| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-2676  Responded to: 04 September2025 |
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Your recent request for information is replicated below, together with our response.

**Around 2013 / 2014, a guidance document was published, written jointly by the Department for Education, the Department for Transport and Association of Chief Police Officers.  The guidance document stated that where a teacher is not obligated to drive a school minibus by their contract of employment, they may be classed as “volunteer” minibus drivers and therefore drive a 17 seat minibus on a Cat B licence, not requiring a Cat D1 licence**

[**Driving school minibuses: advice for schools and local authorities**](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Fdriving-school-minibuses-advice-for-schools-and-local-authorities%2Fdriving-school-minibuses-advice-for-schools-and-local-authorities&data=05%7C02%7Cfoi%40scotland.police.uk%7Cd8cfe15c3b944ebb6a5708dde1602630%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638914525246227169%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=NEvx0qHTUxQ15f3MdM4nTFN960jhqTdl6bbJ1wNW82Y%3D&reserved=0)

**“This guidance has been cleared by the Association of Chief Police Officers, who will promote awareness of this legislation amongst local traffic police officers.”**

**FoI request:- questions**

**1. Can you please confirm that this information was indeed passed to your force?**

**2. How would your Traffic Officers view anyone driving a 17 seat minibus on a Cat B licence as per the published guidance.  Would your force prosecute the driver for not holding a Cat D1 licence?**

In relation to Question 1 of your request I must advise that the information sought is not held by Police Scotland and section 17 of the Act therefore applies. To explain, searches have been carried out based on the information provided, however no document has been identified relating to this specific matter and, due to the passage of time in this instance, has most likely been destroyed in line with our Record Retention Policy (<https://www.scotland.police.uk/spa-media/nhobty5i/record-retention-sop.docx>)

In relation to Question 2, as you may be aware, the Act provides a right of access to recorded information only.  Questions seeking the creation of comment or opinion in relation to a particular query, are not therefore valid in terms of [section 8 of the Act](https://www.legislation.gov.uk/asp/2002/13/section/8).

To explain, your question is asking for guidance based on a hypothetical situation, which is not recorded information.  In an attempt to be of assistance, our Roads Policing Management Support have advised that Officers would base any decision whether or not to prosecute on the presenting circumstances.  However, the general position is set out in regulation 7(6) of the Motor Vehicles (Driving Licences) Regulations 1999:

“(6)  A person who—  
(a)   holds a relevant full licence authorising the driving of vehicles of a class included in category B, other than vehicles in former sub-category B1 or sub-category B1 (invalid carriages),  
(b)  has held that licence for an aggregate period of not less than 2 years,  
(c)  is aged 21 or over,  
(d)  if he is aged 70 or over, is not suffering from a relevant disability in respect of which the Secretary of State would be bound to refuse to grant him a Group 2 licence, and  
(e)  receives no consideration for so doing, other than out-of pocket expenses,  
may drive, on behalf of a non-commercial body for social purposes but not for hire or  
reward, a vehicle of a class included in sub-category D1 which has no trailer attached and has a maximum authorised mass—  
(i)  not exceeding 3.5 tonnes, excluding any part of that weight which is attributable to specialised equipment intended for the carriage of disabled passengers, and  
(ii)  not exceeding 4.25 tonnes otherwise, unless such a person is by that licence authorised to drive only vehicles having automatic transmission, in which case he shall be deemed competent to drive only such vehicles in sub-category D1 as conform to the above specification and have automatic transmission.”

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible.   
If you require this response to be provided in an alternative format, please let us know.