

SECTION 10B BUS PERMITS

A guide for applicants, permit holders and designated bodies

Version 2.1

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Disclaimer

These guidelines are intended as a helpful source of advice and assistance. They are not a statement of the law and must not be relied upon as such. The Department cannot provide legal advice to operators. If you have any doubts about your compliance with the law, you should seek independent legal advice.

Although the Department will usually follow the procedures set out in these guidelines, every application and scenario will be treated on its own merits. The Department has the right to depart from procedures set out in the guidelines if it believes it is appropriate to do so.

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V2.0	05/05/2021	Initial Publication
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Introduction

This guide has been produced to provide advice and guidance on the Section 10B bus permit scheme which is administered by the Department for Infrastructure in Northern Ireland.

It is not a legal document, but is intended to provide information to help both new and existing permit holders understand how the scheme works and the legal requirements and undertakings that must be met. It also provides general guidance to applicants applying for a bus permit and on the standards that the Department expects from permit holders in the conduct of their activities.

Purpose

The bus permit scheme was introduced as an alternative form of regulation to bus operator licensing to facilitate organisations that provide passenger transport services on a non-profit-making basis, for the benefit of the community.

The aim of the scheme is to ensure the safe and proper use of vehicles in the interests of all road users.

In particular the scheme aims to achieve:

- an improved quality of service; and
- improvements in road safety.
- fair competition amongst passenger transport providers.

Roles and Responsibilities

The Department for Infrastructure is the licensing authority for bus operators and its aim is to promote and improve road safety and give passengers confidence that when they use a service provided by either a licensed operator or a permit holder, the vehicles they travel in will be roadworthy and drivers properly licensed and trained.

The Passenger Transport Licensing Division (PTLD) within DVA is responsible for ensuring that the required operating standards are maintained and administer the bus permit scheme.

The Department is also charged with maintaining fair competition amongst operators who carry passengers for reward and from that perspective, PTLD also seeks to ensure that the permit scheme is not operated to the detriment of bus operator licence holders who must meet stringent requirements to attain a licence.

Background to the scheme

Bus Operator Licensing

Normally, if a vehicle is designed or adapted to carry nine or more passengers, (not counting the driver), and payment is taken for carrying passengers (this is called 'hire or reward'), you need a Bus Operator's Licence. Hire or reward is any payment in cash or kind to enable a passenger to use the service.

Applicants for a bus operator's licence must meet strict requirements and continue to satisfy these and other conditions throughout the period of the licence.

Section 10B Bus Permit Scheme

It was recognised, however, that some bodies or organisations are engaged in the transport of passengers on a **non-profit-making basis** and provision was therefore made in

legislation to exempt organisations engaged in certain activities from the bus operator licensing regime.

The Section 10B bus permit scheme was introduced to allow those organisations whose activities benefit the community to carry fare-paying passengers, without having to comply with the full passenger carrying driver and public service vehicle requirements.

An organisation may only use a bus under the permit scheme to transport its own members or those people it was set up to help. It cannot be used to carry members of the public and cannot be used on a profit-making basis or incidentally to an activity which is itself carried on with a view to profit.

Exemption from PCV/PSV requirements

Under the scheme, voluntary drivers can drive a minibus without a category D1 passenger carrying vehicle entitlement on their driving licence. Also, a vehicle used under a permit does not need to have a public service vehicle licence/certificate (PSV). If the vehicle is over 1 year old, it will, however, require a vehicle test certificate.

Requirement for a Permit

Who requires a permit?

A voluntary group or other organisation wishing to operate a bus service and make a charge to recover their costs can apply to the Department to operate under a bus permit instead of a bus operator's licence.

Advantages of the permit scheme

There are certain advantages to operating under a permit as opposed to a licence, particularly in relation to the use of minibuses. Applicants for a licence have to meet a number of strict requirements in relation to an operating centre, vehicle maintenance facilities, operator repute, access to specified amounts of funding etc. There is also a fee charged for the licence based on the number of vehicles to be used.

Is a permit needed if no charge is made for a service?

If no payment at all is taken for the bus service, you don't need either a licence or a permit.

However, you need to remember that a charge can entail more than just payment of a fare. Any payment in cash or kind, either direct or indirect, that gives passengers the right to be carried, is considered to be reward.

A vehicle is still considered to be operated for hire or reward even if no profit is actually made from the payments received.

It is your responsibility to ensure that you have the correct authorisation to operate your vehicle.

What size of bus can be operated under a permit?

