



## **DORSET COUNTY COUNCIL DORSET HIGHWAYS OPERATIONS FLEET SERVICES**

### **APPLICATION FOR A STANDARD SECTION 19 PERMIT**

#### **General Information**

Please read these notes carefully before completing your application form. They have been designed to help you understand the Section 19 Permit system. Further guidance can be obtained from Dorset County Councils in-house Fleet Management provider Dorset Highways Operations Fleet Services.

Fleet Services offer a minibus safety service designed to support Schools and Academies in managing the risks associated with owning and/or operating a Minibus. Fleet Services can provide professional and impartial advice and comprehensive fleet compliance audits to help you manage the risks associated with owning and / or operating a minibus.

More detailed information is available on Dorset Nexus or you can contact Fleet Services on 01305228104 or email [fleetservices@dorsetcc.gov.uk](mailto:fleetservices@dorsetcc.gov.uk) if you need any further guidance.

Section 19 Permits allows a charge to be made for the carriage of passengers. The charge can be set at a level that covers the running costs of the vehicle but must not be set at a level so as to produce a profit. If at any time it is proposed that the vehicle will be used with a view to profit you must provide details to the issuing body who issued your permit.

Section 19 Permits authorise the use of vehicles adapted to carry not more than 16 passengers (excluding the driver). Where small vehicles (8 or fewer passenger seats) are used the passengers must be carried at separate fares.

Both borrower and lender groups are required to have a Section 19 permit. They are not vehicle specific; the same permit can be used when hiring different minibuses, but you cannot use the same permit for multiple vehicles.

Those applying for a Section 19 Permit must satisfy the issuing body that the transport services aren't run with a view to profit, nor incidentally to an activity which is itself carried on with a view to profit.

Organisations that are registered as charities usually qualify. However, a business which makes, or seeks to make, a profit would not normally qualify, regardless of how it uses any profits or income surplus.

If your organisation is a business carried on with a view to profit and it operates vehicles for hire or reward then you should read the guide to PSV operator licensing: a guide for operators (PSV437) available at <https://www.gov.uk/government/publications> as an Operator's Licence is likely to be required.

The following notes are to assist you in answering the questions on the attached application form. If you require any assistance please contact Fleet Services on 01305228104 or email [fleetservices@dorsetcc.gov.uk](mailto:fleetservices@dorsetcc.gov.uk) .

From time to time a Fleet Services compliance officer will visit Organisations holding minibus permits issued by Dorset County Council to ensure they are being operated lawfully.

## **1.What is a Minibus?**

1.1 A minibus is defined as a passenger carrying vehicle having more than 8 seats but no more than 16 seats in addition to the drivers.

1.2 Dorset County Council may issue permits on behalf of the Driver and Vehicle Standards Agency (DVSA) to its own Departments and to those bodies concerned with:

Health and Welfare services eligible for grants under the Health Services and Public Health Act 1968.

Assisting or co-ordinating the activities of community groups in the area known as 'umbrella organisations'. Groups affiliated to one of these organisations may use a small bus under that organisation's permit.

Schools or other bodies connected with education.

1.3 Permit holders have a responsibility to ensure that their services are operated within the law, with vehicles properly maintained and using drivers with the appropriate qualifications. If permit holders are in any doubt about their obligations in operating their vehicles safely and legally, and their on-going entitlement to operate with the permit, then it is suggested they discuss this with the Dorset County Council or with DVSA

1.4 If you are borrowing a minibus from another Organisation please remember to take your permit with you when you are driving the vehicle and take it with you when you return the vehicle to its owner.

1.5 If another school / organisation borrow your minibus the permit holder MUST make sure the school / organisation borrowing the minibus has their own permit.

1.6 The Permit system has been relaxed to allow smaller vehicles (i.e. cars and MPVs) to be used under a Section 19 Permit subject to the "separate fares" requirement being met (each person pays a fixed fare for any journey). A vehicle that is hired out as a whole, for a single payment, is still likely to fall within the private hire vehicle (Private hire) licensing regime and cannot be used with a Permit.

## **2. Why are Permits necessary?**

2.2 Vehicles that carry passengers are called Passenger Carrying Vehicles (PCV's). Ordinarily, any organisation that accepts any sort of payment for providing transport to passengers must obtain a PCV Operator's Licence from the relevant Traffic Authority. In most cases, drivers of such vehicles will also require D1 Passenger Carrying Vehicle (PCV) entitlement on their Driving Licence.

2.3 Hire and reward encompasses any payment in cash or kind by (or on behalf of) passengers which gives them a right to be carried, on that vehicle. Therefore, if there is

a payment made for the use of the vehicle by persons being carried then a hire and reward situation exists.

