.
- We will obtain written permission from parents prior to transporting children.
- All transportation used by (setting name) will be covered for business use insurance.

### Seat belts - Legal requirements

	Front Seat	Rear Seat	Who is responsible?
<b>Child up to 3 years old</b>	Correct child restraint <b>MUST</b> be used.	Correct child restraint <b>MUST</b> be used.  If a restraint is not available in a licensed taxi/private hire vehicle, the child may travel unrestrained.	<b>Driver</b>
<b>Child from 3rd birthday up to 135cms in height (approx 4' 5") (or 12th birthday whichever they reach first)</b>	Correct child restraint <b>MUST</b> be used.	<b>Where</b> seat belts are fitted, the correct child restraint <b>MUST</b> be used. The child must use adult belt if the correct child restraint is not available as follows:	<b>Driver</b>

		<ul style="list-style-type: none"> <li>- in a licensed taxi or private hire vehicle; or</li> <li>- for a short distance in an unexpected necessity; or</li> <li>- two occupied child restraints prevent fitment of a third.</li> </ul> <p>A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.</p>	
<b>Child over 1.35 metres (approx 4' 5") in height or 12 or 13 years old</b>	Seat belt <b>MUST</b> be worn if available.	Seat belt <b>MUST</b> be worn if available.	<b>Driver</b>
<b>Passengers aged 14 years old and over</b>	Seat belt <b>MUST</b> be worn if available.	Seat belt <b>MUST</b> be worn if available.	<b>Passenger</b>

*Reproduced from The Highway Code*

In almost all cases, every child up to 135cms (4' 5") or the age of 12 (whichever is reached first) must use a child restraint **and** drivers may not carry children as passengers just in seat belts.

Rear-facing baby seats **MUST NOT** be used in a seat protected by a front air-bag unless the air-bag has been deactivated manually or automatically.

### Driving a Minibus – Legal Information

This section explains the licensing position of drivers of **minibuses** not used for hire or reward. It also explains the position for holders of **minibus and community bus permits**. DVLA Information Leaflet INF28 covering this subject is available for download [here](#).

1. [Driving licences held before 1 January 1997](#)
2. [Drivers who do not have minibus entitlement \(Category D1\)](#)
3. [Minibus and Community Bus Permits](#)

#### **1. Driving licences held before 1 January 1997**

If you had entitlement to drive cars prior to 1 January 1997 - shown as group A (B for automatics) on an old style green or pink licence or as category B and D1 **not for hire or reward** on a pink and green or photo card licence - you can drive a minibus provided:

You are 21 or over, the minibus has a maximum of 17 seats including the driver's seat and is not being used for hire or reward.

To drive a minibus which has 9 or more passenger seats for **hire or reward** you will normally need passenger carrying vehicle entitlement [**PSV**] (category D1 or D). To obtain this you must meet higher medical standards and take a further driving test.

**Hire or reward encompasses any payment in cash or kind by (or on behalf of) passengers which gives them a right to be carried.**

However, if you drive a minibus for an organisation under the minibus or community bus permit scheme, you will **NOT** need a category D1 or D licence even if a charge is made to passengers - please see the section on these pages covering minibus and community bus permits.

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### **New rules from 1 January 1998**

Your minibus entitlement will remain valid in the UK and on temporary visits abroad until your licence is next **renewed**. When your licence is renewed, your minibus entitlement (D1 and D1+E not for hire or reward) can only be issued if you make a special application which will involve meeting higher medical standards.

If your minibus entitlement is renewed you will normally be granted a D1 and D1+E licence for 3 years which will allow you to drive minibuses, not for hire or reward, in the UK and on temporary visits to other EC/EEA countries. See below for more details about driving abroad.

If your minibus entitlement is not renewed, categories D1 and D1+E will no longer appear on your licence. **However if you are aged under 70 years, you may still be able to drive minibuses in certain circumstances. The rules explained in [Section 2](#) will also apply to you.**

Drivers whose licences are due for renewal will receive advice about these new procedures with their renewal reminder letter.

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### **Medically Restricted Licences**

In general, car licences have to be renewed when drivers reach the age of 70 but younger drivers with restricted medical licences will also be affected by the new rules when their licences are renewed after 1 January 1998. If you have a medically restricted licence you should note that entitlement to drive non-commercial minibuses on a voluntary basis will NOT be subject to the higher standards until you reach the age of 70. The rules (listed at car licences first obtained after 1 January 1997) will also apply to you.

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### **2. Drivers who do not have minibus entitlement (Category D1)**

If your driving licence does not allow you to drive minibuses, there are certain circumstances where you still may be able to do so.

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

- i) You drive on behalf of a non commercial body for social purposes but not for hire or reward, unless operating under a permit;
- ii) You are aged 21;
- iii) You have held a car (category B) licence for at least 2 years;
- iv) You are providing your service on a voluntary basis; **and**
- v) The minibus maximum weight is not more than 3.5 tonnes excluding any specialist equipment for the carriage of disabled passengers. Minibuses up to 4.25 tonnes will be permitted in certain circumstances.
- vi) If you are aged 70 and over, you are able to meet the health standards for driving a vehicle (i.e. minibus) which comes within the D1 class;

When driving a minibus under these conditions you may not receive any payment or consideration for doing so other than out of pocket expenses or tow any size trailer; you may only drive minibuses in this country.

Drivers aged 70 or over will need to make a special application which involves meeting higher medical standards.

### Maximum authorised mass and specialist equipment

The maximum weight of a vehicle that may be used on the road is known as the **maximum authorised mass (MAM)**. It may also be described as the gross vehicle weight or permissible maximum weight. This is normally shown on a plate fitted to the vehicle.

There is no specified method of calculating the weight of specialist equipment such as tail lifts or wheelchair security fittings, but there is an allowance of 750kgs for the extra equipment for minibuses which are intended for the carriage of passengers with disabilities or wheelchair users. **This would cover minibuses with a MAM of 4.25 tonnes and would be comparable with the weight threshold which new drivers of cars/light goods vehicles are permitted to drive.**

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### 3. Minibus and Community Bus Permits

Minibus and Community Bus Permits are issued to organisations concerned with education, religion, social welfare, recreation or other activities of benefit to the community.

**Minibus Permits** allow certain organisations to make a charge without having to comply with the full public service vehicle operator licensing requirements and without the need for their drivers to have PCV (category D1 or D) entitlement. The service must be provided for their own members or for groups of people whom the organisation serves. The service must not be provided to members of the general public and the charges made must be on a non-profit basis. **Community Bus Permits** are issued to bodies wishing to run a local bus service on a voluntary non-profit basis using unpaid volunteer drivers. Members of the general public can be carried in the minibus.

**If you had entitlement to drive cars prior to 1 January 1997 you will continue to be able to drive minibuses under the permit schemes, provided your entitlement to drive minibuses (Category D1, not for hire or reward) remains in force. New drivers who passed their car test (category B) on or after 1 January 1997 may also drive a permit minibus provided the driver licensing conditions at [Section 2](#) are met.**

**[Further information is available in the booklet 'Passenger Transport Provided by Voluntary Groups' available from traffic area offices.]**

*This policy has been adopted by (setting name)*

*Signed on behalf of the setting by:*

..... *Chairperson/owner (delete as appropriate)*

..... *Secretary/manager (delete as appropriate)*

Date:

Review Date: