



Vehicle & Operator
Services Agency

GUIDE

Guidance for operators of stretch limousines



This guide and the application forms for operator licensing and bus registration are available through www.dft.gov.uk/vosa, as is the publication Notices and Proceedings. The website also provides useful information for transport operators, local authorities, partner organisations, hire companies and the general public. This guide is valid as of March 2011. For latest information please refer to www.dft.gov.uk/vosa.

Disclaimer

This publication gives general guidance only and should not be regarded as a complete or authoritative statement of the law.

If you wish to check the legal position you should refer to the relevant legislation and, if necessary, seek your own legal advice.

The interpretation of the law remains the sole prerogative of the Courts.

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Introduction

This guide tries to answer basic questions to assist owners and operators of stretched limousines and, to a limited extent, 'novelty vehicles'. It is only intended for general help; it is not a legal document. For details of the law you will need to refer to the relevant legislation or seek independent legal advice.

Historically within the industry there has been some uncertainty of the legal requirements for these types of vehicles and, partly as a result of that, there has been relatively high non-compliance with the rules. However in recent years there have been significant strides made across the sector in moving towards legality – and this guide is intended to further support those efforts.

This is the third published edition of this guide. In addition to a number of minor revisions, following customer feedback the guide has been restructured to try and make it simpler to understand.

The guide is now split into five main sections:

1. Vehicle Registration
2. Vehicle Standards
3. Vehicle Licensing
4. Other Requirements
5. Enforcement

Where appropriate each of these is split into explaining the requirements for “small” and “large” limousines. These terms are used throughout this guide and refer to vehicles with 8 or less passenger seats ('small') and more than 8 passenger seats ('large').

Further information on specific aspects of the law can be found in the documents listed in this guide and from the web links provided to Government websites – see Annex 2. If, after considering the additional information, you are still unsure about any aspect of the law you should consider seeking independent legal advice.

1. Vehicle Registration

If you buy a brand new vehicle in Great Britain (GB) the dealer will usually arrange for it to be registered for you.

A vehicle imported into GB for use on the public road must be licensed and registered immediately after arrival. Information on the procedures for importing, licensing and registering vehicles purchased outside Great Britain can be found on the website above under 'Registering an Imported vehicle'.

The vast majority of limousines imported into Great Britain are exported from the USA and are already 'converted' to be limousines prior to registration in Great Britain. Legislation governing the construction and use of vehicles is significantly different in America and therefore the vehicles will need modifications (very substantial modifications in the case of larger vehicles) before being compliant with GB requirements. Before purchasing a limousine, you should investigate the matter fully and satisfy yourself that the vehicle can be modified to meet the GB requirements and that you know the cost of these modifications.

It is possible to take a car which is already registered with DVLA and convert it into a limousine, using reputable coachbuilders here or in the USA. Once the vehicle has been converted you are legally required to notify DVLA of the changes, since the identity of the vehicle may be brought into question. It is possible that the passenger capacity, weight limits, or the taxation class of the vehicle would have changed, so the V5C registration document would no longer be valid.

If a vehicle or its chassis has been cut in half and extended, the vehicle would need to be inspected by DVLA and would be assessed as being in one of two categories; either as radically altered from its original specification or, if a kit of new parts has been used in the build, as a kit conversion. The registration number will change because this is not the same vehicle as that described on the vehicle records and it would be misleading to retain the original registration number when the vehicle has undergone such major modifications. A vehicle undergoing major structural alterations is likely to require approval (IVA) in its modified condition.

IMPORTANT - you are legally required to notify DVLA of any changes to your vehicle or if any details shown on your registration certificate are incorrect; examples of changes are engine, replacing/modifying chassis and seating capacity.

DVLA has published a guide to the registration of rebuilt, radically altered and kit converted vehicles, in the form of an information leaflet INF 26, which is available from DVLA local offices.

You will be required to show receipts, build plans and photographs of the build if you are applying for kit conversion status. DVLA advises that before modifying a vehicle which has a cherished registration mark, the vehicle keeper may wish to consider securing the mark, which may be lost if the vehicle's identity is changed.

Where a vehicle is converted to a limousine post registration, in addition to ensuring that vehicle registration requirements are met – there will still be a requirement to ensure that vehicle standards are met. This is dealt with in the section 2 of this guide.