Both large and small buses (i.e. minibuses) can be operated under a permit:

- a large bus is capable of carrying 17 or more passengers (not counting the driver);
- a small bus can carry 9 to 16 passengers (not counting the driver). However, the maximum permissible weight of the bus must not exceed 3,500kgs, excluding any specialist equipment for the carriage of disabled passengers and not more than 4,259kgs with specialist equipment.

If your vehicle is constructed and equipped to carry **up to** eight passengers (not counting the driver), it is classed as a taxi and you will need a taxi operator's licence.

Information regarding taxi operator licensing can be obtained on request from PTLTD (see Annex B for contact details).

What types of organisation can hold a permit?

Large Bus Permit

A permit for a large bus may be granted to any organisation (such as a local authority or 'umbrella organisation' for voluntary groups) that assists or co-ordinates the activities of organisations, concerned with one of the following:

- education;
- religion;
- social welfare; or
- other activities of benefit to the community.

Before granting a large bus permit, PTLTD must be satisfied that there are adequate facilities or arrangements for maintaining any bus to be used under the permit in a fit and serviceable condition.

Small bus (Minibus) Permit

To be eligible for a minibus permit, an organisation must be concerned with one of the following activities:

- education;
- religion;
- social welfare;
- recreation; or
- other activities of benefit to the community.

Applying for a Permit

Large Bus Permit

PTLD is responsible for the issue of permits for large buses. To apply for one of these permits, you need to complete a 10B Large Bus application form which is available on request from PTLTD (see Annex B for contact details).

When to apply

You should send your **fully completed** application form to PTLTD at least 4 weeks before you want the permit to start - an incomplete application will delay a decision being made.

Small Bus Permit

PTLD has designated certain bodies for the purpose of granting small bus permits. Designated bodies are authorised to issue permits to themselves, their local organisations or, in some cases, to other bodies with similar interests.

A list of bodies designated by the Department to grant small bus permits and the classes of organisations to whom they may issue permits is contained in the [Bus Permits \(Designated Bodies\) \(Northern Ireland\) Order 1994](#), and added to by the [Bus Permits \(Designated Bodies\) Amendment\) \(Northern Ireland\) Order 2000](#).

To apply for a permit, you should contact the relevant body for your organisation. If you are unsure which designated body is appropriate to your organisation, you should contact PTLTD (see Annex B for contact details).

Whether you are applying for a large or small bus permit, you must not commence operations until a permit has been granted - ***operating without a bus operator licence or permit is an offence.***

Do I need a permit for each of my vehicles?

You need a bus permit for each bus you operate at any one time. You can apply for as many permits as you need. For each permit granted, a disc will also be issued. When a vehicle is being used under the permit, the disc must be displayed.

Who will a permit be issued to?

A permit is normally issued to a specific group (e.g. a Scout group). In certain circumstances, however, a permit may be issued to a named individual on behalf of a body that he/she represents.

How much does a bus permit cost?

PTLD does not currently charge for a large bus permit. However, a designated body may set a charge for the issue of a small bus permit to recover their expenses in administering the scheme.

It is a condition of designation for many bodies that they may only issue permits to their members so if your group is not affiliated to a body, you may have to become a member before you can be issued with a permit.

How will my maintenance facilities be checked?

PTLD must be satisfied that adequate maintenance arrangements or facilities are in place before a large bus permit can be granted. Applicants may therefore be asked to provide evidence of their arrangements and in some cases, facilities may be subject to inspection.

About Your Permit

What happens if my application is successful?

If your application is successful, you will be issued with a permit and vehicle disc. The permit details the conditions and legal provisions under which it has been issued. You must ensure that you and your drivers are fully aware of these and that they are adhered to at all times.

How long is a permit valid for?

There is no expiry date on a permit. Normally, your organisation will be able to hold a permit indefinitely.

A permit may however be revoked at any time by PTLD or the issuing body if:

- the permit holder ceases its activities;
- ceases to be involved a qualifying activity; or
- there is evidence that the scheme is being abused (e.g. a bus being used to carry members of the public or for private hire; or charges being set to generate a profit for the permit holder).

Also, where a permit has been granted to a body who subsequently ceases to be designated, the permit will no longer be valid.

Can I carry passengers in wheelchairs?

Yes. You should, however, remember that the general requirement when carrying passengers or equipment is to do so in such a way as to avoid danger to those passengers or anyone else. If a wheelchair is not properly secured, it might be held that an offence has been committed.

What happens if my permit is lost, damaged or destroyed?

