

“an Ambulance, is an Ambulance, is an Ambulance, be it Public, Private, Voluntary, or Military”

Ambulance, Service, Operator, Defined.

In British Law “An Ambulance is an Ambulance” be it Public, Private, Voluntary or Military, as an Ambulance is a Specific Vehicle that has been constructed or adapted for a specific purpose of transportation.

Since 1990 we have seen upon British roads other vehicles that have the word Ambulance, or Ambulance Service, or Paramedic emblazoned upon them. Many of these vehicles are being operated by NHS Ambulance Trusts, NHS Hospitals, and a few are operated by Private sector Services. Not all these vehicle’s have been lawful, and until some one decides to change the law, then they should be withdrawn from service.

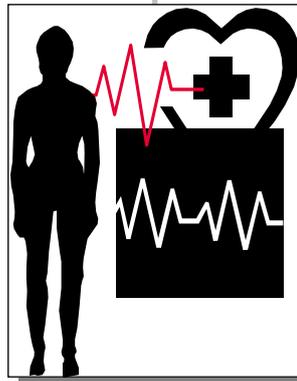
ADVICE ON CURRENT AMBULANCE LAW

During the past 20 years “Ambulance Law” has not changed, what has occurred is that different sections have been more clearly defined, either through case law, or due to changes within the existing British or European law.

Considerable concerns have been raised, due to the fact that many Ambulance Services and Operators have different interpretations of the law and how it effects them, and indeed various Police forces, and other Government Departments have failed to provide suitable guidance to either NHS Ambulance Services or even the private sector and Voluntary Services.

This document is an attempt by the National Association of Professional Ambulance Services (NAPAS) to place into context the law as it effects Ambulance Services and Operators, it should however not be used as a concise interpretation, and neither should it be used other than as it was intended to give guidance. Legal advice should and must always be sought via those qualified and who specialise in such subjects.

The author has some 52 years experience in dealing with Ambulance Services, has attended many inquiries, and attends courts and councils as an expert witness in Ambulance Service Provision and matters appertaining to such. Over the period of the past 22 years he has been undertaking the trade and profession of “Independent Ambulance Consultant” and has gained the respect of many of his contemporary's and colleagues within the Industry with regard to his individual knowledge and understanding of Ambulance Operations.



An Ambulance Operator provides Ambulance Transport Services for Sick or Injured Persons in need of or having just received Medical Care to go to or from Places of Medical Treatment or convalescence

“An Ambulance Service is”

“an Ambulance Operator, who is providing Ambulance Transport Services to or from a place of Medical Treatment, to a sick or injured person, in a vehicle which is specially designed for the purpose of carrying sick or injured persons”

This excludes other transport companies such as Bus Companies, Taxi Services, Courier Companies and the like, unless they **predominately** provide Ambulances.

“Sick or Injured”

“is as meaning those in need of, or having just received Medical Care or Convalescence”

“Medical Care”

“is Treatment given by a Person who’s name appears on the Statutory Register”,

“A place of Medical Treatment”

“may be any place where such a person who’s name is on the statutory register is in attendance for the purpose of undertaking such treatment.”

It excludes Ambulance Staff, First Aide's etc., but includes Doctors and Dentists and is extended to State Registered Nurses & Paramedics. Treatment may be Private or through the National Health Service.

“Ambulance Purpose” is specific and relates only to the actual Transportation of sick or injured persons in an “Ambulance” which is a specific vehicle by construction. This excludes Officers Cars, Control Vehicles, Major Equipment Vehicles, Response Cars, Caravans, Motor Cycles, Hospital cars, Medical Cars, Taxis, Mini Buses.

AMBULANCE CONSTRUCTION

An "Ambulance" is a vehicle of particular construction and defined use. "Ambulance purpose's" is the defined use. Many people including Ambulance Operators fail to understand that all British Law is based upon these two simple words, and all of the liberal exemptions are only applicable to the actual vehicle, provided that it meets the simple criteria.

