Coming soon… MoT exemption for vehicles more than 40 years old…

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Decisions made following consultation on Historic vehicle testing – by

Dave Moss.

Last Autumn, the Department for Transport ran a public consultation about reforming requirements for the testing of “vehicles of historic interest,” (VHI) which covered all historic vehicle types. The Government announced in mid-September how it intends to proceed in the light of the 2,217 responses received…

These were the options on which public comments were invited:

- Option 1: Remove the current exemption for pre-1960 vehicles, and in doing so make all vehicles that are currently exempt subject to full annual roadworthiness testing.
- Option 2: Introduce a basic roadworthiness ‘safety’ test – (either annual or biennial) for 40 year old vehicles.
- Option 3: Exempt 40 year old vehicles of historic interest (VHI) from annual testing, and introduce a VHI certification process to ensure a vehicle has not been substantially changed. The suggestion was that this might be based on self-certification, or independent inspection, or a combination.
- Option 4: Introduce a biennial VHI roadworthiness test for 40 year old vehicles. VHIs which are Heavy Goods Vehicles, buses, or coaches would need to be certified that they have not been substantially altered.
- Option 5: Exempt 30 year old VHIs from annual testing, and introduce a VHI certification process to ensure a vehicle has not been substantially altered. Again this could be based on self-certification or independent inspection, or a combination.
  The Department’s preference was for option number 3.

Although not everyone responded on all the options, well over 2000 responses were received from private individuals, along with 24 from businesses, a handful of museums, trade and public bodies, and 37 from a range of other organisations, mostly owners’ clubs.

The Department’s preferred option was supported by 899 respondents – but opposed by 1,130. The chief argument put forward against option 3 was that ‘all vehicles travelling on the highway should have an annual test for safety reasons.’

Despite this opposition, Jesse Norman, the Parliamentary Under Secretary of State for Roads, Local Transport and Devolution, has announced there will in future be an MoT exemption for nearly all vehicles "constructed or registered more than 40 years ago" – on a rolling basis, just as was proposed in option 3 of the consultation document.

Currently there are around 197,000 older vehicles exempt from MoT testing. DfT figures suggest that implementing the measure will result in another 293,000 vehicles – about 1% of the UK's total vehicle fleet – no longer being required to undertake an annual MoT test.

Justifying the move despite the opposition revealed in the consultation, the Government says it reached its decision after considering various factors for and against – as raised by consultation respondents. Amongst them…

- Cars of this age are usually maintained in good condition;
- They are used on few occasions, usually on short trips – and requiring a full MoT was unreasonable;
- The modern MOT is no longer relevant to cars over 40 years old, or garages could not test them adequately; and
- It would harmonise the MoT exemption date with that for Vehicle Excise Duty.
  The chief issues raised in opposition were…

- Any vehicle could cause a fatal accident and therefore all should have an annual MoT.
  (The Government points out this is an argument against any exemptions at all, including the current one applying to vehicles built before 1960).

- Older vehicles were constructed to different design standards from those of modern vehicles, which were not as robust, and they should therefore have an MoT.
- Most owners of older vehicles keep them in good condition, but others do not and it makes sense to have an independent check.
- Older vehicles corrode more easily than modern ones, but this cannot always be spotted by the owner.

- Vehicle owners do not have the facilities to conduct tests as thoroughly as garages.
  The Government says it gave significant consideration to the potential impact on road deaths and serious injury in reaching its decision, but found that the MoT failure rate and the number of people killed and seriously injured in accidents involving vehicles over 40 years old are both lower than for newer vehicles.

  Research carried out for the Department for Transport in 2011 by the Transport Research Laboratory estimated that just 3% of road casualties could be associated with vehicle defects, but the effect of MoT testing on the rate at which such defects contribute to crashes amongst older vehicles is difficult to assess. The DfT concluded that there could be a small negative effect on road safety, but has no specific evidence that allowing vehicles of historic interest not to be tested will lead to a safety risk materialising.

  The Department also points out that MoT pass rates are indicative of the condition in which vehicles are kept. “Like vehicles registered before 1960 (but less so), it says, those first registered in 1961-1977 have a substantially lower MoT failure rate than the general fleet.” Thus it considers the risk element arising from removing vehicles over 40 years old from the testing regime is small, and the move will bring benefits to owners of pre-1977 vehicles.

  Introducing a rolling exemption for vehicles over 40 years old will bring legislation into line with the current arrangements for Vehicle Excise Duty, though owners of vehicles no longer subject to MoT testing will still be required to ensure compliance with the legal requirement of keeping the vehicle in roadworthy condition. The DfT says owners wishing to obtain an independent assessment of a historic vehicle will be able to submit it for MoT testing if desired. Currently around 6% of pre-1960 vehicles are voluntarily tested.

Basic roadworthiness tests

The idea of a basic historic vehicle roadworthiness test proved popular, supported by 1125 respondents, many of whom felt that more items should be covered – with structural integrity and corrosion checks the main suggestions. The DfT felt that including these items would bring what was envisaged as a basic test closer to the existing MoT, and little would

be gained by introducing another very similar test.

