

DfI Guidance on Driver Licensing Requirements for Minibuses

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Introduction

The Department for Infrastructure (DfI) is responsible for safe and sustainable transport a key objective of the programme for government. An important part of the Department's road safety remit is to make those people who have responsibility for bus operations (licensed bus operators, permit holders and voluntary users), those hiring minibuses, and driving minibuses in Northern Ireland aware of their responsibilities before taking their minibus on the road.

The legislation surrounding the driving of minibuses has evolved over time and can be difficult to understand as it is a mix of European and national legislation which has been amended and interpreted by courts.

The UK is unique in Europe as the only Member State to allow some categories of driver to drive a minibus without first having passed the appropriate test which qualifies them to drive that vehicle. The derogation from the requirement to hold a full minibus licence can only be availed of under specific circumstances which are outlined in the following guidance.

The purpose of this guidance is to set out the driver licensing requirements for minibuses. In particular the guidance outlines requirements for:

- those who drive small buses capable of carrying up to 16 passengers (minibuses);
- exemptions including for those who volunteer their services without receiving any payment and those who drive in a personal or private capacity (i.e. people who are using the minibus to transport their own family);
- those who drive buses as an incidental part of their employment (whether or not they are full time drivers or casual drivers);
- those who wish to hire a minibus;

The guidance also provides information on other related matters including insurance considerations; how to obtain and keep a Certificate of Professional Competence; what is required if you wish to drive a minibus in another EU Member State.

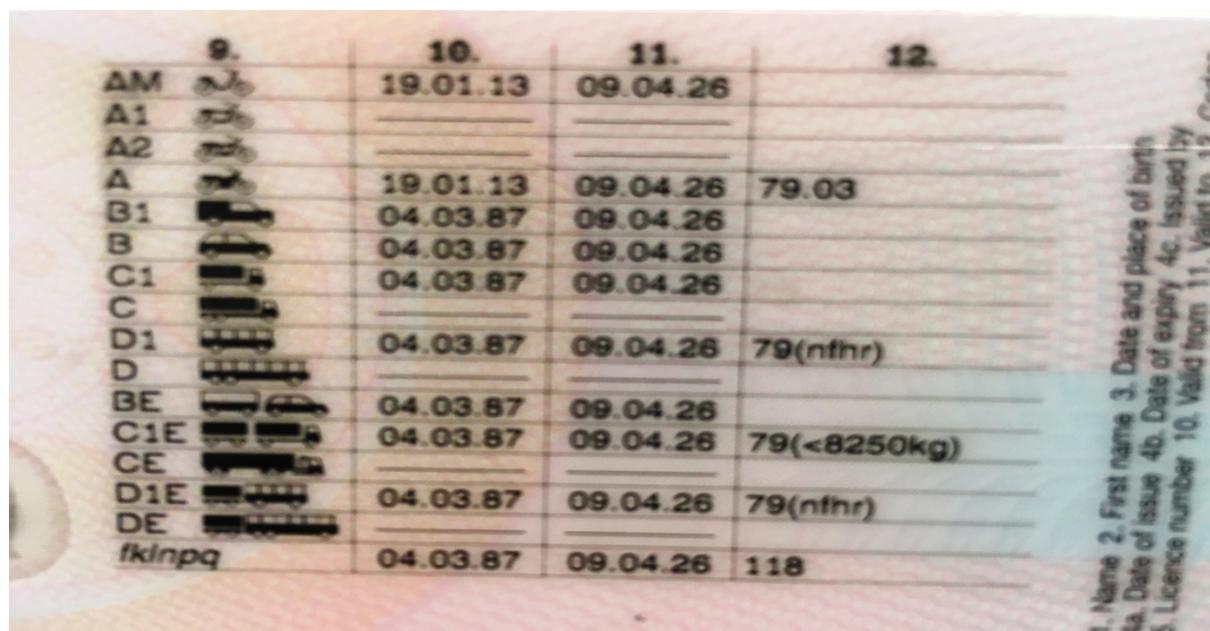


The safety of bus passengers and other road users is the paramount reason for the requirement to hold the appropriate bus driving licence. In the interests of safe and sustainable travel the Department advises those drivers who may not come within the scope of these licensing requirements, to consider undertaking voluntary training to obtain the licence for the driving they carry out.