An "Ambulance" is defined as:
"A Vehicle, which must have a rear compartment, with a fixed permanent means of conveying a person in a recumbent position, together with an attendants seat. The words 'Ambulance' must be clearly marked on the front and each side of the vehicle." Vehicle Construction Acts

Two other definitions of an Ambulance are given under separate later legalisation

"Ambulance" Means:
"A Vehicle which is constructed or adapted for, and used **for no other purpose** other than, the carriage of sick, injured or disabled people to or from welfare centres or places where medical or dental treatment is given, and is readily identifiable as a vehicle used for the carriage of such people by being marked "Ambulance" on both sides." Road Vehicles (Registration and Licensing) Regulations 1997.

An "Ambulance" is:
"A Vehicle specially designed for that purpose, the vehicle should have the facility to secure a recumbent person in a stretcher; or it should be fitted with the necessary ramp or lift and clamps to enable a person or persons to be safely loaded, unloaded and transported in a wheelchair." H.M. Customs & Excise Ref.: Item 11 of Group 7, Schedule 9 to the VAT Act 1994 Exemptions.

The intent of the later definitions is clearly to bring British Law more in line with European Definitions of "An Ambulance". In all cases it is clear that there are two class's of "Ambulance":

(1) An Emergency Ambulance that may have both Emergency Blue Beacons and Sirens and:

(2) An Ambulance used for the conveyance of Wheelchairs and walking disabled.

"Ambulance purpose" is also clearly defined, as is the types of Construction and these use of such vehicles. Any other Vehicle other than above is not an "Ambulance" or a vehicle used for "Ambulance Purposes" other vehicles are allowed they are described as "Use of Vehicles in Emergency Response by the NHS"

Ambulance Services and Value Added Tax

Item 11 of Group 7, Schedule 9 of the VAT Act 1994 provides VAT Exemption for:

"The supply of transport services for sick or injured persons in vehicles specially designed for that purpose"

In a Policy Ruling made in Sept 1994, followed by an additional Ruling June 1997 (VA134.7/943/97)

The following was the interpreted Context:
"Sick or Injured" as meaning "those in need of, or having just received Medical Care"

AMBULANCE A VEHICLE which must have IN A REAR COMPARTMENT A FIXED PERMANENT MEANS OF CONVEYING A PERSON IN A RECUMBENT POSITION (STRETCHER) AN ATTENDANTS SEAT AND THE WORDS AMBULANCE CLEARLY MARKED ON THE FRONT AND EACH SIDE

= EMERGENCY AMBULANCE

OR A VEHICLE CONSTRUCTED OR ADAPTED FOR AND USED FOR NO OTHER PURPOSE THAN THE CARRIAGE OF SICK, INJURED OR DISABLED PEOPLE TO OR FROM WELFARE CENTRES OR PLACES WHERE MEDICAL OR DENTAL TREATMENT IS GIVEN AND READILY IDENTIFIABLE BY BEING MARKED AMBULANCE ON BOTH SIDES

= "AN AMBULANCE"

"The Exemption applies only to the transport of sick or injured persons by an Ambulance Operator, to or from a Place of Medical Treatment, in a Vehicle specially designed for the purpose. The Vehicle should have the facility to secure a recumbent person in a stretcher; or it should be fitted with the necessary ramp or lift and clamps to enable a person or persons to be safely loaded, unloaded and transported in a wheelchair."

"This interpretation does not restrict the exemption to the emergency ("Blue light") service. But we (the VAT Policy Div.) would continue to see Community Transport Services as falling outside of the exemption".

*"For the Exemption to Apply it is necessary that:
The transport provided is to or from a place of medical treatment and;*

the vehicle is specially designed for the purpose of carrying sick or injured persons and;

the supplier is an ambulance operator and;

the recipient of the supply is sick or injured."

It was further accepted in June 1997

"That where an ambulance operator contracts to provide an ambulance

transport service for sick or injured people to or from sporting events etc., or holds the ambulance on standby, then the charge for that service is still consideration for an exempt supply even if no-one makes use of the facility" VA134.7/943/97 Ruling

AMBULANCE EXCISE EXEMPTIONS

Vehicles Excise Act 1971 (section 4) amended by the 1994 Finance Act.