- 2.4 Under the Section 19 permit scheme, **non-profit making organisations** can make a charge to passengers for providing transport to the people whom the organisation serves without the need to obtain a PCV Operators Licence and, in most cases, without having to comply with PCV Drivers Licence. However, permit holders can only provide services to their own members or to groups whom the organisation serves. Section 19 permits cannot be used to provide services to the general public or on journeys outside the UK. Organisations that are registered as charities usually qualify. **However, any profit making business would not usually qualify regardless of how it applies its profits or income surpluses.**

***REMEMBER: - If no charge is made for the use of the bus at all, no permit is required***

- 2.5 Please note that Section 20(2) of the Transport Act 1985 provides that if the body issuing the permit (DCC) consider it appropriate they may grant the permit to a named individual on behalf of the applicant body rather than to the body itself. This would only be done in special circumstances.

- 2.6 If the classes of passengers that you intend to carry conform exactly to one or more of the following standard classes, please indicate in answer to Q3 only using the letters (below) signifying those classes. If, however, you intend to carry some class that cannot be described, please indicate this by letter 'E' and then give full details of that class. Remember that everyone (including attendant's ect) must be accounted for. **Please note that the Act does not allow permits to authorise the carriage of the public at large.**

- 2.7 The standard classes are:-

- A. **Members of any Organisation (including a designated body) to which the permit has been granted;**
- B. **People, the helping of whom is a purpose of the Organisation to which the permit has been granted, and people necessarily assisting them;**
- C. **Persons who are seriously handicapped by illness, injury or deformity (including persons who are blind, deaf, dumb or suffering from mental disorder and persons necessarily assisting them);**
- D. **Pupils or students of any educational institution providing primary, secondary, higher or further education, and any persons necessarily attending them, including staff and members of parent-teacher organisations;**
- E. **Passengers living within a geographically defined local community or communities whose public transport needs are not met.**
- F. **Other classes to be specified (see above).**

- 2.8 Please remember that the purpose of the journeys as well as of the body making them must be concerned with **Education, Religion, and Social Welfare** or with other activities **for the benefit of the community**. The Act provides that the vehicles may not be used with a view to profit or incidentally to an activity which is itself carried out with a view to profit.

- 2.9 The name and address of a vehicle's registered keeper are those as given on its registration (V5) document. For vehicles owned by Dorset County Council the registration (V5) document will be held by Fleet Services.
- 2.10 It is essential that proper arrangements are made for preventative maintenance inspections, reporting of defects and any necessary service and repair work. The manufacturer's recommendations may provide a useful guide in many cases as to how frequently a vehicle should be inspected and what items should be checked. The most important points are wheels, tyres, brakes, steering, suspension, lights, seats/seat belts and fluid levels.
- 2.11 Please note that Safety Inspections are not the same as driver's daily checks or routine servicing, and should be pre-planned and based on mileage and / or time. Inspection frequencies are based on annual mileage and age of vehicle. You should monitor your inspection frequencies to ensure they remain suitable. If you need further advice on maintenance and/or inspection frequencies please contact Fleet Services.
- 2.12 You may find it advisable to choose someone in your organisation or establishment who will take on the responsibility of ensuring that these requirements are met and who can make the necessary arrangements with whoever is to do the actual maintenance work for you. He should have sufficient authority to be able to ensure that a vehicle has its regular safety inspections and is kept off the road until any defects are rectified. In the same way, it should be clear who within your organisation or establishment has the responsibility for dealing with and checking that all the drivers are suitably experienced, over 21 and have the correct categories on their Driving Licence.
- 2.13 Fleet Services offer a Minibus Inspection Service, which covers the inspection, defect reporting and maintenance issues covered in note 2.10/11 above. Information on Minibus Safety, including Bus Permits, can be found on Dorset County Councils services network portal Dorset NEXUS at <http://www.dorsetnexus.org.uk/>
- 2.14 **Permits and discs granted on or after 6th April 2009 will have an expiry date and will be valid for a maximum of 5 years. Permits and discs granted before 6th April 2009 will not have an expiry date. If you have any of these permits you're advised to check with Fleet Services periodically for further details.**
- 2.15 A permit will not be valid after its expiry date, and it will be an offence to continue to operate services without a valid permit. Please make sure you allow sufficient time to arrange for a new permit prior to the existing permit's expiry.