If a permit or disc is lost or destroyed or become defaced or faded, you should request a duplicate form from the issuing body. If a lost original is subsequently found, they must be returned to the issuing body.

Is a permit transferrable?

Permits cannot be transferred from one organisation to another.

Can a bus be used outside Northern Ireland under a permit?

Bus permits have no validity outside the United Kingdom (UK). However, an organisation with a permit may apply to PTLD (see Annex B for contact details) for an 'own account certificate' to enable it to operate within the EU, provided that:

- transport is not the main activity of the organisation;
- the vehicle used is owned by the organisation or the subject of a long-term leasing contract; and
- the vehicle is driven by a member or employee of the organisation; and
- the passengers are members or employees of the organisation

Can a local bus service be operated under a permit?

A bus permit **cannot** be used to provide services to the general public.

Can a bus operated under a permit be used for contract work or private hire?

A bus operated under a permit **cannot** be used for any commercial or profit-making activity. If you use a bus for these purposes without a bus operator's licence, you are liable for prosecution.

In addition, your insurance may not be valid and the bus driver may not have the appropriate driving licence. These offences could also result in prosecutions.

Charging for Services provided under a Permit

When operating under a permit, an organisation may only set charges for the use of the service at a level to recover some or all of the costs directly connected with the trip, including a reasonable contribution towards the general running costs of the vehicle - **charges must not be set at such a level that they will generate a profit.**

Any payment in cash or kind that gives passengers the right to be carried is considered to be a charge. Payment of a membership fee or a subscription to a group or club that entitles a member to use the bus service constitutes a charge for the bus service. The element of the membership fee or subscription that goes towards the operation of the bus service must only be sufficient to cover some or all of the costs of operating the service. The charge cannot be used to subsidise the other activities of the group/club:

Example 1:

A club charges members who use their bus an extra £10 per year on their membership subscription. If the income exceeds the cost of running the bus, the bus service is running at a profit and cannot be operated under a bus permit.

Example 2:

A club regularly goes to a specific venue as part of its activities. It asks its members who go to the venue to pay £5 for each trip. If the income from these payments exceeds the cost of running the bus for these trips, including a reasonable contribution towards the general costs

of running the bus, the service is running at a profit and cannot be operated under a bus permit.

What does 'not for profit mean'?

The meaning of profit is not easy to define. However, the Department takes the view that profit represents a surplus after all the costs of running the bus service have been taken into account. Those costs include a reasonable allocation of general overheads directly connected with the vehicle operation and also the wages of driving and escorting staff. They also include administration costs directly connected with trips, volunteers' expenses and booking costs. The costs do not, however, include any part of the general operating costs of the organisation.

As a permit holder, you may be required to demonstrate that your service is not making a profit by providing written evidence with supporting documentation (e.g. receipts, bank statements etc.) detailing costs and income relating to the operation of buses under permits. The following are examples of costs which may be included in your calculations:

Direct Vehicle Running Costs

Fuel and oil
Insurance
Vehicle excise duty
General wear and repairs
Vehicle and equipment maintenance
MOT test fees
Cleaning and garaging
Element for depreciation or vehicle replacement

Staff Costs

It is recognised that organisations need people to crew the bus and a system for administering bookings and arranging maintenance. It is accepted therefore that an element may be included in charges to cover staffing and administrative costs connected with the operation of the vehicle.

Volunteers' Expenses

Drivers' wages, if applicable
Training costs
Use of telephone and other communication equipment
Other office costs
Public liability costs

Driving Under a Permit

Who can drive a vehicle used under a permit?

Large Bus

To drive a large bus you must be aged over 24 and hold a category D driving licence.

Minibus

You can drive a minibus used under the permit scheme on a **voluntary** basis within the United Kingdom without holding a category D1 driving licence, providing you meet the following criteria:

- you are aged 21 or over;
- you have held a full category B (car licence) for at least 2 years on aggregate;
- you receive no payment or consideration other than out of pocket expenses.

The minibus you are allowed to drive in these circumstances must not weigh more than 3,500 kg, excluding any specialist equipment for the carriage of disabled passengers and not more than 4,250 kg with specialist equipment. You are not permitted to tow a trailer. **Paid** minibus drivers must hold a category D1 driving licence.

Further information on the rules about the minimum age you can drive medium and larger vehicles can be found at the following link:

- [Buses and lorries you can drive and minimum ages | nidirect](#)

Are drivers subject to drivers' hour's rules?