Under the Vehicles Excise Act 1971 (section 4)
“No duty is payable on vehicles while they are used as Ambulances”

Declarations in respect of Ambulances have to be made to the appropriate Authority (450/71/26)

*Under the Finance Act 1994;
“Ambulances not issued with standard Vehicle Excise Licences will from the 1st July 1995 be subject to annual licensing, and the need to display or protect a current Vehicle Excise Licence under the Act (450/71/16(2)) and (450/71/12(4)) is no longer applicable. This was amended in 2014*

It is an offence to make a misleading or false declaration to obtain a licence and supplying false or misleading information is also an offence (Act 1971/26 (2)

Within these contexts an *Ambulance* has the meaning defined within the “Road Vehicles (Registration and Licensing) Regulations 1997” (see page one of this publication). Vehicles Excise and Registration Act 1994 Sch.2 para.6 (1)

Many other vehicles NHS, Local Authority, Private, Industrial, Military and Voluntary have the words “Ambulance” on the vehicle. This does not mean that it meets with the definition within the Vehicle Construction Act, or that it complies with Vehicle Licensing, or Lighting Acts.

The Law now amended in 2015 now makes allowances for: “Fast response Vehicles who’s **primary use and purpose** is *“providing a response to an emergency at the request of an NHS Trust”* An Ambulance is a specific Vehicle, and Ambulance Purposes is a specific act of transportation in that vehicle. (See page one)

Other NHS Vehicles (other than Ambulances) must be registered in accordance with Vehicle Excise and Registration Act 1994 Sch2 Para.7 (a) or (b) as an exempt vehicle. Such Vehicles have Exemptions afforded to Ambulances, but are not Ambulances as defined in all other enactment’s.

"AMBULANCE LAW"

AMBULANCE DRIVING

DRIVING LICENCE

Additional Regulations were made in 1997 concerning Motor Vehicles (Driving licences).

Any Person who holds a Full Driving License may drive an Ambulance, but they must be at least 21 years of age, and has been a relevant Licence holder for an aggregate period of three years or more.

DRIVING HOURS

Ambulance Drivers have general exemption from EEC Hours Law under 543/69/4 and 2827/77/1

British Hours Law: Contained in part V1 of the Transport Act 1968 refers to Passenger Vehicles which are Public Service Vehicles or Motor Vehicles constructed or adapted to carry more than 12 Passengers. Transport Act 1968/95(2)

Ambulances adapted for less than 12 passengers do not appear to be covered by this Act, and it has been contended that as Ambulances do not complete Drivers Records, that the law does not apply, as the Drivers Record Law is linked with the Drivers Hours Law.

Ambulances are NOT Public Service Vehicles

The law is to stop driver fatigue, and whilst exemptions are permitted in an emergency, responsible Ambulance Operators do and should comply with its intention. The Act is designed to restrict long hours of Duty to stop fatigue, and the hours worked are those when on duty, not the actual hours driving, it does include cleaning duties and standby duties, which restricts total duty time to 11 hours or less per day, and is not restricted to only driving duties.

Ambulances not constructed under part IV are not covered by Drivers Hours Law, and Vehicles covered by Part IV, where the driver spends time on duty to deal with an emergency is given liberal exemptions from the hours law.

‘An emergency here means’

“An event which causes or is likely to cause such danger to the life or health of one or more individuals.”

OBSTRUCTION

A person who without lawful authority or excuse wilfully obstructs the free passage of an Ambulance along a highway, commits an offence and can be arrested. Road Traffic Act 1980/137 (Leaving a vehicle on a road for a reasonable time, although it amounts to an obstruction, does not amount to an unnecessary obstruction (Solomon v Durbridge) 1956 120 JP231

AMBULANCES ARE EXEMPT FROM ROAD FUND DUTY AND ROAD TOLLS BY VIRTUE

AMBULANCES MUST BE REGISTERED AS AMBULANCES AND HAVE A CURRENT ROAD FUND LICENCE

“AN AMBULANCE IS A SPECIFIC CONSTRUCTED VEHICLE”

TO DRIVE AN AMBULANCE YOU MUST BE 21 YEARS OLD AND HELD A FULL DRIVING LICENCE FOR THREE YEARS OR MORE

AMBULANCES MAY BE DRIVEN FOR ANY NUMBER OF HOURS BUT ALL HAVE A PUBLIC DUTY TO NOT EXCEED DRIVERS HOURS REGULATIONS

TO WILFULLY OBSTRUCT AN AMBULANCE CAN LEAD TO ARREST

Acts & Regulations relating to Ambulances

"HORNS, GONGS, SIRENS, BELLS".

