

## Driver Licensing for Minibuses

### Summary

As a minibus owner or hirer it is essential that you check that your drivers are licensed to drive minibuses. This generally depends on when they passed their UK car driving test:

- **Before 1997:**  
These drivers can drive minibuses as they automatically received D1 entitlement when they passed their test. Complications usually only arise if a driver has a medically restricted licence, passed their test abroad or has reached the age of 70.
- **1997 onwards:**  
These drivers only have 'B' licence entitlement, not D1, so their ability to drive minibuses is very limited. There is a strict list of conditions that must be met, including driving on a voluntary basis and maximum weight limits which mean that these drivers cannot drive the larger, heavier minibuses. This rules out most 14,15 and 16 seaters and many accessible minibuses.

You should ensure that someone in your organisation fully understands the law and takes on the responsibility for checking drivers' licences to make sure that they are correctly licensed for the vehicles they will be driving. Remember that if a driver is not correctly licensed, your minibus insurance will be invalid!

In this fact sheet we look at the driver licensing requirements for driving a minibus with 9 to 16 passenger seats. There has been some confusion about the precise interpretation of the regulations. This fact sheet has been prepared using DVLA and government published guidance.

Changes to driver licensing in 1997 brought the UK closer into line with the rest of the EU, where drivers always have to take an additional driving test in order to drive any vehicle with more than 8 passenger seats.

## What is a minibus?

Minibuses are passenger-carrying vehicles for between 9 and 16 passengers, plus the driver. This includes any passengers travelling in their wheelchairs.

Even if a vehicle looks like a minibus, if the maximum number of people it can take is 8 passengers plus the driver, it is classed as a car. If a vehicle can take more than 16 passengers, it is either a bus or a coach.

Sometimes large minibuses get called '17 seaters' but as this means 16 passengers plus the driver, a Ford Transit 17 seater is still a minibus.

The difference between cars, minibuses and larger vehicles is very important for driver licensing.

## Minibus operation

There are two different sets of rules, one for commercial companies and the other for not-for-profit organisations, such as schools, local councils, voluntary groups and community organisations. In this Fact Sheet we only cover the not-for-profit sector. This includes independent schools, care homes and rest homes provided they are run as charities or trusts. If they are run for profit by an individual or company this Fact Sheet does not apply as driver licensing requirements are more stringent.

## Who is licensed to drive a minibus?

- It is important to make sure that drivers are correctly licensed because if they are not your minibus insurance will be invalid – and you and the driver will be breaking the law!
- Here we look at whether drivers can drive a minibus for a not-for-profit organisation.
- Look at their licence and check the tables below and overleaf:

<b>Old paper licence printed before 1990</b>	
<b>Entitlement shown</b>	<b>Can I drive a minibus?</b>
A	Yes, in the UK only
A, D, E	Yes, in the UK only
A to E	Yes, in the UK only

Photocard licence or paper licence printed 1990 onwards	
Entitlement shown	Can I drive a minibus?
D	Yes
D1 (101)	Yes, in the UK only
D1 79 (NFHR)	Yes, in the UK only
D1 (without any codes)	Yes
B  See also Incidental drivers on page 5.	Yes, in the UK only, but only if: <ul style="list-style-type: none"> <li>■ you are over 21 but under 70</li> <li>■ have held a full driving licence for 2 years</li> <li>■ you are driving for a not-for-profit organisation</li> <li>■ you are driving as a volunteer</li> <li>■ the minibus is not heavier than 3500kg MAM* or 4250kg MAM* if it can transport passengers in wheelchairs</li> <li>■ the minibus does not tow a trailer.</li> </ul> <b>ALL</b> these conditions have to be met.
B(120)	Yes, UK only - you can be aged 70 or over but must meet <b>ALL</b> the other conditions in the box above. B(120) is most commonly issued to drivers over 70 who do not have D1 but have met the medical standard for driving a minibus.

\*MAM = Maximum Authorised Mass. This is most that the minibus is allowed to weigh when it is fully loaded with passengers and luggage - see overleaf.

### How do I know the weight of a minibus?

This is only relevant to drivers who only have B or B(120) entitlement. It does not affect other drivers.

You will find a plate on the minibus that looks like the picture on the right. It is sometimes called the chassis plate or VIN plate. It may be in the door frame, in one of the front foot wells or under the bonnet.



The relevant weight is always the **second biggest weight on the plate** – in this case 4100kg. If you are unsure, ask the minibus owner. This plate is on

a standard 17 seat Ford Transit minibus. It would be illegal for a driver with only B entitlement to drive this minibus (4100kg) as the maximum MAM they can drive is 3500kg for a standard minibus. They would need to take and pass a D1 driving test in a minibus to drive this heavy 17 seat Transit.



If you cannot find a plate on the vehicle you can also look at the V5C registration document. The weight you need to check is known by several different names:

- Maximum Authorised Mass (MAM), or
- Gross Vehicle Weight (GVW)
- Revenue Weight (Gross) – this is sometimes shown when the minibus has been converted from a base van.

All these mean the maximum permitted weight of the minibus when fully loaded. Ignore the unladen weight as this is not relevant to driver licensing.

### **Drivers where you need to be particularly careful about whether they are licensed to drive minibuses**

These are drivers who only have category B entitlement on their licences. They include:

- any driver who passed their car driving test from January 1997 onwards, when the rules changed and drivers no longer received D1 automatically
- some drivers who passed their test abroad
- some drivers with medically restricted licences
- any driver aged 70 or more (see page 6).

