

Safety in Scouting in Berkshire



Minibus safety and legality

A minibus is a vehicle for carrying passengers with between 9 and 16 seats excluding the driver.

In order to manage both the safety and legality of using a minibus a number of factors need to be considered. These various factors are linked, hence they all need to be considered.

MiDAS certification

Whilst the MiDAS certification is not a stated requirement of Berkshire Scouts, as you read this you will realise how beneficial completion of the course will be to you in understanding your responsibilities.

It may however be a requirement for many of the vehicles that you might borrow or hire.

Considerations

- 1 The vehicle
- 2 The vehicle (owner or manager)
- 3 The driver
- 4 What is the vehicle being used for?
- 5 How the vehicle is driven

If you are in any doubt as to what is, or is not acceptable, take advice.

The vehicle

- within a road specified as a national speed limit, for a single carriageway the maximum speed allowed is 50 mph and for a dual carriageway it's 60 mph;
- on a motorway your maximum legal speed limit is 70 mph BUT you will find the vehicle is speed limited to 62 mph (100 kmh) or less;
- any vehicle with a speed limiter fitted is **excluded** from the outside lane (furthest right) of any road with three or more lanes;
- must be fitted with a fire extinguisher and a first aid kit (to minibus standards);

- the design of minibus seats will in many cases not allow for the use of child seats, nor booster cushions. If they are available, they may be used but are not a legal requirement;
- in place of child seats and booster cushions, you will often find 'all age' seat belts;
- whilst it is legal to use roof racks, they are very strongly **not advised**. The weight distribution will adversely affect the centre of gravity and hence vehicle handling;
- with any passengers on board all doors must be unlocked and openable from the inside.

Section 19 permit

Unless the driver has a professional licence (PSV or similar) a section 19 permit is required. These are obtainable through The Scout Association and many other organisations.

Note: that permit relates to the organisation using the vehicle **not** the vehicle itself. So, even if you hire or borrow a vehicle (commercially or otherwise) that will need a section 19 permit, relevant to the group using the vehicle. In simple terms, it allows the use of a commercial vehicle by a private licence holder.

The vehicle (owner or manager)

Is responsible for ensuring that relevant processes are in place to aid the driver.

- a fully compliant vehicle (Note 1);
- ensure compliance to insurance/driver (Note 2);
- pre drive check process;
- manage maintenance, servicing, repairs and safety checks – by a competent person (Note 3);
- plan for breakdown cover as appropriate;
- have a system in place to report any faults found;
- should a minibus be subject to a roadside check and found not compliant it may share the responsibility with the driver;
- retain a copy of the relevant vehicle details on board (MOT certificate, insurance certificate, etc).

Note 1 All minibuses must have a minibus standard first aid kit (in date) and a fire extinguisher in place. Accessible vehicles should have 2 fire extinguishers (one towards the rear, one at the front of the vehicle).

Note 2 Many insurers may place certain requirements on the driver (age, MiDAS certificate, maximum number of acceptable points on the licence). The vehicle manager should check that before handing the vehicle key over.

Note 3 Given occasional use of vehicles, is the standard servicing regime adequate?

The Driver

- the driver needs to be both licenced and insured to drive the vehicle;
- if you were driving other than in accordance with your licence, you will automatically be uninsured;
- the driver has responsibilities to ensure that the vehicle is both safe and legal before driving it. Pre-Drive checks;
- if you come into contact with Police or DVSA, the driver is responsible for any faults, (this might be shared with the vehicle owner/manager);
- no impairment due to alcohol or drugs or other health issues.

The vehicle/driver link

In most cases if you passed your car driving test after 31 December 1996 you will normally not have D1 driving licence (B only licence holder). While a driver without a D1 licence remains able to drive a minibus, greater restrictions are in place.

- must be over 21 years old;
- must have held a full licence for a minimum of 2 full years;
- must not be paid for the driving;
- must not tow a trailer;
- the Maximum Authorised Mass (MAM) of the minibus must not exceed 3500kgs for a standard minibus, or 4250kgs for a vehicle adapted for accessible usage (disabled use);
- Payments:
drivers without a D1 licence must not be paid for driving other than expenses occurred.

For all drivers

- the driver must meet the required eyesight standard;
- conduct and report the daily checks;
- must be driving for a not-for-profit organisation;
- there can be no payment by the passengers to cover vehicle/journey costs (eg: for an event, you cannot charge extra for the journey, it would need to be factored in the overall event cost and paid equally by all participants.
- the generally accepted principle would be to reimburse road toll fees, car park cost and similar. But any fines (eg: speeding tickets or similar) would be expected to be paid personally by the driver.

What if anything goes wrong? (should an incident occur)

- if possible, park the vehicle in a safe manner (do not move it if involved in an injury collision);
- deal with any injuries to the best of your ability;
- consider evacuation of the vehicle (as a general rule, on a motorway evacuate, on a lower speed limit road, keep the passengers on board with seat belts fastened);
- contact the vehicle owner/manager;
- call the police in all injury cases or damage to a vehicle or property of somebody that you are unable to contact;
- photograph the scene, vehicles, people, and record names and contact details of anybody else involved.

Checklist

- **Driving licence:**
categories
points
in date? (photocard section 4B)
- **Driver:**
vehicle compatible to the licence held
fit to drive
meets insurance requirements
conducts pre drive check of the vehicle
use of spectacles, or other health restrictions
- **Section 19 permit**
- **Vehicle:**
roadworthy
breakdown cover
maximum authorised mass
- **Vehicle owner/ Manager:**
Is a process in place
maintenance, servicing and repairs
- **If it's not written down – it didn't happen**