"Gongs, Sirens, Two-Tone Horns and Bells are prohibited except on Motor vehicles used solely for Ambulance Purposes". Road Traffic Act 1972, as amended by Road Traffic Act 1974 Motor Vehicles (Construction and Use) Regulations No [1017/78/29] (2) (3)
See Ambulance defined (page 2 Para 2) this publication

"SOUNDING A HORN"

No person may use an instrument emitting a sound similar to a two-tone horn, gong, bell or siren. and No person may sound a horn on a moving vehicle between 11.30 p.m. and 7a.m. None of these restrictions apply to Ambulance Vehicles "if it is necessary or desirable to indicate the urgency of the vehicles use or to warn other road users." Motor Vehicles (Construction and Use) Regulations 1986[S.I. 1986/1078] (2) (3)

"OVERHANG LIMIT"

"The motor car overhang limit DOES NOT APPLY to Ambulances". Road Traffic Act 1972, as amended by Road Traffic Act 1974 Motor Vehicles (Construction and Use) Regulations [1017/78/3] (63)

"BLUE LIGHTS AND BEACONS"

"A Blue light may be carried on Motor Vehicles used for Ambulance Purposes, and vehicles carrying human tissue for transplant" Road Traffic Act 1972 Road vehicle Lighting Regulations 1989[S.I 1989/1796] (2)(a) and [116/80]

"PROHIBITED USE OF THIRD LANE MOTORWAYS"

"The Prohibited use of third or extreme right hand lanes of Motorways, does not apply to a vehicle being used for Ambulance purposes" Motorway Traffic Regulations Various.

"OPERATORS LICENSING"

"A vehicle used for Ambulance purposes is exempt from Operators Licensing requirements". Goods Vehicles (Operators Licences) Regulations [1737/77/3]

"PLATING AND TESTING"

"Ambulances for Medical or Dental patients are subject to a Roadworthiness Test at an approved garage, One year after first Registration." Road Traffic Act 1972/44 & [1550/82/4]

Acts and Regulations relating to ambulances

"SPEED LIMITS"

There is a Speed limit exemption covering Ambulances "Whenever the observance of this limit would hinder the execution of their duties." Road Traffic Act 1967/79

"LONG WIDE OR PROJECTING LOADS"

None of these requirements apply to vehicles used for Ambulance Purposes. Motor Vehicles (Construction and Use) Regulations 1017/78/140 (11)

"PARKING"

"Parking a vehicle on the verge of a road, on land between carriageways or on a foot way is an offence. "But it is a defence to prove that the vehicle was parked to save life, fight fire or other such emergency" Road Traffic Act 1972/36a and 1973/2

"LEAVING THE ENGINE RUNNING"

It is an offence to leave on a road a vehicle unattended by a licensed driver without stopping the engine. "Except vehicles used for Ambulance purposes". Motor Vehicles (Construction and Use) Regulations 1017/78

"PARKING AT NIGHT"

Whenever a vehicle is stationary on a road during the hours of darkness, it must, be parked with its near-side against the edge of the road. "This restriction does not apply to vehicles in use for Ambulance Purposes, if its application would hinder the use of such vehicle." Motor Vehicles (Construction and Use) Regulations 1017/78/123

"SOUNDING VEHICLE HORN"

When a vehicle is stationary its horn must not be sounded. "This restriction does not apply to Ambulance Vehicles" Motor Vehicles (Construction and Use) Regulations 1017/78/118

"PARKING ON clear ways"

No waiting or parking is allowed on any main carriageway forming part of trunk roads, as indicated by "Clear Ways" traffic signs, this includes slip roads without authority. Yellow Lines and other restrictions including bus stop and bus stand and box junctions (26(1) (2) (9). "Vehicles used for Ambulance Purposes are exempt" Various Trunk Roads (Prohibitions and Restrictions) (Clear Ways) Regulations order 1172/63/5

AMBULANCES MAY SOUND BELLS, GONGS, SIRENS TWO-TONE HORNS WHILST MOVING OR STATIONARY AT ANY TIME

AMBULANCES MAY USE THIRD LANES AND PARK ON OR OFF THE ROAD AND LEAVE THE ENGINE RUNNING NO PARKING RESTRICTIONS APPLY

AMBULANCES MUST BE PLATED AND TESTED BUT NEED NO OPERATORS LICENCE

AMBULANCES MAY CARRY BLUE LIGHTS AND BEACONS

AMBULANCES MAY EXCEED THE OVERHANG LIMITS AND HAVE WIDE OR PROJECTING LOADS

THE 1948 HEALTH ACT and amendments

The 1948 Health Acts and subsequent amendments cannot be fully covered in this document, for reasons of brevity, we have listed below in brief the obligations>