This guidance explains the law as it is intended, to help you comply with it. It is not a full statement of the law, which is set contained in [driving licence regulations](#). You should seek independent legal advice on these issues if you have any queries or concerns.

Drivers of Small Buses – those capable of carrying up to 16 passengers (Minibuses)

Your driving licence sets out the categories of vehicles which you are entitled to drive. The relevant category for minibus driving is D1 and entitles you to drive vehicles with between 9 and 16 passenger seats in addition to the driver's seat with or without a trailer and weighing up to 750kg.



In the majority of cases, a minibus driver is required to hold a **full category D1 licence** and a **driver qualification card (DQC)**. D1 is a higher qualification and

requires an additional driving test. A driver qualification card is awarded upon completion of a professional qualification called the Driver Certificate of Professional Competence (see page 7).

There are two exceptions to this requirement as detailed below:

1. Regulation 5(8) of the Motor Vehicles (Driving Licences) Regulations (NI) 1996 provides that a person:

- holding a full category B (car) licence for a period of not less than 2 years;
- who is 21 years of age or over; and
- receives no payment or consideration for so doing other than out of pocket expenses, may drive a minibus without a D1 licence or DQC.

Under this concession, the driver may only drive on behalf of a non-commercial body, and only when the minibus is being used for social purposes, i.e. not for hire or reward. No trailer may be attached. If a driver wishes to drive a minibus outside of this exemption, they require a full category D1 licence and DQC.

This concession is also subject to a 3.5t weight restriction unless the vehicle is fitted with specialised equipment intended for the carriage of disabled passengers in which case, it must not exceed 4.25t.

2. Drivers who have been issued with a **D1(nfhr) category** on their licence may drive a minibus on behalf of a non-commercial body as long as the minibus is being used for social purposes, is being driven on a voluntary basis, is not being used for hire or reward and they receive no payment other than out of pocket expenses. There is no requirement to hold a DQC as a volunteer driver for a non-commercial body providing that you have a personal connection to that organisation.

Drivers who drive buses as an incidental part of their employment

Drivers such as teachers, health workers, and caretakers who drive buses as part of their employment are deemed to be paid drivers. These drivers need a full D1 licence

to drive a minibus and also require a DQC. This requirement applies whether or not they are full time drivers or casual drivers.

In all likelihood anyone driving during their hours of employment, for their employer, where they are responsible for the passengers in their care and subject to disciplinary procedures would be viewed as driving as a consequence of their employment.

In terms of school extra-curricular activities, such as Duke of Edinburgh Award Scheme, it is likely that the majority of extra-curricular activities would be considered as driving as a consequence of employment.

[**Hiring a minibus**](#)

If you hire a minibus you must ensure that you have the correct licence to drive. It is important that if you are considering driving the minibus on your car driving licence that you first check the Gross Vehicle Weight (GVW); the hirer should be able to advise you of this. If the GVW is above 3.5t, then you cannot drive this minibus on your car licence unless it is fitted with a wheel chair lift and that allows an increase to the GVW to 4.25t. The same conditions mentioned above in relation to driving licence requirements would also apply. Holders of a D1(nfhr) category licence do not have the weight restriction and can drive a minibus which is heavier than 3500kg. Drivers who passed their car test after 19 January 2013 are restricted to driving minibuses which are a maximum of 8m in length.

[**Some definitions**](#)

[**What is reward?**](#)

A bus which is operated for reward is one where payment is made, in cash or kind, for the carrying of passengers, irrespective of the person to whom the payment is made. This includes direct payments such as a fare, or an indirect payment which gives a person an opportunity to travel this could be where the bus has been hired on behalf of the passenger as part of an event where transport is included. It does not matter whether or not the operator is a profit making entity.

[What are social purposes?](#)

The Department considers social purposes to mean non-commercial activities. Where a bus is operated to provide passenger services for commercial purposes, the driver must hold a full licence and DQC.