2. Vehicle Standards

Small Limousines¹

Small limousines, that is, those with fewer than 9 passenger seats, will in almost all cases not be type approved to British or European standards and thus will need to prove compliance through the Individual Vehicle Approval Scheme (IVA), formerly known as the Single Vehicle Approval scheme (SVA). The IVA scheme provides a pre-registration inspection for all passenger and goods vehicles that have not been type-approved to British or European standards. The main purpose of this scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads.

Before a vehicle is submitted to VOSA for an IVA inspection, evidence must be provided to demonstrate the modified vehicle's capability to operate at weights higher than the original vehicle's maximum gross weight where this will be exceeded when the vehicle is full of passengers. Key components such as the axles, suspension and brakes may have to be upgraded to take the extra weight of the converted vehicle, compared to the original base vehicle.

Large Limousines

Large limousines, that is those with 9 or more passenger seats traditionally have required a COIF (Certificate of Initial Fitness) from VOSA in order to be registered and used to carry paying passengers (referred to as "use for hire or reward"). Since April 2009 it has also been possible to apply for Individual Vehicle Approval (IVA) or type approval for such vehicles. From 29 October 2011, COIF will no longer be an acceptable route to registration, except for vehicles built more than 3 months prior to this date (i.e. manufactured prior to 29th July 2011).

There are very few limousine types that are currently compliant with COIF, IVA or type approval requirements. The Department is aware that vehicles not complying with GB, or EC, construction regulations have been registered in the past and has taken steps to prevent this. Operators need to consider, when purchasing a larger limousine, that most of these vehicles will require considerable expense to convert them in order that they can meet COIF or IVA requirements – although there are a number of vehicle models that commercial companies do offer conversion to the required standards.

When considering a vehicle purchase, it is worth noting the difficulties that some vehicles will have in complying with the legal requirements. Most limousines imported from the USA cannot obtain such a certificate because they do not comply with GB, or EC, construction and use regulations. In particular, the regulations require any passenger vehicle carrying more than eight people to have exits big enough to get passengers out quickly in the event of an emergency. Many limousines do not comply with this requirement. In addition, the regulations require European-approved lamps, mirrors, tyres, seat belts and glass, which are not present on American vehicles, and the regulations on turning circle are not met by most stretched American vehicles.

¹ Small limousines are defined as being those with 8 or fewer passenger seats. Large limousines are defined as those with more than 8 passenger seats. The seating capacity is the number of passengers the vehicle is adapted to carry; Seating capacity can be defined by the number of seating positions - which could be defined by sculpting in the seat and/or seat belts.

3. Vehicle Licensing

Stretched limousines are generally used for hire or reward². To do this the correct licence is required by the operator of the vehicle – and the conditions for that licence must be complied with. The type of licence required depends on the capacity of the vehicle and the type of operation undertaken.

If you operate vehicles for hire or reward it is your responsibility to ensure that you are correctly licensed and that you comply with the legislation. Operating a vehicle without the correct licence could lead to prosecution in the Courts. You will also need to ensure that you have the appropriate vehicle and operator insurance for your operation. Operating without a valid PSV operator's licence (where applicable) or vehicle insurance could result in your vehicle being impounded. Other offences could result in prosecution through the Courts, the issue of a Fixed Penalty and Immobilisation of the vehicle. See section 5.

Small Limousines

Limousines are generally used in a way that means that small limousines fall into the scope of the Private Hire Vehicle Licensing Scheme. A private hire vehicle (PHV) licence is required if the vehicle is hired out, with a driver, as a whole (ie: an exclusive hiring). In England and Wales these licences are administered by the relevant local authority or, in London, Transport for London (TfL), who have discretion as to what vehicles they will license. Where the PHV licensing regime applies, the vehicle, the driver and the operator³ must all be licensed separately by the authority.

The situation is similar in Scotland, where local authorities act as licensing agents for the Scottish Government who have legislative responsibility. A small limousine must be licensed as a private hire car where it is used for hire by private arrangement.

Vehicles constructed or adapted to seat fewer than 9 passengers, including stretched limousines, are exempt from PHV licensing requirements while being used in connection with a funeral or a wedding, or where used wholly or mainly for the purpose of funerals by a person carrying on the business of an undertaker.