“THE SECRETARY OF STATE FOR HEALTH”

*“Has an obligation to provide ‘Free of Charge’, an Ambulance, to render assistance and to convey any person, who has suffered from an **accident at home**, or has*

*suffered an **accident or sudden illness in a Public place**, to a place of treatment.”*

Additional amendments also place ‘Free transportation’ obligations for; the conveyance of Nursing and Expectant Mothers, and for persons who are certified by a Medical Doctor or Dentist, as being unable to travel to a place of treatment by any other means of transport.

The types of persons who may require such transportation are as follows:

- Persons unable to stand un-assisted, requiring the help of one or more persons.
- Persons with the inability to walk other than a short distance, requiring help of one or more persons.
- Persons who can walk short distances with the aid of one or more persons.
- Persons who require a wheelchair at all times (Ambulant)
- Persons able to sit for short periods, but require to be recumbent or semi-recumbent.
- Persons who require lifting, and have an inability to climb stairs or steps.
- A person who may become confused, and requires guidance and escorting.
- A person who requires to travel recumbent at all times.
- A person who due to undue exertion, could worsen their medical condition, but able to sit with comfort.
- A person with a stabilised condition, but who will require assisted handling during the journey.
- A person who is unable to use public transport due to a medical condition other than above.
- A person who requires Medical Aid or Treatment prior or during the course of a journey.

Listed above are a few of the certificated reasons for

“AMBULANCE LAW”

“AMBULANCE EMERGENCY”

An Emergency is:

“An event requiring immediate action to avoid further danger to the life or health of an individual”

An Emergency in Law is:

“An event which causes or is likely to cause such danger to the life or health of one or more individuals.”

An Emergency Journey:

*Can commence from the time of call of the Ambulance, **be it Private or otherwise**. The person calling the service, must however be aware of the implications of the above definitions, and be made aware that Ambulances vehicles and drivers have NO Exemptions other than due to the above definition.*

**IN AN EMERGENCY
AN AMBULANCE MAY USE
BLUE LIGHTS AND SIRENS
TO ALERT OTHER ROAD
USERS OF THE URGENT USE
OF THE VEHICLE**

**AN EMERGENCY IS AN
EVENT WHICH CAUSES OR
IS LIKELY TO CAUSE SUCH
DANGER TO THE LIFE OR
HEALTH OF AN INDIVIDUAL**

**AN ACCIDENT OR SUDDEN
ILLNESS IN A PUBLIC
PLACE, OR AN ACCIDENT IN
THE HOME IS AN
EMERGENCY**

**THE SECRETARY OF STATE
FOR HEALTH HAS AN
OBLIGATION TO
PROVIDE FREE OF CHARGE
AN AMBULANCE TO
RENDER ASSISTANCE AND
TRANSPORT ALL SUCH
CASES TO A PLACE OF
TREATMENT**

**SUDDEN ILLNESS IN THE
HOME A DOCTOR MUST BE
CALLED, AND IF REQUIRED
THE DOCTOR WILL CALL
FOR AN AMBULANCE**

The Ambulance may only use blue lights whilst stationary, but it has been conceded (although not challenged) that emergency vehicles do use blue lights whilst travelling on an emergency call.

Whilst travelling on an emergency journey, the Ambulance may only use sirens to indicate the urgency of the vehicle.

The emergency ceases once the person has been professionally assessed or treated, and another emergency only occurs, for any extension to the journey.

“Only if the emergency definition still exists”

“AMBULANCE REFLECTIVE”

Reflective tapes on Ambulances and other vehicles, are covered by the Vehicle Lighting Acts:
Red Reflective Tape may not be lawfully used other than on the rear of the vehicle, it is unlawful to show a red light (including a red reflected light) other than on the rear of the vehicle.

