

## Taking a minibus abroad

### Summary

Taking a minibus abroad and remaining within the law is far more complicated than taking your car to France, for example. Do not plan a trip abroad until you and your organisation have fully understood all of the strict requirements you need to meet.

Minibus owners are most likely to travel within the European Union (EU). The EU now includes 28 countries, although Norway and Switzerland are still not EU members. In this fact sheet we give basic advice on taking a minibus to EU countries and outline where to get further advice and information.

We assume that your passengers will be contributing to the cost of their trip. Your minibus is therefore operating for 'hire or reward'. The definition of 'hire or reward' is described in more detail in *Community Transport Fact Sheet 4: Section 19 Standard Permits for Minibus Operation*.

In planning a trip abroad the two requirements that are most likely to cause difficulties are:

- Driver licensing – drivers must have passed a D or D1 driving test. The exemptions which allow you to drive a minibus in the UK on your car licence, whether you passed your driving test before or after January 1997, do not allow you to drive a minibus in other EU countries. You must have current D1 or D entitlement on your licence, **gained by passing a D1 or D driving test** (D is a PCV licence for more than 16 passenger seats). **You cannot drive a minibus abroad if you only have an ordinary 'B' car driving licence.**
- Tachograph – for all other EU countries the minibus must be fitted with a tachograph. Drivers must comply with EU drivers' hours regulations and the tachograph must be used throughout the trip, from the moment the trip commences in the UK.

Another potential obstacle is that the minibus will need a **speed limiter**, restricting its maximum speed to 100kph (62 mph). This is only an issue for older minibuses, built before 2008 – all newer minibuses have factory-fitted speed limiters as standard. Older buses may have them, especially those built from 2005 onwards.

In summary, before you start planning a trip abroad in any detail, make sure that:

- You have appropriately licensed drivers
- The minibus has a tachograph fitted
- And has a speed limiter.

## **Introduction**

All trips abroad in a minibus come within the scope of rules governing international bus and coach journeys. Round trips from and back to the UK, where the same passengers are carried throughout, are called 'Occasional Services' and are the most straightforward and common type of trip. Other types of service are not covered here. The rest of this fact sheet deals with the requirements for Occasional Services.

## **Vehicle Documentation**

The driver(s) must take the following documentation with them on the trip:

- Own Account Certificate or EU Journey Form (Waybill)
- Vehicle registration document (V5C) or 'Vehicle on hire' certificate
- Vehicle MoT test certificate
- Insurance certificate and 'Green Card'
- Tachograph records to show drivers' hours on each day
- European Accident Form (available from your insurance company or broker)
- Documentation for European breakdown cover – AA or RAC etc
- Driving licence.

## **Own Account Certificate**

For a trip abroad by a school or voluntary group the simplest form of paperwork is an Own Account Certificate. This is available for international journeys within the European Union (EU) by organisations which:

- Are non-profit-making
- Do not have transport as their main activity
- Are transporting their own members in a vehicle which they own (or operate full-time or have hired from a community transport group hire scheme of which they are a member).

If any of the three conditions listed above is not met then you will need a European Journey Form (Waybill) instead.

Further information is available from the International Road Freight Office (IRFO). (See useful contact details on the last page).

## **European Journey Form (Waybill)**

An EU 'Waybill' gives details of the vehicle, driver(s), dates of the trip and number of passengers, for trips lasting less than 90 days. So, unlike the Own Account Certificate, it is specific to each trip abroad. Waybills are available from the Confederation of Passenger Transport (CPT). (See useful contact details on the last page). They cover journeys through all EU member countries.

The waybill means that the minibus is exempt from the operator licensing laws in other EU countries but you still need to comply with EU drivers' hours regulations and the road traffic laws in each country.

The waybill shows the number of passengers travelling (excluding the driver).

The waybill is filled in by the person responsible for the operation of the service, for example your manager. They keep the duplicate copy and must retain it for 12 months. **The top copy of the waybill must be carried by the driver and be available for inspection at any time during the trip, especially at frontier crossings where it may be stamped.** Failure to produce a completed waybill can lead to substantial on-the-spot fines. If the driver cannot pay then your vehicle may be impounded.

### **Drivers' Hours Regulations And Tachographs**

EU Drivers' Hours Regulations must be adhered to. Visit [www.vosa.gov.uk](http://www.vosa.gov.uk) and search for leaflet 'PSV375'. This and the Addendum which updates it give details of the drivers' hours regulations.

You must use the tachograph to record your hours. If you are not familiar with using a tachograph you should practise in the UK in the weeks before the trip takes place. Note that for hours, records and waybill purposes, the journey starts in the UK so the tachograph must be used from the time the vehicle leaves its UK base.