In some circumstances a limousine is used in a way that a small limousine can fall into the scope of the PSV Operator Licensing scheme – where licences are issued by the traffic commissioner. This is only in very limited circumstances, where the vehicle is operated in a prescribed manner that meet the requirements of such a licence – which include the need to charge “separate fares”. This is not the usual way that such vehicles are used. The detailed requirements for a small limousine to be licensed as a PSV are set out in Annexe A.

Each local licensing authority may decide which vehicles are suitable for licensing as PHVs in their area. Accordingly, it is for each licensing authority to decide for its area whether they wish to license stretched limousines as PHVs, taking into account local circumstances. It is important to note that only vehicles constructed or adapted to seat fewer than 9 passengers can be licensed as PHVs. Where a vehicle is licensed and used as a PHV, the operator and any person who drives the vehicle for hire must also hold the appropriate licence issued by the local authority.

The Department for Transport has issued best practice guidance to local licensing authorities in England and Wales (similar guidance has been issued by the Scottish Government to Scottish local authorities)

² Hire or reward is any sort of payment or other reward which gives a person a right to be carried on a vehicle regardless of whether a profit is made or not and regardless of whether that right is exercised. The payment may be made by the person themselves or on their behalf. It may be a direct payment (such as a fare, hire charge or other payment made in respect of the journey) or an indirect payment (such as a membership subscription to a club, payment for a bed in a hotel or payment for concert tickets).

³ The operator is the person who, in the course of business, makes provision for the invitation or acceptance of bookings for a private hire vehicle.

on the licensing of taxis and PHVs. This guidance encourages local authorities to consider the licensing of limousines on a case by case basis and not to impose a blanket ban on the type of vehicle.

The licensing process, in England and Wales, allows for would-be licence holders, who are refused a licence on the grounds that a vehicle is unsuitable to be licensed as a PHV, to appeal against the authority's decision in the local magistrate's court. In Scotland an appeal can be made to the sheriff court.

Large Limousines

For vehicles constructed or adapted to carry more than 8 passengers used to carry passengers for hire or reward, the licence required is a public service vehicle (PSV) operator's licence granted by the traffic commissioner.

There are two main types of licence – a standard and a restricted licence:

- ▶ A standard licence allows you to operate any number of vehicles within your authorisation. For this type of licence you will need to have a transport manager and you (as the operator), or your transport manager will need to demonstrate professional competence – that normally being demonstrated with a Certificate of Professional Competence (CPC).
- ▶ A restricted licence allows you to use only one or two vehicles adapted to carry nine to sixteen passengers provided that:-
 - ▷ the vehicles are not used in the course of a business of carrying passengers; or
 - ▷ your main occupation is not the operation of PSVs adapted to carry more than eight passengers.

For this type of licence you do not need to demonstrate the requirements for professional competence. You do not need a transport manager.

The majority of (but not all) large limousine operations fall into the requirements of a standard licence – because generally the company's purpose is the operation of the vehicles adapted to carry more than eight passengers.

To obtain your licence you will need to be able to show that you are of good repute, you have appropriate financial standing, have appropriate and adequate arrangements for maintaining your vehicles and have systems in place to support compliance with all of the legal requirements.

In order to obtain such a licence you will also need to prove that your vehicle complies with legally required safety standards for this type of vehicle. In order to prove this, your vehicle will need to have evidence of whole vehicle type approval, a Certificate of Initial Fitness (COIF) or an IVA issued by VOSA – see section 2.

If your vehicle is able to comply with the safety standards, guidance on obtaining a PSV licence is available in the booklet PSV 437. The guidance provides details of the type of services that you may provide using such a licence but you will also need to consider the impact of the drivers' hours, tachograph, and driver licensing requirements for PSV vehicles (see section 4).

“Dry hiring” is not an acceptable route to avoiding the operator licensing requirements. “Dry hiring” is the term used to describe the practice whereby a company leases out a limousine without a driver. If the person hiring the vehicle intends to drive it himself (and holds a suitable driver's licence and insurance), then this is a perfectly legitimate arrangement. However, some operators have sought to adopt the practice of offering (or requiring) the hirer to hire a driver from a connected/related company under a separate agreement. VOSA considers that where this practice is adopted in an attempt to circumvent the PSV operator licensing requirements where passengers are being carried for hire or reward, it is illegal.