[What are out of pocket expenses?](#)

Out of pocket expenses are remuneration for any fuel costs, parking fees, toll fees or similar expenses incurred as part of the trip i.e. from the person begins driving until they finish driving. The driver should receive no other payment for driving the minibus.

[What is 'On a voluntary basis'?](#)

If a person's contract of employment states that driving is a part of their duties, or they are paid whilst driving (other than a sum to reimburse that person for out of pocket expenses on a cost recovery basis), this would be deemed as receiving payment for driving, and would not be driving 'on a voluntary basis'. In this case a full licence and DQC would be required.

[What does \(nfhr\) mean on my licence?](#)

This means 'not for hire or reward' which generally means that you cannot accept any payment, either in cash or in kind, made by or on behalf of the passengers that gives them the right to be carried in the vehicle.

[What is a driver qualification card \(DQC\)?](#)

A driver qualification card is awarded upon completion of a professional qualification called the Driver Certificate of Professional Competence (see page 7).

Information on the DQC can be obtained from NIDirect at the following link:

[**Driver Qualification Card**](#)

[What is a 'personal connection'?](#)

This means that the volunteer driver should have a prior connection with the organisation for which they are driving. This could be because they are members or leaders of the organisation.

Other matters

Insurance

It is up to drivers to check with their insurer whether their insurance policy covers the vehicle in the circumstances in which it is proposed to be driven. It is also up to drivers (and their employers) to check whether their driving triggers other legal requirements, such as the laws in respect of drivers' hours, tachographs and DCPC (see below).

Drivers Certificate of Professional Competence

You must get the Driver Certificate of Professional Competence (CPC) [initial qualification](#) if you're new to professional driving and want to drive a bus or coach.

The Driver Certificate of Professional Competence (DCPC) initial qualification has 4 parts:

- part 1 - [theory test](#) (this includes 2 separate tests - multiple-choice and hazard perception)
- part 2 - Driver CPC case studies test (computer-based exercise with 7 studies based on real-life situations - e.g. driving in icy conditions)
- part 3 - [driving ability test](#)
- part 4 - Driver CPC practical demonstration test (this takes 30 minutes - you will need to show you can keep your vehicle safe and secure, e.g. loading your vehicle safely)

You must pass all 4 parts to get your Driver CPC.

Once you qualify, you'll receive a [driver qualification card](#) (DQC). You must keep this with you when you're driving professionally and produce it when requested to do so by an enforcement body. You'll need to do 35 hours of [periodic training](#) every 5 years to keep your Driver CPC.

Drivers who held a driving licence in category D1 or D (including nfhr) prior to the introduction of Driver CPC can choose to take the part 2 and 4 of the initial qualification process rather than complete the 35 hours periodic training to gain their DQC.

However, this route is only available once. If a driver has previously been issued with a DQC this option is not open to them.

Further information on the Drivers Certificate of Professional Competence may be found here;

[Drivers CPC Guidance](#)

[Driving in another EU Member State](#)

You cannot drive a minibus or bus in another EU member state unless you hold a full category D or D1 entitlement and a DQC card.

There are a number of documents which the driver must take with them when travelling to another EU Member State:

- Own Account Certificate or European Journey Form (Waybill);
- Vehicle Registration Document (V5C) or vehicle on hire certificate;
- Vehicle test certificate;
- Insurance certificate;
- Tachograph records to show the driver's driving time each day; and
- Driving Licence.

[Own Account Certificate](#)

The Own Account Certificate is available for international journeys within the EU by organisations which:

- are "non-commercial" and non-profit making;
- do not have transport as their main activity, and are
- in a vehicle which they own, or operate full time.

If any of the three conditions listed above are not met then you will require a European Journey Form.

[European Journey Form](#)

A European Journey Form gives details of the vehicle, driver(s), date(s) of the trip and number of passengers, for trips lasting less than 90 days. They are specific to

each trip and cover journeys through all EU Member States. The journey form means that the bus is exempt from the operator licensing laws in other EU Member States. The journey form gives details of the number of passengers carried and is completed by the person responsible for the operation of the service. They keep the duplicate copy and must retain it for 12 months. The top copy must be kept by the driver and be available for inspection at any time during the trip. Failure to produce a completed journey form may lead to on the spot fines.