A small bus being used under a permit is exempt from the requirement to have a tachograph fitted. Volunteer drivers are not subject to drivers' hour's rules but drivers who are employed by a permit holder are subject to domestic hours rules.

- [Rules on Driver's Hours and Tachographs - Passenger Vehicles in Northern Ireland and Europe](#)

Driver training

Driving a minibus is very different to driving a car and it is the permit holder's responsibility to ensure that the drivers they use are appropriately trained and assessed in all aspects of safe driving and are fully aware of their responsibilities.

The Royal Society for the Prevention of Accidents (Rospa) has a comprehensive publication entitled Minibus Driver's Handbook which drivers may find helpful. The publication is available from the organisation's website www.rospa.com.

Retaining Your Permit

A permit is granted either by PTLD or a designated body on the basis that the necessary eligibility criteria have been met. As a permit holder, you will need to take appropriate action to ensure you continue to meet these criteria and don't do anything which may put your permit at risk.

In general terms you must:

- comply at all times with the conditions and legal provisions under which your permit has been granted;
- comply with EU and national legislation, as appropriate, in relation to the following:
 - health and safety;
 - road traffic and road transport legislation; and
 - disability discrimination.
- maintain your vehicles in a roadworthy condition at all times; and
- use appropriately licensed and trained drivers.

Maintenance and Safe Operation of Vehicles

Vehicle roadworthiness

A bus used under a permit must be maintained in a roadworthy condition at all times.

DVA has produced a [Guide to Maintaining Roadworthiness](#) which explains the responsibilities and systems involved in maintaining vehicles in a roadworthy condition. The

procedures and systems explained in the Guide are useful for permit holders and drivers and all those who are responsible for maintaining or providing passenger carrying vehicles.

In particular, the guide provides information on the following types of vehicles safety checks and inspections that should be carried out:

- daily walk round checks;
- vehicle safety inspections and routine maintenance checks, carried out at specific intervals.

The guide can be downloaded from the website at www.infrastructure-ni.gov.uk :

- [Driver Vehicle Agency - A guide to maintaining roadworthiness](#)

What regulations apply for the construction, equipment and use of buses used under a permit?

A passenger carrying vehicle operating under a permit must comply with [The Motor Vehicle Testing Regulations \(NI\) 1995](#) and [The Motor Vehicles' \(Construction and Use\) Regulations \(NI\) 1999](#) and must meet the relevant requirements for buses or minibuses, as appropriate. (See Annex A for further details).

Do any of the PSV rules apply to permit vehicles?

No, but vehicles over 1 year old must be tested annually. As with all other buses, vehicles used under permit are still subject to random road worthiness checks by DVA vehicle examiners and PSNI officers.

If a vehicle is found to be unfit, a notice could be issued prohibiting it from being driven. In addition, drivers and operators may be prosecuted and fined.

Failure to maintain a vehicle could result in your permit being revoked.

What type of vehicle insurance do I need?

A vehicle operated under a permit must be covered by an insurance policy which insures against liabilities for personal injury to third parties, including passengers.

You must make your insurance company aware that you will be receiving payment from passengers – in other words, operating for ‘hire or reward’ – but that you are exempt from the requirement for a bus operator’s licence and PSV licence through the permit scheme.

Vehicle excise duty

You must ensure that your vehicles are taxed in the appropriate tax class for their use. More information is available from Driver and Vehicle Licensing Agency at the following link:

- [Tax your vehicle - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Roles and Responsibilities of Designated Bodies

PTLD has designated certain bodies for the purpose of granting small bus permits (Large bus permits are issued by PTLD)

A designated body must be engaged in one of the following activities:

- education;
- religion;
- social welfare;
- recreation; or
- other activities of benefit to the community.

A designated body has no statutory obligation to grant permits but may decide to exercise its authority to do so.

Designation Order

A designation order issued by PTLD to a designated body will include a schedule which specifies, in broad terms, the nature of the relationship that should exist between the organisation applying for the permit and the designated body.

In some cases that relationship will be evident, in others it will not. If a designated body is in any doubt about its authority to issue a permit to an organisation, it should discuss the application with PTLD staff who will be able to give general advice on the terms of the designation. However, it is the responsibility of the designated body to determine if it has authority to issue a permit in an individual case, seeking legal advice, if necessary.

A permit issued by a designated body without appropriate authority, will not be valid.

Role of a designated body

The role of a designated body is to consider applications for minibuss permits in accordance within the guidelines set by PTLD and, in appropriate circumstances, to vary or revoke a permit.