This view is backed up by the courts, who have upheld decisions to bring legal action against operators who have used this practice. VOSA will continue to bring such cases to court, and limousine owners who continue to use “dry hiring” in this way could have their vehicles impounded (see section 5).

IMPORTANT - Operations which involve hiring a vehicle with driver, or receipt of payment or any other kind of reward in return for the carriage of passengers, will require some form of licence. If the limousine is adapted to carry less than nine passengers then it most likely that it will fall within the PHV, or PHC in Scotland, licensing regime. If the limousine is adapted to carry nine or more passengers then a PSV operator’s licence is required.

Failure to adhere to these requirements may result in your vehicle being impounded and, ultimately, destroyed.

4. Other requirements

Drivers' Hours and Tachographs

The majority of large limousines will come into the scope of EU Drivers' Hours rules because of the way that they are used. Where this is the case the vehicle will require a tachograph. There can be technical difficulties in fitting a tachograph to some types of vehicles because the transmissions of the "base" vehicle (pre-stretch) was not designed to accept a tachograph – and therefore this should be a consideration when making vehicle choices.

For tachograph Information please refer to the VOSA Guide "Rules on Drivers' Hours and Tachographs Passenger-carrying vehicles in the UK and Europe" (Revised 2011).

Technical advice on the fitment of tachographs to different vehicle types is available from VOSA licensed Tachograph Calibration Centres. You can find your nearest centre here:

<https://www.gov.uk/find-approved-tachograph-centre-atc>

Speed Limiters

There are speed limiter regulations in place for passenger vehicles over 8 seats but not over 7500 kg design gross vehicle weight –

1) Vehicles first used prior to 1 October 2001 - No requirement

2) Vehicles first used on or after 1 October 2001 up to 31 December 2004 - For British domestic use only. These will require a speed limiter set such that the vehicle speed cannot exceed 100 kph (62.14 mph) to be fitted by 1 January 2007 if they have a Euro 3 engine with heavy duty diesel emissions approval under directive 88/77/EC. If they are used for international traffic and have such engines then speed limiters were required from 1 January 2006.

In-Service Testing

Small limousines will be required to meet the requirements of the Local Authority for being used as a Private Hire Vehicle. Usually this will consist of a Class IV "MOT" at least annually, and may also consist of other bespoke inspections that the Local Authority may stipulate. Class IV MOTs are the same type as most private cars require and therefore are conducted at many MOT garages – however the majority of Class IV MOT garages will not have sufficiently large facilities to test a stretched limousine. Many Local Authorities do have facilities that are able to offer MOT for this type of vehicle, as do VOSA test stations.

For Large limousines that are used for hire and reward (as the majority are) they require a Class VI MOT. These MOTs are only available from VOSA – at its own test stations or authorised test facilities.

Passenger Seat Belts

Seat belt fitting requirements depend on the age and size of the vehicle, but generally it is recommended that all forward and rearward facing seats are fitted with seat belts and, where appropriate, child restraints.

There is no legal requirement to fit seat belts in sideways-facing seats and there are no seat belts or child restraints approved for sideways facing seats. Therefore, a child who is required to use a child restraint (i.e. all those under 135 cm tall who are also under 12 years old) cannot travel in a sideways-facing seat. Instead they must use a forward or rear-facing seat.

The following requirements apply for the wearing of seatbelts for small limousines:

	Rear seat	Responsibility
Child up to 3 years old	Correct child restraint must be used. If a restraint is not available in a limousine licensed as a PHV the child may travel unrestrained – but this does not apply if the vehicle is operated as a PSV.	Driver
Child from 3rd birthday up to 135cms in height (approx 4' 5") or 12th birthday, whichever they reach first	Where seat belts are fitted, the correct child restraint should be used. If the correct child restraint is not available in a limousine licensed as a PHV then the adult seat belt should be used. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear (because of the vehicle age).	Driver
Child over 135cm (approx 4 foot 5 inches) in height, or 12 or 13 years old	Seat belt must be worn if available	Driver
Passengers aged 14 years old and over	Seat belt must be worn if available	Passenger

The driver is generally responsible for ensuring passengers aged under 14 years old use rear seat belts in private hire vehicles. However, in licensed taxis and licensed hire cars in which the rear seats are separated from the driver by a fixed partition, the driver is not responsible for making sure that passengers under 14 years in the rear of such vehicles use the correct child restraint as required by the regulations.