“Additional amendments 2015”

Since the inception of Fast Response cars and Motorcycles it has been maintained that these vehicles have been operating unlawfully. Tom Brake Deputy Leader of the house of Commons stated *“the definition of ‘ambulance’ and ‘ambulance purposes’ in a recent case concerning the use of blue lights and sirens was limited to vehicles that have a primary use of conveying the sick and disabled, and did not include other vehicles such as motorbikes used by paramedics. That means that the fast*

response units that are used by NHS Ambulance services to be first on scene of crisis ranging from Road Traffic Accidents to Cardiac Arrests, and that are therefore among the fasted travelling vehicles can no longer rely on the exemptions. Lords exemptions will extend the stated exemptions to cover all fast response units that are dispatched by the National Health Service, whether they are vehicles that are owned or leased by an NHS ambulance service or private vehicles.

Statutory Instrument 2002 No. 3113 The Traffic Signs Regulations and General Directions 2002

Sign keep left or right and its significance.

15. - (1) Except as provided in paragraphs (2) and (3), the requirement conveyed by the sign shown in diagram 610 shall be that vehicular traffic passing the sign must keep to the left of the sign where the arrow is pointed downwards to the left, or to the right of the sign where the arrow is pointed downwards to the right.

(2) *On an occasion where a vehicle is being used for fire brigade, ambulance, bomb or explosive disposal, national blood service or police purposes and the observance of the requirement specified in paragraph (1) would be likely to hinder the use of that vehicle for one of those purposes then, instead of that requirement, the requirement conveyed by the sign in question shall be that the vehicle shall not proceed beyond that sign in such a manner or at such a time as to be likely to endanger any person.*

Road markings double white lines

(2) The requirements conveyed by a road marking mentioned in paragraph (1) shall be that -

(a) subject to paragraphs (3) and (5), no vehicle shall stop on any length of road along which the marking has been placed at any point between the ends of the marking; and (b) subject to paragraph (6), every vehicle proceeding on any length of road along which the marking has been so placed that, as viewed in the direction of travel of the vehicle, a continuous line is on the left of a broken line or of another continuous line, shall be so driven as to keep the first-mentioned continuous line on the right hand or off side of the vehicle.

(5) *Nothing in paragraph (2) (a) shall apply - (b) to a vehicle for the time being used for fire brigade, ambulance or police purposes;*

Road marking zigzag lines - no stopping 27. -

(1) *in this regulation and regulation 28* (2) Subject to paragraphs (3) and (4) and without prejudice to regulation 28, a zigzag line shall convey the requirement that the driver of a vehicle shall not cause any part of it to stop in the controlled area in which it is marked.

(3) *Paragraph (2) does not prohibit the driver of a vehicle from stopping it in a controlled area (c) when the vehicle is being used for police, fire brigade or ambulance purposes*

Significance of light signals prescribed by regulations 33 to 35

36. - (1) The significance of the light signals prescribed by regulations 33, 34 and 35 shall be as follows - (a) subject to sub-paragraph (b) and, where the red signal is shown at the same time as the green arrow signal, to sub-paragraphs (f) and (g), the red signal shall convey the prohibition that vehicular traffic shall not proceed beyond the stop line;

(b) *when a vehicle is being used for fire brigade, ambulance, bomb or explosive disposal, national blood service or police purposes and the observance of the prohibition conveyed by the red signal in accordance with sub-paragraph (a) would be likely to hinder the use of that vehicle for the purpose for which it is being used, then sub-paragraph (a) shall not apply to the vehicle, and the red signal shall convey the prohibition that that vehicle shall not proceed beyond the stop line in a manner or at a time likely to endanger any person or to cause the driver of any vehicle proceeding in accordance with the indications of light signals operating in association with the signals displaying the red signal to change its speed or course in order to avoid an accident;*

"AMBULANCE LAW"

The Road Vehicles Lighting Regulations 1989

Emergency Vehicle Defined

A motor vehicle of any of the following descriptions-

- (a) a vehicle used for fire brigade, ambulance or police purposes;
- (b) an ambulance, being a vehicle (other than an invalid carriage) which is constructed or adapted for the purposes of conveying sick, injured or disabled persons and which is used for such purposes;

Lamps to show a steady light 13.—

(1) Save as provided in paragraph (2), no vehicle shall be fitted with a lamp which automatically emits a flashing light.