Vehicles over 30 years old

Around 75% of respondents were opposed to the introduction of MoT test exemptions for vehicles between 30 and 40 years old. The DfT says the main argument presented was that such cars were more powerful than their predecessors, and would thus be driven faster, and more likely to be involved in accidents – so it was more important that they were tested annually. Some respondents also pointed to higher collision numbers, and that vehicles first registered between 1961 and 1977 have better MoT pass rates than those from 1977–87. The DfT acknowledged all these concerns – and also pointed to the poorer safety record of vehicles from this period. Its statistics suggest the number of 1978-1987 vehicles still requiring an MoT test is about half the 1961-1977 figure – but they are involved in more than twice as many accidents.

Substantial change to older vehicles

EU Directive 2014/45 requires vehicles which have been substantially changed "in the technical characteristics of their main components" are not exempted from roadworthiness testing, which is why the phrase appears in Options 3 and 4. Some 1,155 respondents agreed with the DfT view that the 8-point rule, currently used by the DVLA to determine whether modified vehicles need to be re-registered, should be used to establish whether "substantial change" had occurred. Many of those supporting the proposal felt that detailed guidance would need to be available.

Of the 926 opponents, some objected on the grounds that substantial alterations could include upgraded brakes and suspension, and excluding such vehicles retrospectively was unfair. Others felt that the 8-point rule was too prescriptive, or another layer of bureaucracy, and drivers should be allowed to decide whether their vehicle complies.

The DfT has assessed these issues with DVLA and the Driver Vehicle Standards Agency (DVSA) and produced a modified definition of 'Substantial Change' based on the DVLA's

rule. It proposes to include this in guidance to be finalised before the regulations relating to the consultation outcome are enacted. A draft of proposed new guidance is already available. Its definitions will be further discussed before this guidance is issued, and there's a promise of regular reviews. A slightly different "substantial change" definition will be used for motorcycles. There was a large majority in favour of modifications made before 1988 not being taken into account in determining whether a vehicle had been "substantially changed," and the DfT has agreed to adopt this approach in determining whether a vehicle should be exempt from testing.

Older HGV and PSV vehicles

The consultation asked if the new proposals on exemption from testing should also apply to larger Heavy Goods and Public Service Vehicles. In general these are presently exempt from testing if built before 1960. 479 respondents supported the proposed exemption. 754 said that HGVs and PSVs should be tested, and 27 felt they should be exempted if not used commercially. 251 respondents did not support any exemption at all for these vehicles. Objections ranged from "The additional size and weight of the vehicles in these classes make testing essential to save lives," to "PSV and HGV vehicles used for business should be tested, as it's likely their usage will be heavy, and up to their original specifications. Privately owned vehicles are less likely to operate under those conditions – attending shows, displays and events on an irregular basis."

The DfT has accepted the concern over the implications of accidents involving heavier vehicles and those carrying groups of passengers, in some cases commercially. However it has decided on only one change to the existing testing regime for older heavy goods vehicles exceeding 3.5 tonnes unladen weight, or public service vehicles with 12 seats or more. The exception is that pre-1960 buses and HGVs which have been substantially changed will need to be tested.

Biennial testing

The safety record of vehicles first registered between 1960 and 1977 is such that the DfT

believes that reducing their testing frequency from one to two years could be justified. MoT failure and casualty rates of vehicles registered during this period suggest these vehicles are involved in fatal and serious injury accidents at around one third the rate of vehicles generally. However, removal of most of these vehicles from testing altogether, as proposed, obviates the need to consider biennial testing. Apparently also, changing testing to biennial frequency would require primary legislation, so annual testing would have to continue for some time. The Department says it will not be proceeding with this option in the near future…

Mileage limit

The consultation asked for comments on an annual mileage limit for Vehicles of Historical Interest, below which they could be exempted from testing. This brought strong opposition, with 1,329 respondents opposed, and just 580 in favour. The Department decided not to proceed, stating "It's not required by the EU directive, and we did not see an argument in favour of 'gold plating' in this way."

What happens next

Secondary legislation will be introduced to bring the 40 year rolling MoT exemption – and the other minor changes – into effect from a planned date of May 20th 2018. Further work is to be undertaken on the guidance detail for "substantial change," which will be published once the legislative phase is completed.

Further reading

Three documents have been published relating to the Government's response to the consultation.

1. Exempting Vehicles of Historical Interest from Roadworthiness Testing: Government Response to Consultation. This includes two annexes:
(a) A list of the questions in the consultation document.

(b) A detailed Summary of Responses.

2. The draft guidance on Vehicles of Historical Interest (VHI): “Substantial Change”
3. An impact assessment of the proposed changes, titled “Review of Vehicles of Historical Interest (VHIs) road-worthiness testing.”
   All are in PDF format, and available to read or download via this link:

   https://www.gov.uk/government/consultations/roadworthiness-testing-for-vehicles-of-historic-interest

Kim comments..

“It is interesting that, having asked for opinions on this subject, the government chose to adopt an approach opposed by respondents in the ratio 1,130 to 899. It is also clear from my own ‘real world’ investigations that, for safety reasons, the majority of classic vehicle owners (and MoT testers) feel it unwise to discontinue MoT testing on vehicles more than 40 years old.

The general feeling seems to be: The fact that a vehicle is independently examined each year gives peace of mind to all concerned. Even in cases where a classic vehicle is meticulously maintained by its owner or indeed a professional, owners feel that it is still a good idea to have it checked independently, not least to ensure that any potential problems are spotted/highlighted before they can become serious. There are also many who feel that, rather than discontinuing MoT tests as discussed, perhaps a less stringent test, more appropriate to older vehicles, could and should be applied to those over 40 years old.