The following requirements apply for wearing seatbelts for large limousines (operated as a PSV):

	Rear seat	Responsibility
Child up to 3 years old	Correct child restraint must be used. If a restraint is not available in a limousine the child may travel unrestrained.	Driver
Child from 3rd birthday up to 14th birthday	Where seat belts are fitted, the correct child restraint should be used. If the correct child restraint is not available then the adult seat belt should be used – however there is legal requirement for the child to use a seat belt.	-
Passengers aged 14 years old and over	Seat belt must be worn if available.	Passenger

All coaches and minibuses carrying a group of 3 or more children on organised trips must be equipped with seat belts.

Where seat belts are required to be used vehicle operators must now notify passengers that seat belt wearing is compulsory. This can be done by an official announcement, or an audio-visual presentation, made by the driver, conductor, courier or group leader when the passenger joins the bus or by a sign

prominently displayed at each passenger seat equipped with a seat belt. Pictorial symbols must be in the agreed form showing a white figure on a blue background. It is an offence to fail to take reasonable steps to ensure that passengers are so notified.

Driver Licensing

You will need to ensure that drivers have the correct licence for the size of vehicle that you are using and how it is being used.

The driver of a small limousine must hold a full car (category B) driving licence (providing the vehicle does not exceed 3.5 tonnes). Additionally, for small limousines that are licensed as PHVs the driver must be licensed by the same authority that issued the PHV licence.

For a large limousine (used as a PSV) with 16 or less passenger seats then a category D1 or D licence is required, for those with 17 or more passenger seats then a category D licence is required. When using a limousine as a PSV you will need to ensure that a licence is not restricted to vehicles that are not used for hire or reward – which some D1 licences are.

5. Enforcement

VOSA has the power to impound⁴ any vehicle constructed or adapted to carry more than 8 passengers which is being, or has been, used to carry passengers for hire or reward without a PSV operator's licence.

VOSA may also prohibit vehicles from further use where serious mechanical defects, overloading and drivers' hours offences are detected.

In addition to VOSA's powers the police have powers to seize a vehicle for other offences, for example, if it does not meet insurance requirements.

VOSA has widely publicised the requirements of the PSV and PHV licensing regimes to raise awareness and enable as many operators as possible to obtain the necessary licence. If you have any doubts as to whether your operations are compliant with the law, you should seek independent legal advice.

Ultimately, where vehicles are found unable to comply with COIF or IVA requirements, they may be destroyed.

On the 1st April 2009 the graduated fixed penalty, deposits and immobilisation scheme (GFP/DS) was launched. The Road Safety Act 2006 introduced powers to enable both police constables and VOSA examiners to:

- ▶ Issue fixed penalties in respect of both non-endorsable and endorsable offences;
- ▶ Request immediate financial deposits from non-UK-resident offenders (equivalent to an on-the-spot fine) - either in respect of a fixed penalty or as a form of surety in respect of an offence which is to be prosecuted in court; and,
- ▶ Immobilise vehicles in any case where a driver or vehicle has been prohibited from continuing a journey or in any case where a driver declines to pay the requested deposit. There are various offences covered by the scheme which are all driver related. The scheme includes offences such as failing to have a tachograph installed, failing to produce a driver CPC and failure to comply with Construction and Use Regulations.

⁴ The Public Service Vehicles (Enforcement Powers) Regulations 2009 (S.I. 2009/1964)

Annex A:

Requirements for a Small Limousine to be Licensed as a PSV

A PSV operator's licence issued by the traffic commissioner may be required if the vehicle is used for carrying passengers at separate fares in the course of a business of carrying passengers. However, even if the passengers are carried at separate fares, this does not automatically mean that the vehicle is a PSV. There are further conditions that must also be met in order for the vehicle to qualify as a PSV.