### **3. Who can drive a Minibus?**

- 3.1 All permit bus drivers must be over 21 years or over.
- 3.2 Drivers who passed their test **before** 1<sup>st</sup> January 1997 were automatically granted additional entitlement to drive minibuses with 9-16 passenger seats (category D1) not used for hire and reward. For as long as they hold D1 (not for hire and reward) entitlement, these drivers may drive a 9-16 seat minibus of any weight used under a permit.
- 3.3 On expiry of the Licence the D1 (not for hire and reward) entitlement may be renewed provided the driver can meet the necessary standards of health (this involves a compulsory medical examination). Any driver who does not renew the D1

(not for hire and reward) entitlement at age 70 but retains car (category B) entitlement may still drive a 9-16 seat minibus provided the conditions below are met.

3.4 Drivers who passed their car test **on or after the 1<sup>st</sup> January 1997** are no longer granted D1 (not for hire and reward) entitlement. Their category B entitlement allows them to drive vehicles with **no more than 8 passenger seats**. However, they may still drive a 9-16 seat minibus under a permit provided the following conditions are met:-

- the driver has held the category B Licence for at least 2 years
- the driver receives no payments or consideration for driving the vehicle other than out-of-pocket expenses
- the driver is providing a service on a voluntary basis
- the minibus has a gross weight not exceeding 3.5 tonnes (4.25 tonnes including any specialised equipment for the carriage of disabled passengers)
- In the case of drivers aged 70 or over, they must be able to pass the medical examination referred to in paragraph (a) above.

3.5 **Where any of the above conditions cannot be met, the driver will need to pass a second driving test in a minibus including, medical and theory, hazard perception and practical tests. This will gain them a full PCV, D1 entitlement.**

3.6 A current MOT Certificate is required if the vehicle is one year old or older, and it is an offence to use such a vehicle on the roads without a current certificate.

3.7 Like all motor vehicles used on the road, a vehicle operated under a permit must be covered by an insurance policy, which insures against liabilities to third parties (which includes the passengers that are being carried in the vehicle). If you are unsure about your level of cover or need any advice please contact your own insurer (if self-insured) or the County Councils Insurance and Risk Management Service on 01305 224075 if you are insured through the County Council

3.8 If you are borrowing a minibus from another Organisation please remember to take your permit with you when you are driving the vehicle and take it with you when you return the vehicle to its owner.

## **4. Safety and Maintenance**

4.1 As a permit holder you're responsible for ensuring the safe operation of your vehicles, within the legal requirements and are operated under a valid permit. You should ensure that:

- your drivers are suitably trained and correctly licensed;
- your drivers take appropriate breaks;
- your vehicles satisfy the appropriate construction and use requirements and are maintained in a safe and roadworthy condition;

- your vehicles are insured and your insurer is aware that your vehicles are used to provide services for hire or reward under a permit ;
- the vehicle isn't operated with a view to profit, nor incidentally to an activity which is itself carried on with a view to profit;
- you only carry the class(s) of passengers allowed by the permit and, in the case of section 19, you don't provide any transport services that could be viewed to be carrying the general public;
- you inform Fleet Services who issued your permit of any changes such as the change of name of your organisation, as this means that your permit needs to be replaced.

4.2 Vehicles operated under a permit are still public service vehicles and subject to spot checks by DVSA examiners as to their roadworthiness. You must ensure all vehicles have regular maintenance inspections. It's also advisable to carry out a walk around check every time the vehicle is used. If you need further information please follow this link [Guide to Maintaining Roadworthiness](#)

4.3 If the vehicle is found to be unfit, a prohibition notice could be issued to prevent it being driven. Failure to obey such a notice is against the law and could lead to a heavy fine.

## 5. Legislation

5.1 The relevant legislation can be found in sections 18 to 23A of the Transport Act 1985. Further requirements and conditions are prescribed in the Section 19 Permit Regulations 2009 (S.I. 2009/365) and the Community Bus Regulations 2009 (S.I. 2009/366). You can find copies of the regulations on the <http://www.legislation.gov.uk/> website.

## APPLICATION FORM FOR A STANDARD PERMIT

**Using a vehicle to carry passengers for hire or reward other than as authorised by a permit, or operating the vehicle with the intention of making a profit, either directly or indirectly is against the law. It could lead to prosecution and the vehicle being impounded.**

**A FALSE STATEMENT MADE IN ORDER OBTAIN A PERMIT IS AN OFFENCE.**

A permit does not allow you to carry members of the general public. You are only authorised to carry those groups of passengers ticked in Question 12. You may tick more than one box in Questions 2 and 12.

Completion of this form does not denote eligibility for a permit. Should the Fleet Manager not be satisfied that your body meets the requirements for a permit you may be required to apply for a Public Service Vehicle Operator's licence.

