



Department for

**Infrastructure**

An Roinn

**Bonneagair**

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**From the Director Transport Strategy  
Tom Reid**

**This letter is for the attention of:**

- (i) Section 10B permit issuers;
- (ii) Holders of Section 10B Permits; and  
Minibus drivers

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Date : 5 April 2018

## **UPDATE ON USE OF SECTION 10B PERMITS FOR ROAD PASSENGER TRANSPORT AND MINIBUS DRIVING IN NORTHERN IRELAND**

On 22 September 2017 the Department issued two consultation documents covering section 10B permits and minibus driver licensing guidance. These aimed to clarify the licensing and qualification framework for bus passenger transport under the existing legislation as it currently applies and in particular EU Regulation 1071/2009 which establishes common rules for road passenger transport operators and has direct effect within the United Kingdom.

The Department's consultation followed the issue of a letter by DfT on 31 July 2017 which in response to a legal challenge clarified the position in GB. On 6 November, while the consultations remained ongoing, as a result of fresh legal advice the Department published a similar letter clarifying the position in Northern Ireland. That letter, which remains extant, confirmed that under the existing legislation paid drivers and some volunteer drivers undertaking commercial passenger transport activities would require a full D or D1 driving licence. The letter also clarified that organisations, including not-for-profit bodies, undertaking commercial passenger transport services could not do so under a section 10b permit and would require a Bus Operator Licence.

The Department's consultations on section 10b permits and driver licensing guidance closed in December 2017. Since then, the Department has been reviewing the responses

received with a view to finalising guidance. In so doing the Department has also reflected on the consultation issued by DfT on 8 February 2018 on *The use of section 19 and section 22 permits for road passenger transport in Great Britain*.

The proposals set out in the DfT consultation largely mirror those set out in the Northern Ireland consultation on section 10b permits. However, the DfT document sets out a commitment to explore the potential for organisations to have separate corporate entities to deliver commercial and non-commercial services. The potential for separate corporate entities relates to the interpretation of EU law. Therefore, recognising that DfT are the contracting party on this matter, the Department will await with interest the outcome of the DfT consultation and will replicate as appropriate any further guidance they offer in this regard.

In light of this, while the Department will publish final guidance on driver minibuss licensing on Monday 9th April, we will await the outcome of the DfT consultation on permits before finalising guidance on section 10b permits. In the interim, operators should refer to the letter issued by the Department on 6 November 2017 which remains extant and sets out the requirements under the existing legislation. In line with that, DVA will adopt a business as usual approach to enforcement to ensure drivers and operators are compliant with their regulatory requirements.

The Department has previously set out our expectation that the vast majority of licensed bus operators and transport providers in the voluntary and community sector will be unaffected by the revised guidance on driver licensing and section 10b permits. However, we do recognise that this will mean changes to how some services are licensed and regulated, particularly in the community transport sector.

As the main funder of the Community Transport organisations, the Department fully recognises the important contribution of community transport in enabling some of the most vulnerable people in our society to overcome barriers to social interaction and to access essential services. We remain committed to supporting delivery of these important services and welcome the engagement with the sector to minimise the impact of changes on service users.

Yours faithfully

A handwritten signature in black ink, appearing to read "Tom Reid". The signature is written in a cursive, flowing style.

**TOM REID**