

Public Consultation

Proposal for Exemption from Annual Roadworthiness Testing for Vehicles of Historical Interest

June 2019

Executive summary

1. The Department for Infrastructure is consulting on implementing new rules around the testing of vehicles of historical interest (VHIs), in accordance with the Directive 2014/45/EU (“the Directive”). The Directive sets new rules on periodic roadworthiness testing for vehicles and their trailers and repeals the old EU Directive 2009/40/EC.
2. This consultation applies to Northern Ireland only.
3. In September 2017, the Department for Transport in Great Britain made legislation to exempt 40 year old private vehicles from the annual roadworthiness test (popularly known as the ‘MOT’). The legislation came into force on 20th May 2018 and applies to GB.
4. The Department is now consulting on proposals for how Northern Ireland should respond to the need for new rules in this area, including how best to maintain parity for VHIs throughout the UK.
5. Vehicles constructed or first registered before 1960 are already exempt from roadworthiness testing. The Department is consulting on whether or not to widen this exemption for private vehicles of historical interest on a rolling basis.
6. In addition, the vehicles covered would include other, non-car vehicle types such as motorcycles and light goods vehicles (having no more than 3.5 tonnes maximum gross weight). These vehicles must no longer be in production and must not be substantially changed.
7. Heavy goods vehicles will still be required to undergo a goods vehicle test. The existing exemption for HGVs manufactured or registered before 1960 will remain – although the Department is introducing a requirement that these vehicles must not have been substantially changed since their first registration.

8. Stakeholders may be interested to note that in Ireland, from 20th May, 2018, the requirement to undergo a compulsory National Car Test for all vehicles registered post 1st January 1980 that are over 30 years old, but less than 40 years, was reduced to a biennial test i.e. every 2 years.
9. Vintage vehicles used for commercial purposes will continue to undergo annual roadworthiness testing. The Road Safety Authority has published guidance on testing of vintage vehicles and roadworthiness testing which can be found at the link below:

http://www.rsa.ie/Documents/VS_Information_Notes/Alternative_Cars_Fuels/FAQs%20on%20Vintage%20Vehicles.pdf
10. Decisions on the next steps will be informed by responses to this consultation. At this stage, it is envisaged that those decisions will best be taken by Ministers but the need and timeframe for any decisions will be kept under review by officials, bearing in mind the wider public interest.
11. The consultation will run from **Wednesday, 12 June 2019 until Friday, 30 August 2019.**

How to respond

The Department for Infrastructure has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats.

The consultation period began on 12 June 2019. Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found at <https://www.infrastructure-ni.gov.uk/consultations> or you can contact the Department if you would like alternative formats (Braille, audio CD, etc).

The consultation period will close on **Friday, 30 AUGUST 2019**. Responses to this consultation should be forwarded to reach the Department on or before that date, and should be sent to by post to:

Vehicle Standards Team
Safe and Sustainable Travel Division
Clarence Court
10-18 Adelaide Street
Town Parks
BELFAST
BT2 8GB

Or by e-mail to:

vehicle.standards@infrastructure-ni.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Confidentiality & Data Protection

Your response may be made public by DfI. If you do not want all or part of your response or name made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisations IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA)). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Freedom of Information Act 2000 – confidentiality of consultation responses

As indicated above, the Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give

you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

The Proposals

Background

1. Directive 2014/45/EU (“The Directive”) sets out minimum requirements for periodic roadworthiness testing of vehicles used on public roads. Vehicles are categorised by type and the rules differ for each category. The Directive requires that cars and vans must be tested at least biennially from 4 years old, unless exempted. Heavy goods vehicles, buses and coaches that are not exempted must be tested annually from new.
2. Since 2009, the EU has permitted Member States to exempt motor vehicles manufactured before 1960 from compulsory annual roadworthiness testing. The Directive has further relaxed the European rules to permit Member States to exempt from periodic testing vehicles which were manufactured at least 30 years ago, which are no longer in production and which have not been substantially altered.
3. If the Department wishes to continue to exempt vehicles of historical interest (VHIs), domestic law needs to be amended to implement the voluntary stipulations set out in the Directive.

Options

4. The Department has outlined 2 options below that are being considered:

Option 1: Maintain the status quo. Continue to exempt pre-1960 manufactured vehicles from the roadworthiness testing.

Option 2: Exempt 40 year old in-scope vehicles which have not been substantially altered (on a rolling basis) from annual testing.

5. A Regulatory Impact Assessment (RIA) has been undertaken for this policy proposal. It is published alongside this consultation document. The RIA shows that vehicles first registered between 1978 and 1987 (broadly 30-40 years old when the regulatory changes need to be made) fail 17.8% of MOT tests. For vehicles registered between 1960 and 1977 the failure rate is 14.6% and for pre-1960 vehicles is 18.6%.
6. Whilst the numbers of vehicles registered between 1978 and 1987 (3,463) being MOT tested, and the numbers of vehicles registered between 1960 and 1977 (3,346) being MOT tested are similar in size, only 140 pre-1960 vehicles were presented for vehicle tests in 2016.
7. Therefore, a comparison of the failure rates cannot be made for the aforementioned periods. However, statistics confirm that there are lower failure rates for the periods between 1960 and 1977 compared to the period between 1978 and 1987.
8. It should be noted the 40 year old vehicle option is in line with the current rolling 40 year exemption from Vehicle Excise Duty (vehicle tax).

