


Safety Services Guidance



**Driving at Work:
Guidance for drivers carrying passengers**

Key word(s) : Section 19; S19; minibus; field trip; mileage

Target audience : Staff using vehicles at work; managers and supervisors approving such work.

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Introduction

1. This document is intended to help Faculties, Schools, Directorates and drivers understand and comply with the licensing requirements relating to carrying passengers in any road going vehicle.
2. It is illegal for anyone to provide transport for passengers who have made any sort of payment unless the vehicle is licensed as a taxi. The definition of payment is wide and may be interpreted as including student tuition fees, although this will only be determined definitively by a court of law.
3. However as a not-for-profit organisation, the University can provide such transport services within the UK if it complies with various requirements.
4. It is important for drivers to remember that they are responsible for ensuring their vehicle is being used appropriately and failure to follow these guidelines may result in their prosecution by the Police, the Vehicle and Operator Services Agency (VoSA) and other regulatory bodies AS AN INDIVIDUAL. It may also render their insurance invalid.
5. In some circumstances it may be appropriate not to provide any transport as part of fieldwork and to ask participants to make their own arrangements to get to the site of the activity.

Passengers not making any sort of payment

6. Where passengers do not make any sort of payment for travel in a small vehicle provided by the University (eg a car, including MPVs), the normal road traffic and licensing regulations apply. It is anticipated that this will normally only apply to passengers who are staff and are attending conferences, away days, etc. For further information on this type of driving for work, see [Safety Services Driving at Work toolkit](#) for other guidance documents.

Passengers making payment

7. It is important to understand that any sort of trip involving students is likely to come within the definition of passengers making payment. The definition of fares includes direct payment (field trip fee) and indirect payment (tuition fees). If staff are expected to contribute towards any travelling costs, then they are also likely to be considered fare paying passengers.

8. Any vehicle that is provided by the University to carry fare paying passengers must either be subject to a Public Service Vehicle (PSV) Operators Licence, Private hire vehicle licence or carry a Section 19 permit.
9. There is a further requirement, particularly in relation to the use of smaller vehicles such as cars for carrying fare paying passengers, that they are all charged individual fares for carriage. This duty is likely to be addressed by either direct (e.g. charges for a fieldtrip) or indirect payment (publicised tuition fees). As such, each passenger has been charged a separate fare and this requirement has been met.

Contracting out the transport requirement to a third party

10. The University does not have a PSV Operators Licence or any private hire vehicles. However, in many cases it may be appropriate to arrange for the services of an outside PSV operator or private taxi to transport passengers on our behalf.
11. In these cases, it is the operator of these services who provides the driver, vehicle, insurance and is responsible for ensuring the roadworthiness of the vehicle.
12. Whilst the University is obliged to ensure that the contractor is reputable and has fulfilled their duties, the University does not need to obtain additional licences.
13. The trip and transport should still be subject to a risk assessment, undertaken by the member of University staff organising the trip in consultation with the service provider. The member of staff will also need to make reasonable checks that
 - The vehicle is appropriate for the trip, the number of passengers and the amount of luggage;
 - The vehicle is well maintained and fault free;
 - The vehicle has the appropriate MOT certificate;
 - The vehicle has appropriate insurance and breakdown arrangements;
 - The vehicle provider has public and employers liability insurance;
 - The vehicle and driver have the appropriate licences, permits or otherwise for driving the full route of the journey (many bus companies have UK only licences);
 - The route taken includes appropriate scheduled rest stops and is in line with drivers working hours (particularly relevant for vehicles fitted with tachographs and trips abroad).

Using University owned, leased or rented vehicles within the UK

14. In those cases where it is felt appropriate for the University to provide a vehicle rather than contracting out to a third party, the School, Directorate, etc should ensure that it is done so in accordance with the following guidance on S19 permits for carry fare paying passengers.
15. The School, Directorate, etc should also ensure that the appropriate insurance and breakdown cover is in place by contacting the Insurance Office.