(2) Paragraph (1) does not apply in respect of-

- (a) a direction indicator;
- (b) a headlamp fitted to an emergency vehicle;
- (c) a warning beacon or special warning lamp;
- (d) a lamp or illuminated sign fitted to a vehicle used for police purposes;

Restrictions on fitting blue warning beacons, special warning lamps and similar devices

16. No vehicle, other than an emergency vehicle, shall be fitted with-

- (a) a blue warning beacon or special warning lamp, or
- (b) a device which resembles a blue warning beacon or a special warning lamp, whether the same is in working order or not.

(2) No vehicle shall be fitted with a lamp which is capable of showing any light to the rear, other than a red light, except-

- (k) A blue light from a warning beacon or rear special warning lamp fitted to an emergency vehicle, or from any device fitted to a vehicle used for police purposes;

Ambulances and health service vehicles for Road Fund Licensing 6

(1) An ambulance is an exempt vehicle.

(2) In sub-paragraph (1) "ambulance" means a vehicle which—

- (a) is constructed or adapted for, and used for no purpose other than, the carriage of sick, injured or disabled people to or from welfare centre's or places where medical or dental treatment is given, and
- (b) is readily identifiable as a vehicle used for the carriage of such people by being marked "Ambulance" on both sides.

7 A vehicle is an exempt vehicle when it is being used or kept on a road by—

- (a) a health service body (as defined in section 60(7) of the [1990 c. 19.] National Health Service and Community Care Act 1990) or a health and social services body (as defined in Article 7(6) of the [S.I. 1991/194 (N.I.1).] Health and Personal Social Services (Northern Ireland) Order 1991), or
- (b) a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990 or the [1978 c. 29.] National Health Service (Scotland) Act 1978 or a Health and Social Services Trust established under the Health and Personal Social Services (Northern Ireland) Order 1991.

8 A vehicle which is made available by the Secretary of State—

- (a) to a person, body or local authority under section 23 or 26 of the [1977 c. 49.] National Health Service Act 1977, or
- (b) to a local authority, education authority or voluntary organisation in Scotland under section 15 or 16 of the National Health Service (Scotland) Act 1978, and which is used in accordance with the terms on which it is so made available is an exempt vehicle.

AN AMBULANCE MAY ONLY CLAIM EXEMPTIONS WHERE "THEY DO NOT PROCEED IN A MANNER OR AT A TIME LIKELY TO ENDANGER ANY PERSON OR ANY VEHICLE APPROACHING OR WAITING OR TO CAUSE THE DRIVER OF ANY SUCH VEHICLE TO CHANGE ITS SPEED OR COURSE IN ORDER TO AVOID AN ACCIDENT"

SE23043 - Car benefits:

meaning of "unsuitable for use as a private vehicle" - emergency vehicles Section 168(5) (a) (ii) ICTA 1988

the guidance on this page expands on the guidance at [SE23042](#) about the meaning of "unsuitable for use as a private vehicle." In *Gurney v Richards* 62TC287 a Chief Fire Officer was provided with a Ford Sierra which was fitted with **a fixed flashing blue light**. The Court accepted that this made it a "type" of vehicle not commonly used as a private vehicle ([SE23040](#)). It was also unsuitable to be used as a private vehicle because **the Road Vehicle Lighting Regulations make it illegal for members of the public to use on the road a vehicle with a fixed flashing light**. There are similar restrictions within the Road Vehicle (Construction and Use) Regulations governing the type of vehicles which can carry two-tone horns and sirens. Vehicles can only be fitted with flashing blue lights and audible warning devices such as sirens if they are "emergency vehicles". Emergency vehicles are defined in the Regulations to include vehicles used for fire brigade, ambulance or police purposes.

Where a vehicle which would otherwise be treated as a "car" for car benefit purpose is an emergency vehicle because it has blue flashing lights and/or audible warning devices, then you can accept that it is of a type not commonly used as a private vehicle and unsuitable to be so used. The car benefit charge will not then apply. However, **if the vehicle is also used for private purposes, there will be a charge under Section 154 ICTA 1988 (see [SE21615](#) onwards)**.

In other cases, the fact that a car has been modified in some way will not make it either illegal or unsuitable for use as a private vehicle. In particular, the fact that a car is usually kept loaded with goods or equipment does not mean that it is unsuitable for use as a private vehicle if all that is necessary to make it suitable is to unload the items in question.