Designated bodies are responsible for the decisions they make in relation to the grant or revocation of a permit.

PTLD recommends that designated bodies have in place their own written guidelines detailing their procedures for dealing with applicants and permit holders. The guidelines should explain the criteria that will be used to make decisions on permits. Whilst individual processes may differ, all designated bodies must apply their procedures in a fair and consistent manner.

Minimum requirements for issue of a small bus permit by a designated body

PTLD requires that a designated body must ensure that an applicant satisfies the following minimum criteria before granting a bus permit:

(1) the organisation must be engaged in one of the following activities:

- education;
- religion;
- social welfare;
- recreation or
- other activity of benefit to the community;

and

(2) the applicant must be a recognised organisation, association, group or body.

To ensure that an organisation meets the requirements for a permit, it is recommended that when assessing an application, the designated body also examines the organisation's constitution or similar document.

Record Keeping

Designated bodies must keep a record of all permits they issue and must retain a copy of each permit issued. A copy must also be sent to PTLD within four weeks of the date of issue. (see Annex B for contact details).

Amending or revoking a permit

A designated body may amend or revoke a permit that it has issued.

A permit may be amended by adding or amending specified conditions.

If a permit is varied, a copy of the revised permit must be issued to PTLD within four weeks of issue.

A permit **must** be revoked if:

- the permit holder ceases activities or ceases to carry out a qualifying activity; or
- the designated body becomes aware of an abuse of the permit scheme. For example:
 - buses being used to carry members of the general public;
 - buses being used for private hire or contract purposes; or
 - charges being set to generate a profit for the permit holder.

If a permit is revoked, PTLD must be informed immediately (see Annex B for contact details) and in any event no later than seven days from the date of revocation, giving the reason for the revocation.

Where a permit has been issued in the name of an individual and that person has ceased to be associated with the body on whose behalf the permit is held, a new permit should be issued to another appropriate named individual and copied to PTLD.

Annex A

Equipment and Use requirements for minibuses

Equipment

It is a legislative requirement that minibuses being operated under a permit must carry the following equipment:

- a) at least one fire extinguisher which complies with the specifications for portable fire extinguishers issued by the British Standards Institution, numbered BS 5423 or EN3 which:
 - has a minimum test rating of 8A or 21 B
 - contains water or foam
- b) a suitable, clearly marked, first aid box which is readily available for use and kept in good condition. The following items must be kept in it in good condition and be in date:
 - 10 antiseptic wipes, foil packed
 - 1 conforming disposable bandage (not less than 7.5 cm wide)
 - 2 triangular bandages
 - 1 packet of 24 assorted adhesive dressings
 - 3 large sterile un-medicated ambulance dressings (not less than 15cm x 20cm)
 - 2 sterile eye pads, with attachments
 - 12 assorted safety pins
 - 1 pair of rustproof blunt-ended scissors

The vehicle must display the permit on the nearside.

Use

Regulations 50-53 of the Motor Vehicles (Construction and Use) Regulations (NI) 1999 detail the requirements in relation to the use of a minibus under a permit.

The following restrictions apply:

Passengers must not:

- unnecessarily obstruct any entrance, exit or gangway
- unnecessarily obstruct the driver or take their attention away from controlling the vehicle

The vehicle must not:

- be used to carry any inflammable or other dangerous substance unless it is properly packed so that it won't cause any damage to the vehicle, or injury to passengers
- be used unless all windows are clean and in good condition
- be either filled with fuel or have the fuel tank cap removed while the engine is running
- be used to draw a trailer unless all passengers have access to a kerbside exit.

Annex B

Contact Information

For further information on the Section 10B Bus Permit scheme or to obtain an application form for a large bus permit, please contact:

**Driver and Vehicle Agency
Passenger Transport Licensing Division
County Hall
Castlerock Road
Waterside
Coleraine
BT51 3HS**

E-mail busoperators@infrastructure-ni.gov.uk

Telephone: 028 9025 4100

Annex C

Other Sources of Useful Information

DVA Publications

The following sources of information are recommended to applicants and existing permit holders:

- [The Safe Operator's Guide](#)
- [Guide to Maintaining Roadworthiness](#)
- [Rules on Drivers' Hours and Tachographs – Passenger Vehicles in Northern Ireland and Europe](#)

The publications can be downloaded at www.dfi-ni.gov.uk or are available on request from PTLD (see Annex B for contact details):

Rospa

The ROSPA website www.rospa.com/ provides information and advice on all areas of road safety and accident prevention, including advice for operators and drivers of minibuses.