We look at the issues in more detail on the following pages.

### **Am I driving as a volunteer?**

- Drivers who only have B entitlement are the only ones who need to be careful about this. Other drivers can either be paid or volunteers.
- If you are an unpaid leader for the Scouts or Guides, for example, you will be driving a minibus as a volunteer. You can receive genuine 'out of pocket' expenses but you must not be paid to drive.
- For other drivers it might not be so clear - see Incidental Drivers overleaf.

## ‘Incidental Drivers’ – school teachers and other paid staff

- An incidental driver is someone who has Category B on their driving licence but doesn't have category D or D1 and who might drive a minibus as a small part of their paid job. They could be a teacher, school site manager or care worker, for example. But if they are paid staff, can they be volunteers?
- Government departments were asked to answer the question: ‘Are teachers volunteers when driving the school minibus?’
- They suggested that to be driving as a volunteer:
  - Minibus driving must not be on your job description
  - You must be able to refuse minibus driving duties
  - You must not be paid for driving but can receive genuine ‘out of pocket’ expenses.
- This advice is not law and has not been tested in court. Some organisations are following the advice but others are playing safe and insisting that all their drivers have D1 entitlement. Make sure you know the policy of the organisations you drive for.
- Some organisations would like to follow the advice but their minibuses are over the weight limits so all drivers need D1 by law.
- All Incidental Drivers and volunteers must make sure that the minibus operator and their insurers allow them to drive with only a category B licence.

Remember that if you only have category B entitlement on your licence you must meet **ALL** these conditions:

- you are over 21 but under 70
- you have held a full driving licence for 2 years
- you are driving for a not-for-profit organisation
- you are driving as a volunteer
- the minibus is not heavier than 3500kg MAM - or 4250kg MAM if it can transport passengers in wheelchairs
- you are driving in the UK only
- the minibus must not tow a trailer
- the minibus owner and their insurers allow drivers who only have category B entitlement.

## Drivers' Responsibilities

Every driver should:

- understand what their licence entitles them to drive; this is especially important for drivers with only B entitlement.
- renew their licence promptly – and check that DVLA has correctly recorded their entitlements on the new licence:
  - Photo card licences – renew every 10 years
  - Drivers aged 70 or more – renew every 3 years
  - Medically-restricted licences – typically every 1, 2 or 3 years.
- tell DVLA (See Appendix A for details) if they get any medical condition or disability which is likely to affect their fitness as a driver, such as a heart attack, diabetes or epilepsy.
- tell their manager or organisation about:
  - any changes in their health or medication that may affect their fitness to drive
  - any changes in the details on their MiDAS Driver Registration Form, such as a crash or new points on their licence. The minibus insurers may need to know.

### Drivers aged 70 or more: need to renew or lose their minibus entitlement

- When you are 70 years old, your ordinary driving licence will expire. If you want to carry on driving a car, you must renew your licence. If you want to carry on driving a minibus, you must also pass a full PCV medical, the same as that for professional bus and lorry drivers.
- If you have D1 entitlement you must apply to renew this – it doesn't happen automatically. You need to pass a PCV medical before you renew so don't leave it to the last minute.
- If you only have B entitlement you still need to pass a PCV medical if you want to carry on driving minibuses. Your new licence will show B(120) which means that you have met the higher medical standard for driving a minibus. But the other restrictions of driving with only B entitlement still apply.
- Your licence needs to be renewed every three years and you will need a full medical each time.
- If you only renew your car driving licence, without a full medical, your new licence will only show B entitlement. **You are no longer licensed to drive a minibus.** For this you must have either D1 or B(120).

### Medically restricted licences: Don't lose your minibus entitlement!

- If you have certain medical conditions the DVLA may issue you with a medically restricted licence.
- If you have D1 (101) or D1 79 (NFHR) entitlement, when you first renew your medically restricted licence you will lose the D1 unless you specifically ask to renew it and have passed a PCV medical (the same medical as for

professional bus and lorry drivers). You should not need to take another medical until you reach the age of 70 - the D1 79 (NFHR) should renew automatically until then.

- Always check your new licence when you receive it – are the correct entitlements shown?
- If your medical condition changes you must inform DVLA.

## **Your responsibilities as a minibus owner or hirer: Checking drivers' licences**

Hampshire County Council recommends that one person in each organisation is given the responsibility for driving licence checks. In the case of MiDAS members, this could be the Driver Assessor/Trainer.

The person responsible must ensure that they:

- Do not assume that drivers with a car driving licence are automatically entitled to drive a minibus
- Understand the various categories or groups of driving licence and whether they allow someone to drive a minibus
- Check all new drivers' licences and the licences of any existing drivers that were not checked when they began driving the organisation's minibuses
- Undertake the regular re-checking of licences, for example, on an annual basis
- Tell each driver that it is important to notify them of any changes to their driving licence entitlement
- Know the weight (MAM/GVW) of the minibuses used and make it clear to drivers and booking staff which minibuses can and cannot be driven by drivers without D1
- Understand the particular issues about drivers with a medical condition, or who are aged over 70, or who want to take a minibus on a trip abroad (see [Community Transport Fact Sheet 2: Renewing A Driving Licence](#), and [Fact Sheet 3: Taking A Minibus Abroad](#))
- Maintain adequate records, including keeping a photocopy of every driving licence checked

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### **For further information on driver licensing issues please contact:**

Community Transport Team, Hampshire County Council:

Email: [community.transport@hants.gov.uk](mailto:community.transport@hants.gov.uk) Tel: 01962 846983

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