When planning a trip, the EU driver's hours regulations need to be taken into account. Breaks will need to be built into the schedule and two drivers may be required if the driving time exceeds the EU limits for one driver.

#### **Digital tachographs**

Since 1 May 2006 the older style of tachograph can no longer be fitted to new vehicles. Instead you need to get a digital tachograph fitted. Digital tachographs record driver's hours on a digital 'smart card' instead of the round tachograph discs used by the old analogue designs. The smart card performs a similar function to the memory card used in digital cameras. To download the driver's hours information from the smart card you will need a card reader, a download tool and a software package to analyse the data. You will also need to train the drivers in using the new tachographs and train someone in the office to download and store the data.

Is this worth the effort for one or two minibus trips to France a year? Unfortunately it is getting more and more difficult to take a minibus on trips abroad and remain within the law. For some groups, the move to digital tachographs may be the last straw.

It is still legal to take an older minibus (pre May 2006) abroad and use its older-style analogue tachograph.

## Driving Licence

To drive a minibus in other EU countries you need to be:

- Appropriately licensed – hold D1 or D entitlement gained by passing a second test
- Over 21
- Have at least one year's experience of driving minibuses.

As mentioned earlier, drivers of minibuses operated for hire or reward (in other words where the passengers are contributing towards the cost of their trip) must hold current category D1 or D entitlement gained by passing a D1 or D driving test (D1 being 9 to 16 passenger seats, D being the PCV category for vehicles with more than 16 passenger seats).

The exemptions which allow you to drive a minibus in the UK on your car driving licence do not allow you to drive a 'hire or reward' ('permit') minibus in other EU states. This applies to all drivers, whether they passed their car driving test before or after 1 January 1997. In all cases a second test must be passed. **If you drive on your ordinary car driving licence you are at risk of prosecution and your insurance will be invalid.**

International driving permits are necessary for some European countries and further information on these is available from one of the national motoring organisations, for example the AA or RAC .

## Vehicle Registration Document

The vehicle registration document (V5C) must be carried with you while you are abroad. You need the original as photocopies are not acceptable. If your minibus is hired then you should carry the hire form that was signed when your group hired the minibus. The AA or RAC can provide a 'Vehicle on Hire Certificate' if you plan to take a hired or leased vehicle abroad.

## Letter Of Authority - Permission To Drive

If the driver's name is not on the vehicle registration document then they will need a letter from the owner authorising them to drive the vehicle abroad. For example, for a school with a minibus registered in the name of a local council, a letter on school headed paper, signed by the headteacher and naming the drivers, should be sufficient.

## Vehicle Insurance And The 'Green Card'

Vehicle insurance policies issued in the UK automatically provide the minimum legal cover required within the EU and some other European countries but this is generally third party only and will not cover any damage to your minibus. Your organisation is strongly recommended to increase its cover to fully comprehensive when abroad by purchasing a 'green card' from its insurers. It is advisable to have at least two drivers named on the green card in case of illness of the main driver.

If you are planning a trip to or through Spain, a Bail Bond is no longer required following the merger of European protocols, and insurance companies no longer issue them.

## European Breakdown Cover

Although it is not a legal requirement, you are strongly recommended to take out European cover with one of the national motoring organisations such as the AA or RAC. This will provide peace of mind as well as ensuring that you can speedily obtain assistance in the event of a breakdown.

## Other Requirements For European Travel

- Health Insurance Documents

Within the EU, you will need a European Health Insurance Card (EHIC). This has replaced the E111 and entitles the holder to receive medical treatment free or at a reduced cost. Note that whereas one E111 could cover a whole family, each person requires their own EHIC. An information leaflet on this (Health Advice For Travellers) is available from the Post Office. You can also find this information and apply for an EHIC on the Department of Health website: [www.dh.gov.uk](http://www.dh.gov.uk)

- Money

Heavy on-the-spot fines for breaches of regulations are common on the continent. There are tolls for motorways and tunnels, and you may have to pay local road taxes when entering some countries. Make sure that you are carrying sufficient local currency to allow for this situation.

- Spares And Equipment

Check with one of the national motoring organisations on the equipment needed when travelling abroad. This will generally include a nationality plate (GB sticker), headlight deflectors, warning triangle, yellow reflective jacket etc. Motoring Emergency Packs may be hired from one of the national motoring organisations. These contain a tool kit, tow rope, warning triangle, spare bulbs, disposable gloves, booster cables, fire extinguisher, first aid kit etc.