Please contact Fleet Services if you have any questions when completing this form.

**All applicants must complete questions 1- 12**

### **1. Your details - Please complete in BLOCK CAPITALS**

Name of body applying (give local branch or group name if appropriate) or your name if applying on behalf of a body.

Address for correspondence

  
  

Postcode

Daytime/mobile telephone number

Email Address

**2. What is your body concerned with?**

Education

Helping and co-ordinating the activities of not-for-profit bodies (large bus permit applicants only)

Religion

Social Welfare

Other activities of benefit to the community. Please give details in the box below.

Recreation (Standard permits only)

Continue on a separate sheet of paper if required

**3. If your body is concerned with education please explain what type of establishment it is and how it is funded.**

**4. Does your body carry out all of its activities without a view to profit?** Yes  No

If NO please provide details below

**5. Will the vehicle operation be carried out without a view to profit** Yes  No

If NO please provide details below

**6. Does the body have charitable status?**

Yes  No

If it has a registered charity number please give that number

<input type="text"/>									
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**7. Does the body have a number registered with Companies House?**

Yes  No

If YES please give number

<input type="text"/>									
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**8. Is your body a Community Interest Company**

Yes  No

**9. Do you already hold any standard bus permits?**

If YES please give permit No (s) and the issuing body/bodies.

Permit number	Issuing Body

10. Has your body ever had an application for a permit refused?

Yes  No

If YES please supply details below

**Permit Details**

11. How many permits do you require?

Carrying Capacity	Type of permit	Number required
< 9 passenger seats	Standard	
9-16 passenger seats	Standard	

**You may apply for any number of standard permits on this application form**

12. What classes of passengers will your vehicle carry?

*Please tick the box(s)*

- A) Members of the body holding the permit
- B) Persons whom the body exists to benefit, and persons assisting them

- C) Disabled persons or persons who are seriously ill, and persons assisting them
- D) Pupils or students of any school, college, university or other educational establishment and staff or other helpers accompanying them
- E) Persons living in a geographically defined local community, or group of such communities, whose public transport needs are not met other than by virtue of services provided by the body holding the permit - please give details in the box below
- F) Any other class or person - please give details in the box below

For use if applying for passengers in Class E or Class F

**13. How often will safety checks/inspections be made on the vehicle?**

At least every \_\_\_\_\_ weeks *(It is recommended that they do not exceed 10 weeks)*

**If any of your maintenance arrangements change you must notify Fleet Services immediately.**

**REMEMBER, the permit holder remains responsible for the condition of vehicles inspected and/or maintained for them by agents or contractors.**

**DECLARATION FOR ALL APPLICANTS**

I am authorised by the body applying for this permit to make this declaration on behalf of its members (or members of the local branch or group named in this application)

The body will operate under this permit within the terms of sections 19 to 21 of the Transport Act 1985 and any regulations made under these sections, including:

The vehicle will not be used with a view to profit;

The vehicle will not be used incidentally to an activity that is itself carried on for profit;

The body is a not-for-profit organisation and only undertakes activities which are carried on without a view to profit

The laws relating to the driving and operation of vehicles used under this permit shall be observed.

**The body will make proper arrangements to ensure that any vehicle, whether owned or hired in, used under the permit:**

- Will comply with the appropriate construction requirements and conditions of fitness
- Will be kept in a fit and serviceable condition
- Regular maintenance inspections will be carried out
- Mechanical faults identified will be rectified promptly and before the vehicle is used again
- Will be properly insured for the uses authorised by the permit

**Drivers will**

- Report mechanical faults in vehicles as soon as possible
- Be a person over 21 years of age who holds the appropriate entitlement to drive
- Be informed of their legal responsibilities as driver of a vehicle being used under a permit

If you have any doubt of your obligations or the eligibility of your body to hold a permit you should contact Fleet Services for advice before submitting an application.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Position held \_\_\_\_\_

**USING A VEHICLE TO CARRY PASSENGERS FOR HIRE OR REWARD OTHER THAN AS AUTHORISED BY A PERMIT, OR OPERATING THE VEHICLE WITH THE INTENTION OF MAKING A PROFIT, EITHER DIRECTLY OR INDIRECTLY IS AGAINST THE LAW. IT COULD LEAD TO PROSECUTION AND THE VEHICLE BEING IMPOUNDED.**

Please return this application form to:-

**The Corporate Fleet Manager  
Dorset County Council  
Dorset Highways Operations Fleet Services  
Charminster Depot  
Wanchard Lane  
Charminster  
Dorchester  
Dorset  
DT2 9RP**