Section 19 permits

16. Section 19 applies to England, Scotland and Wales; Section 10B permits are required for Northern Ireland. As the conditions are the same, reference to Section 19 in this document can be taken to include Section 10B permits. Government guidance is at <https://www.gov.uk/government/publications/section-19-and-22-permits-not-for-profit-passenger-transport>
17. Where the School, Directorate, etc chooses to provide its own vehicle to transport fare paying passengers within the UK, the vehicle must be subject to a Section 19 permit. This applies regardless of how many people are in the vehicle and how many are fare paying. Section 19 permits are required for cars as well as small minibuses (those with up to 17 seats including the driver's).
18. Where there is a transport requirement for a minibus with over 17 seats (including the driver's), this should be contracted out to a third party provider (paragraph 5 to 7). These requirements are based on the vehicle specifications – so removing seats or using the additional seats for luggage capacity does not reduce the capacity of the vehicle.
19. Section 19 permits must be displayed in the front window of the vehicle at all times.
20. Failing to display a permit means that the Police and VoSA can assume that the vehicle is undertaking a commercial operation. In this situation it is likely that whilst the University may be prosecuted for operating a commercial vehicle without licence to do so, the individual driver could be prosecuted for failing to have the appropriate driving licence, failing to have appropriate insurance, etc. The University cannot indemnify the driver against criminal charges.
21. Schools should identify how many permits they will require and contact Safety Services for advice. Permits can take some time to obtain, but are not specific to a vehicle (so once the field trip is complete the permit can be used for another).

The cost of obtaining the licences will need to be covered by the School. The licences expire 5 years after they were issued to the School.

22. Any trips, including those using vehicles subject to Section 19 permits, must be subject to a risk assessment.
23. Any person driving the vehicle with a Section 19 permit must do so voluntarily. Drivers must not receive any payment for driving the vehicle, although reasonable expenses may be considered. There must be no obligation on staff to drive the vehicle, i.e. it must not be referred to as a condition of employment.
24. 19 permits can be obtained by contacting Safety Services.

For journeys including travel outside of the UK

25. Please note that travel to the Republic of Ireland is considered travel abroad.
26. Safety Services strongly recommends using a third party transport service for any travel abroad. This significantly reduces the regulatory burden and uncertainty about interpretation of international regulation.
27. Where the vehicle is used to travel from the UK abroad, Section 19 licence does not apply to the overseas element of the trip. Once abroad, the vehicle is considered to be a commercial passenger vehicle.
28. Serious consideration should be given to whether this is the most appropriate form of transport as there are potentially significant additional requirements that need to be met.
29. VoSA has provided the following verbal advice to the University, but this is only opinion and would need to be tested in court:

Should the University provide passenger transport from the UK to Europe, the University would need to be registered to do so, and be in possession of a Standard International Operators Licence. These Licences impose additional duties on the University and would require the appointment of a Transport Manager, Certification of Professional Competence for those involved and increased regulation of drivers hours, for example, using a tachograph in a minibus or van. Each trip would also need to be provided with either a Waybill or Own Account Certificate – this potentially includes cars.

Journeys commencing overseas using University leased or rented vehicles

30. Where the vehicle is rented from an overseas agent, the UK legislation does not apply. However, legislation in Europe is similar to the UK; outside the EU legislation can be more complex, particularly in relation to driver licensing.

31. When planning the rental of such vehicles, written advice should be sought from the embassies of each jurisdiction the vehicle will be used in.

32. Again, hiring a local driver with vehicle is likely to be far more practical.

Example situations

Driver	Vehicle	Passenger	Intention	S19 required?
Staff (including people acting as staff such as PGs and volunteers)	Car OR minibus	Staff	Conference, away day, research trip.	No. Appropriate driving licence required.
Staff (including people acting as staff such as PGs and volunteers)	Car or minibus	Students	Purely social outing, eg following viva. Not mandatory part of course & in staff's personal vehicle. Eg Sports Club outing where no form of payment has been made.	No. Appropriate driving licence required.
Staff	Car OR minibus	Students	Conference, fieldwork. Entire journey within UK.	Yes
Staff	Car OR minibus	Students	Conference, fieldwork. Journey leaves UK at points.	Yes for UK journey, plus legislation in countries being travelled to. Consideration will need to be given to additional requirements.
Staff	Large bus	Students	Conference, fieldwork	Yes with additional

Driver	Vehicle	Passenger	Intention	S19 required?
				requirements.
Student	Car or minibus	Students	Conference, Fieldtrip. Vehicle organised entirely by students for students with no staff involvement.	No. Appropriate driving licence required.
Student	Car or minibus	Students	Social outing, sports clubs where no direct or indirect payment has been made and transport organised entirely by students with no staff involvement.	No. Appropriate driving licence required.
Staff (including people acting as staff such as PGs and volunteers)	Car or minibus	Students	Sports club/outing where direct or indirect payment has been made and transport organised or resource contribution by University.	Yes.
Third party	Any vehicle	Staff/ students	Any activity	Third party is responsible for ensuring appropriate licences are in place.

Further information

This is a particularly complex and difficult area to interpret, and interpretations of legislation on the internet are not authoritative as there is very little case law, particularly in relation to international travel. Further information can be obtained by contacting Safety Services.

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