- Legal Requirements

Make sure you understand the road signs and 'rules of the road'. Check with one of the national motoring organisations regarding the different driving rules for each country you will be visiting as these can vary from one country to another. Apart from the obvious difference of driving on the right and different speed limits there are less obvious requirements which may include: giving priority to the right, compulsory right of way for public transport, compulsory accident and emergency procedures, seat belt use, tyre regulations, lower speed limits in poor weather, etc. Note that many countries do not permit children under 12 to sit in the front seats.

## For Further Information On Taking A Minibus Abroad

This fact sheet has summarised the main issues you need to consider when taking a minibus abroad, within the European Union. For more detail or for travel to countries outside the EU, you will need to seek further advice:

- *Minibus to Europe* (published by the CTA – the Community Transport Association). This provides greater detail than this fact sheet and also covers non-EU states. It can be downloaded from: [www.cta.uk.org](http://www.cta.uk.org)
- Community Transport Team, Hampshire County Council. Telephone 01962 846983 or email: [communitytransport@hants.gov.uk](mailto:communitytransport@hants.gov.uk) if you have any queries.

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## Frequently Asked Questions

### Q: Can I drive in another EU country if the minibus is not being used for hire or reward?

A: This may be possible but depends on two factors:

- How the trip is being paid for

You must be certain that passengers are not contributing to the cost of their trip in any way, even if part of a larger charge for a holiday. In reality this seldom applies. If passengers are contributing then all drivers must have full D1 or D entitlement, obtained by passing a second driving test

- Using drivers who passed their driving test before 1 January 1997

Where the operation of a minibus is **genuinely not for hire or reward**, drivers with D1 (101) or D1 79 (NFHR) may still drive abroad.

**Drivers who only have category B entitlement on their licences must NOT drive a minibus abroad, even if it is not being used for hire and reward.** Drivers with only category B include:

- People who passed their car driving test from 1997 onwards
- Some 'pre-1997' drivers with medically restricted licences
- Some people who passed their driving tests abroad
- Drivers aged 70 or over, who have not renewed their D1 'minibus entitlement' by passing a full medical – see *Community Transport Fact sheet 2 – Renewing a Driving Licence*.

### Q: If we are not operating for hire or reward, does this also exempt us from all the other requirements for driving abroad?

A: No! Everything else still applies. Even if your trip is a private one for your own family, if it is in a minibus (9 to 16 passenger seats) it will still come under the rules that govern international journeys by bus and coach. This

still applies even if there are less than 8 passengers travelling in the minibus. This means that all the other requirements in this fact sheet still apply, including:

- Tachograph
- Speed limiter
- Own Account Certificate or EU Journey Form (Waybill)
- Driver's Hours Regulations.

**Q: Does our minibus need a speed limiter?**

A: It depends on the age of the minibus.

Any new minibus from January 2005 onwards must have a speed limiter fitted if used abroad. Some new minibuses will already have a speed limiter fitted – there should be a sign on the dashboard (or somewhere within sight of the driver) to say so. Since 1 January 2008 all new minibuses have been fitted with speed limiters as standard.

For minibuses registered before 2005, it depends on whether the bus is petrol or diesel:

- Diesel minibuses fitted with a 'Euro III emissions compliant' diesel engine, registered between 1 October 2001 and 31 December 2004, must be fitted with a speed limiter before being used in any other EU country
- Other pre-2005 diesel minibuses do not have to fitted with a speed limiter
- Pre-2005 petrol minibuses do not require a speed limiter.

See Community Transport Fact Sheet 5 - *Minibuses and Speed Limiters* for further information.

When driving a minibus with a speed limiter you need to be aware of how it will affect you, when planning overtaking manoeuvres for example. Also, note that when driving in the UK, minibuses with speed limiters are banned from the right hand lane of motorways with three or more lanes.

**Q: Is it expensive to fit a speed limiter?**

A: It depends on the make and model of minibus. In some cases it is simply a matter of taking the minibus to a main dealer and having the engine management re-programmed. The cost should be around an hour's labour or less. For other minibuses it may require new parts and could result in a bill for over £500. Enquire at your dealer. You are advised to seek more than one quote.

## **Useful contact details:**

### **The International Road Freight Office**

City House, 126-130 Hills Road, Cambridge CB2 1NP. Tel: 01223 531030.

### **The Confederation of Passenger Transport**

Imperial House, 15–19 Kingsway, London, WC2B 6UN. Tel: 020 7240 3131.  
[www.cpt-uk.org](http://www.cpt-uk.org)

### **Community Transport Association**

Highbank, Halton Street, Hyde, Cheshire, SK14 2NY. Tel: 0161 351 1475.

[www.ctauk.org](http://www.ctauk.org)

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