

Advice and Information

Operational

Minibuses and Overloading

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Introduction

This advice leaflet highlights the risks of overloading a minibus and applies to any organisation operating transport. It will also show how to work out a vehicle's payload.

Legislation

Some minibuses are designed to enable drivers with only a category B entitlement on their driving licence to drive them.

The **Motor Vehicles (Driver Licences) Regulations 1999** allow drivers who have passed their car test from 1 January 1997 to drive minibuses. However, these regulations restrict a driver with only a category B entitlement specify that to drive a minibus for social purposes they:

- Have to be 21 years old or older, up to the age of 70 years old (unless at 70 they pass a PCV medical and renew their minibus entitlement on their driving licence every three years);

- Have held their licence of an aggregate period of not less than two years;
- Cannot tow a trailer;
- Receive no other consideration for driving other than out of pocket expenses;

As well as **all** of the above points, there are two specific issues regarding weight limits which also have to be adhered to. These state that the driver:

- May drive a vehicle with a maximum authorised mass (MAM) not exceeding 3,500kg, excluding any part of that weight which is attributable to specialised equipment intended for the carriage of disabled passengers; and
- Not exceeding 4,250kg otherwise.

Drivers who passed their car test before 1 January 1997 and hold a category D1 101 entitlement on their driving licence are not restricted in the same way; they can drive minibuses for social purposes of any weight up to the 16 passenger seat carrying capacity. This means that they could drive a 16-seat minibus which weighs 4,500kg MAM, whereas a driver with only a category B entitlement could not drive the same vehicle.

Operators must ensure that where they are using minibuses designed to enable a driver with only a category B driving licence to drive that they understand that the additional 750kg weight attributed to 'specialised equipment' is the maximum allowance permitted to directly offset the additional weight of any 'specialised equipment' therefore, any allowance claimed over the 3,500kg limit must be attributed to this equipment. The gov.uk website provides an example of 'specialised equipment' as being a ramp however operators and drivers must ensure that any 'specialist equipment' stays on the minibus for this concession to apply, if there is no 'specialist equipment' on the minibus then the MAM cannot exceed 3,500kg.

Overloading any vehicle is illegal. If you allow your minibus to be overloaded you are putting your driver and passengers, as well as other road users, at risk. An overloaded vehicle can cause damage to the tyres by overheating and can mean the vehicle is difficult to steer; it will also increase the fuel

consumption of your vehicle. It also means that your vehicle insurance cover will be invalid as the vehicle is illegal. Think about what the results of a crash will mean to your organisation.

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Ensuring you don't overload the vehicle

You will need to establish what the 'payload' of your vehicle is. This is the difference between the MAM of your vehicle and the unladen weight (UW) - in other words, the carrying capacity of your vehicle.

Finding the MAM of a minibus

You will find a plate on the minibus that looks like the picture on the below. It is sometimes called the chassis plate or VIN plate. It may be in the door frame, in one of the front foot wells or under the bonnet.



The relevant weight, MAM, is always the second largest weight on the plate - in this case 4100kg. Remember that the MAM includes the weight of the vehicle, driver, load and any passengers.

The largest weight, 5750kg, on the plate is the gross train weight (GTW). This is the combined weight of the loaded vehicle and any loaded caravan/trailer which must not be exceeded.

The third figure, above, (1650kg) is the front axle maximum weight and the fourth (2950kg) is the rear axle maximum weight.

The plate above is on a standard (not wheelchair accessible) 17-seat Ford Transit minibus. It would be illegal for a driver with only category B entitlement to drive this minibus (4100kg MAM) as the MAM they can drive is 3500kg for a standard minibus. They would need to take and pass a PCV D1 driving test in a minibus to drive this 'heavy' 17-seat Transit.

Finding the UW of a minibus

The UW of the vehicle is when the vehicle is empty of passengers or its load. To find this you will have to take the vehicle to a local public weighbridge to be weighed. The difference between the MAM and the UW is the payload of your vehicle.

A sixteen seat accessible minibus

Maximum Authorised Mass (MAM)	4,250kg
Unladen Weight (UW)	2,975kg
Payload	<u>1,275kg</u>

In the example above the vehicle's payload is 1,275kg which means that, when transporting 17 people (driver plus the 16 passengers), this group of people along with any luggage/equipment carried may not exceed 1,275kg in total. This means the average weight for each person travelling on the minibus cannot exceed 79.6kgs (12.5 stone!). The above scenario also needs to take into account any wheelchairs carried, whose weight must be included within the 1,275kg payload capacity. Depending on the types of wheelchairs this could contribute to the vehicle exceeding the 4,250kg MAM.

Consequence of an overloaded minibus

Both the police and the Driver and Vehicle Standards Agency (DVSA) have the power to stop and carry out checks on your minibus. An officer can ask your driver to follow them to the nearest weighbridge if they think that your minibus is overloaded. The weighbridge will enable them to see if the minibus is above the MAM.

If your minibus is found to be overloaded then your driver can be fined because the minibus they are driving exceeds the maximum it is allowed to carry. In the vast majority of cases, the offence will also

prevent the minibus from being driven any further if some of the passengers cannot find an alternative form of transport.

Even if your driver holds a category D1 101, if the minibus is overloaded then they can expect to receive a fine.

What are the current fines?

Amount over limit	Fine
5% - 10%	£100
10% - 15%	£200
15% - 30%	£300
More than 30%	Court summons



Further Information

The DVSA have published guidance, Consolidated code of practice: enforcement weighing of vehicles, which can be found on www.gov.uk.

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About the Community Transport Association

The Community Transport Association is a national charity that represents and supports providers of community transport: thousands of other local charities and community groups across the UK that all provide transport services that fulfil a social purpose and community benefit. We are for, and about, accessible and inclusive transport.

We help our members remain relevant and responsive to key areas of public policy and to make a big difference for the people and families in the communities in which they work. Our vision is of a world where people can shape and create their own accessible and inclusive transport solutions and our mission is to achieve this through championing accessible and inclusive transport, connecting people and ideas and by strengthening our members and raising standards.

Keep up to date with CTA via our website or by signing up to our monthly [News Brief](#).

About CTA's Advice Service

The CTA's Advice Service is available to CTA members, community and other voluntary groups, local authorities and other statutory bodies. It offers information and support on any aspect of non-profit transport operations. The CTA's Advice Service covers the whole of the UK and is supported by national governments. We will only ever explain the most accurate and commonly accepted interpretation of regulations and best practice. We do this by providing support and information on a wide range of community transport related topics such as permits and licensing regulations and by signposting to other agencies. The Advice Service does not exist to provide legal advice on any topics. If you are still unsure you will need to seek [legal advice](#).

For more information, contact
advice@ctauk.org | 0345 130 6195 | www.ctauk.org

This leaflet has been primarily produced for members of the CTA. If your organisation has benefited from using it but isn't a member please consider joining us, for more details please see:

<https://ctauk.org/why-become-a-cta-member>.

Disclaimer:

The Community Transport Association has made every effort to ensure the accuracy of the information contained in this leaflet, but it should be noted that this is only a guide, and should be treated as such.