



DVA: ENFORCEMENT BULLETIN

COMMERCIAL DAY CARE NURSERY TRANSPORT

The Driver & Vehicle Agency (DVA) carries out over 650,000 roadworthiness checks a year on cars and motorcycles, light goods vehicles, trailers, large passenger carrying vehicles and heavy goods vehicles. Over 133,000 driving tests are carried out per year in four main groups, ie theory tests, practical driving tests, large goods vehicle (LGV) tests and passenger carrying vehicle (PCV) tests. In addition to this the Agency maintains an up-to-date register of around 900 Approved Driving Instructors. The Agency's Compliance section is responsible for checking both vehicles and drivers to ensure they comply with statutory legal requirements.

DVA recently had cause to investigate the use of an unlicensed minibus by a children's day care nursery. This highlighted the fact that similar nursery businesses may not be aware of their legal responsibility in relation to the operation of vehicles used to transport children to and from their nursery, or on occasional trips.

The Agency's main concern relates to circumstances in which a nursery business owns and operates a vehicle that transports passengers in return for a commercial charge: this is defined in legal terms as 'reward' and is any monetary or other contribution, no matter how small. This may be a direct charge, where a passenger is charged per mile or per trip, or it could be an indirect charge. An example of indirect charging is where the nursery fees include a charge for transporting children to and from school.

USE OF MINIBUSES BY NURSERIES

What do I need to do if I transport passengers using a minibus?

A minibus is a vehicle fitted with more than eight but less than 17 passenger seats. If you are using a minibus to transport passengers for reward, you must comply with the following requirements:

- The operator of the vehicle must hold a Road Service Licence: this ensures the operator is of good repute, has sufficient funds to operate the vehicle, has suitable premises and understands the regulations the vehicle will be operating under. Further information can be obtained from Licensing section on the telephone number below.
- The vehicle must have a valid Public Service Vehicle Licence: this ensures the vehicle has passed a roadworthiness test and has adequate insurance cover. The vehicle will be issued with a licence which must be displayed on the windscreen of the vehicle.
- The driver must hold an unrestricted category D1 driving licence: this category entitles the driver to drive a minibus for hire and reward purposes. Further information can be obtained from our website or by contacting Driver Licensing section at 0845 402 4000.

USE OF CARS AND PEOPLE CARRIERS BY NURSERIES

What do I need to do if I transport passengers using a car or people carrier?

If you are using a vehicle with eight passenger seats or less and are transporting passengers for reward, you will be required to licence the vehicle as a taxi. This means that the driver must hold a taxi driver's licence: this licence is only issued to drivers who have had their reputation checked to ensure that they are a fit and proper person to hold a taxi driver's licence. The vehicle they are using must have passed a roadworthiness test (Public Service Vehicle Licence) to ensure it meets the requirements of the regulations, including the provision of 'hire and reward insurance'. This vehicle will be issued with taxi licensing plates which must be displayed on the vehicle.

Additional information can be obtained from our leaflet 'A Guide to Taxis' which can be downloaded from our website under Publications or alternatively contact us at the telephone number below.

CHILDMINDERS

I am a childminder who uses a private car to transport children in the course of my work. Do I have to comply with these requirements?

A childminder who uses a private car to transport children under their care can do so legally if:

- The service is provided free of charge; or
- Reward is collected in advance of the journey and does not exceed the running costs of the vehicle for the distance travelled.

In other words, the child minder cannot receive payment for their time when driving the vehicle, but they can accept a contribution towards the actual running costs of the vehicle for the journey undertaken.

WORKING TOGETHER

Our aim is to ensure that all nursery businesses understand and comply with the legal requirements. This will help to make sure children are transported legally and safely, by properly licensed drivers and vehicles and create a level playing field for everyone in the industry.

We welcome your comments and views, and we will be seeking new ways to communicate more effectively with all those involved in passenger transport.

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