CONDITION 1: The passengers must have been brought together for the purposes of making the journey by the driver or owner of the vehicle or by some other intermediary who is paid for doing so. In addition the journey must have been advertised to the public, so as to create a genuine opportunity for members of the public to be carried on the particular journey in question, i.e. the journey is not an exclusive hiring for an individual or group, notwithstanding that separate fares are paid. Advertisement at a place of worship, a place of work, a club or other voluntary association for the information of people present at those places, or in periodicals circulated wholly or mainly among such persons, does not count as advertisement to the general public. Finally, in the event that there are multiple destinations, there should be differentiation of fares for the journey based on distance or time of day.

CONDITION 2: The making of the agreement for the payment of separate fares must have been initiated by the driver or owner of the vehicle, or by some other intermediary who is paid for doing so – not by the passengers themselves, or any other party. In addition, as in condition 1, the service must be advertised to the public beforehand as being open to passengers to be carried at separate fares

If these conditions cannot be satisfied the vehicle is not a PSV and is probably operating as a PHV.

Limousine operations using vehicles adapted to carry fewer than 9 passengers are likely to fall outside the PSV operator licensing regime and require a PHV licence, as they are unlikely to meet these conditions.

Information on the PSV operator licensing regime is contained in the guidance booklet PSV437 which can be accessed on the VOSA website.

Annex B:

Useful Contacts and Additional Information

Vehicle Registration

Further information can be obtained from www.gov.uk, by following the pathway below;

- > **Motoring**
- > **Buying and selling a vehicle**
- > **Registering a vehicle**

Information leaflet INF 26 (on registration of rebuilt, radically altered and kit converted vehicles), which is available from DVLA local offices.

Vehicle Standards

Further information on IVA is available at www.gov.uk/vehicle-approval/individual-vehicle-approval

Further information on type approval is available at www.gov.uk/vehicle-approval

Further information on COIF is available at www.gov.uk, by following the pathway below;

- > **Driving, transport and travel**
- > **Drivers of lorries, buses and goods vehicles**
- > **Vehicle Approval**
- > **Part 9, Certificate of Initial Fitness**

Further information on Tacho calibration centres is available at www.gov.uk, by following the pathway below;

- > **Driving, transport and travel**
- > **Drivers of lorries, buses and goods vehicles**
- > **Tachographs - rules for drivers and operators**

Licensing

Information on the local private hire vehicle requirements can be obtained from your local licensing authority (district/borough councils, unitary authorities or TfL).

Contact details for your local authority can be found at www.gov.uk/find-your-local-council

If you need further information about the operation of small passenger-carrying vehicles in Scotland, please contact the VOSA National Contact Centre on: **0300 123 9000** for a copy of the Licensing of Small Passenger Carrying Vehicles.

Publications on Operator Licensing can be viewed and downloaded from www.dft.gov.uk/vosa by following the pathway:

- > **Publications**
- > **Manuals and Guides**
- > **Operator Licence Guides**

Paper copies of VOSA guides are available by contacting the VOSA National Contact Centre on: **0300 123 9000**

PSV Operator Licensing

If you have a query about PSV operator licensing contact:-

Central Licensing Office
Hillcrest House
386 Harehills Lane
Leeds
LS9 6NF

Tel: **0300 124 9000**

Self.Service@vosa.gov.uk

Other Requirements

Publications on Drivers' Hours and Tachographs can be downloaded from www.dft.gov.uk/vosa by following the pathway:

- > **Publications**
- > **Manuals and Guides**
- > **Drivers' Hours Guides**

Driver licence information is available from www.gov.uk by following the pathway

- > **Driving, transport and travel**
- > **Driving licences**

More information on graduated fixed penalties, deposits and immobilisation schemes can be found on www.gov.uk by following the pathway

- > **Driving, transport and travel**
- > **Driving licences**
- > **Roadside vehicle checks for commercial drivers**
- > **Part 5 Fixed penalties**

Business Information

A wide range of information on transport as a business can be found on: www.gov.uk/browse/driving

Department for Transport website address is www.dft.gov.uk

Transport for London website address is www.tfl.gov.uk

VOSA Contact Centre telephone number is **0300 123 9000**

Visit our websites:

for commercial customers and private motorists
www.gov.uk

for corporate information
www.dft.gov.uk/vosa

Contact us:

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enquiries@vosa.gov.uk

National Number
0300 123 9000*

Monday to Friday - 7.30am until 6.00pm
(normal working hours)