‘Substantially changed’ definition

9. It is a requirement of the Directive that vehicles which have been substantially changed “in the technical characteristics of their main components” should not be exempt from roadworthiness testing.
10. The Department for Transport (DfT) produced a modified definition of ‘Substantial Change’ based on an 8-point rule, used by the Driver and Vehicle Licensing Agency (DVLA) to determine whether a vehicle that has been modified should be re-registered. DfT included the definition in guidance, and this should be used to establish whether substantial change has occurred.
11. DfT also recognised that guidance may need to vary slightly in the case of motorcycles as some of the common features for cars are not present on motorcycles.

12. DfT has also decided to consider only modifications made within last 30 years of the vehicle's life when determining whether a vehicle has been substantially altered and thus not exempt from testing. DfT's guidance and, specifically, the criteria for substantial change is outlined in **Annex B** of this consultation.
13. The Department proposes to use the same definition for 'substantial change' and to produce guidance identical to that used by DfT.

Proposed Exemptions

14. Exempting VHIs from testing does not mean that owners of VHIs are prohibited from presenting their vehicles for testing and certification. Any person owning a VHI who wishes to have their vehicle tested will be able to apply for an MOT test in the normal way.
15. Private cars constructed or first registered before 1960 are already exempt from roadworthiness testing (popularly known as the 'MOT'). The Department's proposal is to extend this exemption to include all private motor vehicles manufactured or first registered over 40 years ago, on a rolling basis. In addition, the vehicles covered would include other, non-car vehicle types such as motorcycles and light goods vehicles (LGVs) (having no more than 3.5 tonnes maximum gross weight). These vehicles must no longer be in production and must **not** be substantially changed.
16. The Department currently exempts from testing pre-1960 heavy goods vehicles (HGVs). This exemption will not change **except for** vehicles which have been substantially modified within the last 30 years. Any such vehicles will need to be tested on an annual basis.
17. Taxis and public service vehicles (PSVs) falling under operator licensing regulations will **not** be exempt from periodic testing. The Department considers that it is important to ensure that vehicles used for commercial purposes continue to be tested regularly in the interests of public safety and confidence.

18. Whilst it is important to ensure that vehicles are safe to use on public roads, it is also important to ensure that regulations imposed achieve the correct balance and are not excessive. The Department considers the above proposals are sensible and proportionate, and will allow enthusiasts to continue to enjoy their historical vehicles whilst still keeping our roads safe for all users.

Annex A - Response pro-forma

Please use this response pro-forma and send the completed responses to:

Vehicle Standards Team
Safe and Sustainable Travel Division
Clarence Court
10-18 Adelaide Street
Town Parks
BELFAST
BT2 8GB

Or by e-mail to:

vehicle.standards@infrastructure-ni.gov.uk

Personal details

Your name:

Your email:

Are you responding on behalf of –

- Yourself?
 An organisation?

(If responding on behalf of an organisation) What is the name of your organisation?

How large is your organisation?

Question 1: Do you have any comments relating to exempting VHIs from annual testing plus introducing a VHI certification (declaration of exemption) process to ensure a vehicle has not been substantially changed? Please explain your reasons.

Question 2: Do you have any comments relating to using the DfT method (at **Annex B** of this consultation) as a way of defining the 'substantial change' provision in the Directive? Can you suggest an alternative method?

- Yes
- No

Please provide comments below

Question 3: Do you have any comments relating to the majority of VHIs used for business purposes will continue to have an MOT test to ensure they remain roadworthy?

- Yes
- No

If yes, please provide comments below

Question 4: Do you have any comments on the Regulatory Impact Assessment published alongside this consultation document?

- Yes
- No

If yes, please provide comments below

Annex B

Excerpt from DfT published Guidance

The criteria for substantial change

A vehicle will be considered substantially changed if the technical characteristics of the main components have changed in the previous 30 years, unless the changes fall into specific categories. These main components for vehicles, other than motorcycles¹, are:

Chassis (replacements of the same pattern as the original are not considered a substantial change) or **Monocoque body shell** including any sub-frames (replacements of the same pattern as the original are not considered a substantial change);

Axles and running gear – alteration of the type and or method of suspension or steering constitutes a substantial change;

Engine – alternative cubic capacities of the same basic engine and alternative original equipment engines are not considered a substantial change. If the number of cylinders in an engine is different from the original, it is likely to be, but not necessarily, the case that the current engine is not alternative original equipment.

The following are considered acceptable (not substantial) changes if they fall into these specific categories:

- changes that are made to preserve a vehicle, which in all cases must be when original type parts are no longer reasonably available;
- changes of a type, that can be demonstrated to have been made when vehicles of the type were in production or in general use (within ten years of the end of production);

¹ Further arrangements for motorcycles may be introduced, including if core testing standards are considered further internationally.

- in respect of axles and running gear changes made to improve efficiency, safety or environmental performance;
- in respect of vehicles that have been commercial vehicles, changes which can be demonstrated were being made when they were used commercially.

In addition if a vehicle (including a motorcycle):

- has been issued with a registration number with a 'Q' prefix; or
- is a kit car assembled from components from different makes and model of vehicle; or
- is a reconstructed classic vehicle as defined by DVLA guidance; or
- is a kit conversion, where a kit of new parts is added to an existing vehicle, or old parts are added to a kit of a manufactured body, chassis or monocoque body shell changing the general appearance of the vehicle;

it will be considered to have been substantially changed and will **not** be exempt from MOT testing.

However if any of the four above types of vehicle is taxed as an “historical vehicle” and has not been modified during the previous 30 years, it can be considered as a VHI.

This guidance is only intended to determine the testing position of a substantially changed vehicle, not its registration.

The full ‘Vehicles of Historical Interest’ guidance published by DfT can be found at the web link below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670431/vehicles-of-historical-interest-substantial-change-guidance.pdf