Use of Telephone whilst driving There is an exemption for calls to 999 (or 112), in genuine emergencies, where it is unsafe or impractical to stop. There is also an exemption for the use of 2-way radios (used by ambulances).

LIABILITY OF THE NHS AMBULANCE SERVICE'S

In *Kent v Griffiths* the Court of Appeal, considered that the Ambulance Service was in a different position to that of the other Emergency Services. In Particular, the Court of Appeal took the view that the Ambulance Service was providing a health service, and that therefore its position should be compared with that of Doctors or Nurses rather than comparing the position with that of the Police or Fire Service.

The Court of Appeal decided that the Ambulance Service did owe a duty of Care to the claimant and that it had been in Breach of that duty by taking too long to reach the claimant.

The Court of Appeal distinguished the position of the Ambulance Service from that of the Police or Fire Service as follows: *"The Police and Fire Service's primary obligation is to the Public at large. In protecting a particular victim of crime, the police are performing their more general role of maintaining public order and reducing crime. In the case of Fire, the fire service will normally be concerned not only to protect a particular property where a fire breaks out, but to also prevent fire spreading. In the case of both services, there is therefore a concern to protect the public generally. The emergency services that*

can be summoned by a 999 call do, in the majority of situations, broadly carry out a similar function. But in reality they can be very different." *"The Ambulance service is part of the Health Service. Its Care function includes transporting patients to and from hospital when the use of an ambulance for this particular purpose is desirable. It is therefore appropriate to regard the London Ambulance Service as providing services of the category provided by hospitals and not as providing services equivalent to those rendered by the Police or the Fire Service. Situations could arise where there is a conflict between the interests of a particular individual and the public at large. But, in the case of the ambulance service in this particular case, the only member of the public who could be adversely affected was the claimant."*

"It was the claimant alone for whom the ambulance had been called"

Finally the Court of Appeal stressed "that this was a case where an ambulance was available and there was no conflicting call with which the ambulance might be required to deal with".

AN AMBULANCE MAY ONLY CLAIM EXEMPTIONS WHERE "THEY DO NOT PROCEED IN A MANNER OR AT A TIME LIKELY TO ENDANGER ANY PERSON OR ANY VEHICLE APPROACHING OR WAITING OR TO CAUSE THE DRIVER OF ANY SUCH VEHICLE TO CHANGE ITS SPEED OR COURSE IN ORDER TO AVOID AN ACCIDENT"

In *Watson v The British Boxing Board of Control*: the claimant, a professional boxer, sustained a severe head injury whilst engaged in a fight which took place in accordance with the rules established by the defendant board. There was a delay in providing medical attention which made the claimants condition more serious than had he been treated immediately. The case was unusual in that it was not concerned with a duty to avoid causing personal injury, but to ensure that personal injuries already sustained were properly treated and, secondly that it was not the board which administered treatment. Its role was to make regulations imposing on others the duty to provide proper facilities and administer proper treatment to those injured.

By virtue of these facts an NHS Ambulance Service providing a service as a statutory duty on behalf of the Secretary of State for Health, cannot provide an Ambulance to any event that has medical rules requiring that the ambulance is for the sole use of participants, and where the event would have to stop should the ambulance depart from the venue by virtue of the NHS ambulance being the nearest ambulance to an individual incident, and it would have to be mobilised as such, so as to not adversely affect a person who has suffered a sudden illness or accident. Failure to do so may mean that the Service can be sued. However the Service cannot be sued if it leaves the venue without notice to attend to such a call. An NHS Ambulance on-standby at an event would be considered to have no conflicting call with which the ambulance had to deal with, unless someone was already severely injured at the event. Likewise the NHS Ambulance Service cannot lawfully supply such a service as it would conflict with its duties imposed under the 1988 and 1990 Community Care Act. Which imply that the service may not undertake any duty which would affect its statutory duty?

THIS DOCUMENT IS INTENDED TO GIVE SOME GENERAL GUIDANCE TO AMBULANCE STAFF AND OPERATORS. IT IS NOT INTENDED TO BE OTHER THAN A GENERAL GUIDE, AND REFERENCE MUST ALWAYS BE MADE TO THE RELEVANT ACTS AND REGULATIONS, VIA LEGAL REPRESENTATIVES