



Department
for Transport

HGV Periodic Testing and Inspections Exemptions: A consultation (2014)

December 2014

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Foreword

The purpose of this document is to seek views on the Department's proposals to remove or modify a number of exemptions from the Heavy Goods Vehicle (HGV) roadworthiness testing scheme. The consequence would be that operators of vehicles in currently exempt classes would, in future, be required to have their vehicles tested annually.

You may recall that the Department consulted in 2009/10 on exemptions. However we were then alerted to proposals at EU level that may more clearly define what vehicles could be exempted from plating and testing. On 29 April 2014 EU Directive 2014/45/EU was published.

The new Directive will come in to effect as of 20 May 2018.

We are proposing to remove or modify the exemptions covering 10 categories of vehicle (detailed in Annex A). These are the same exemptions as was proposed in 2009/10 although at least two exemptions are now proposed for modification rather than removal as a result of the new EU Directive. Reviewing the exemptions also allows the opportunity to provide greater clarity as to whether particular types of vehicle are exempt.

Linked to this consultation the Department is also concurrently consulting on exemptions from operator licensing that apply to certain heavier vehicles. There will be commonalities on licensing exemptions and testing exemptions. By consulting on these areas in tandem we will be able to consider all responses and test whether our assumptions on the effects to industry are valid. As both areas have consequences for road safety we are keen that the road safety community has the opportunity to consider the consultations alongside each other. If you would like to view that consultation please use the following link:

<https://www.gov.uk/government/consultations/goods-vehicle-operator-licensing-exemptions>

Primarily we wish to ensure that regulations are equitable and supportive of road safety.

Executive summary

- 1.1 Annual roadworthiness testing of HGVs was introduced in Britain in 1968. A number of categories of vehicle were exempted from testing primarily because, at that time, they were considered to be non - standard types of vehicle, or vehicles which were limited in number or limited in use on the public road.
- 1.2 The exempt classes are detailed in the Goods Vehicle (Plating and Testing) Regulations 1988 and include electric vehicles, road construction vehicles, breakdown vehicles, vehicles containing engineering plant or health, education or display equipment, and vehicles based in seven Scottish islands (the complete list of exemptions is at **Annex A**).
- 1.3 In addition to the above exemption, regulation 44 also effectively exempts from testing vehicles which are used in only prescribed special circumstances. We are considering one of those circumstances, that is exemptions that are not temporary i.e. exemptions made under regulation 44(1)(e).
- 1.4 A further exemption exists in relation to vehicles – which are essentially heavy goods vehicles – but which have either no or very limited capacity to carry demountable goods. Such vehicles are defined in section 185 of the Road Traffic Act 1988 as either motor tractors or as light or heavy locomotives, depending on their unladen weight. Such vehicles do not currently fall within the scope of the annual testing requirements for HGVs and these are also being considered.
- 1.5 EU law on roadworthiness testing is set out in Directive 2009/40/EC and the new Directive 2014/45/EU that will generally come in to force on 20 May 2018.
- 1.6 We need to be sure that the UK exemptions are in line with the new EU law when it comes in to force, but we also need to ensure that we adapt the current list of exemptions where any exemptions are also non-compliant with the existing Directive. We are therefore proposing to taking a phased approach to remove (and in some cases modify) ten of the exemptions in the Goods Vehicles (Plating

and Testing) Regulations 1988. Changes would be phased between 2015 and 2018. This phasing would support the transition for businesses and the Government agency that will need to plate circa 40,000 new vehicles that will require annual testing. Where changes are needed to clearly comply with the earlier directive these will be phased in as soon as is practicable. Changes only required by 2014/45/EU would take place in accordance with the implementation requirements of that Directive.

How to respond

The consultation period began on 11 December 2014 and will run until 5 March 2015. 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.gov.uk/government/consultations/hgv-periodic-testing-and-inspections-exemptions>

Or you can contact Matthew Hammond if you would like alternative formats (Braille, audio CD, etc).

Please send consultation responses to:

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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.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want 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.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

The proposals

- 2.1 Annual roadworthiness testing exists as an important element in ensuring vehicles are in a maintained in a safe condition to be used on the road. This is particularly important for HGVs.
- 2.2 The Department consulted in 2009/10 on annual test exemptions. However we were then alerted to proposals at EU level that may have changed what vehicles could be exempted from plating and testing. On 29 April 2014 EU Directive 2014/45/EU was published and we now have clarity as to which exemptions are permissible.
- 2.3 It is difficult to give a precise estimate of the number of vehicles currently classified under exemptions which we think are incompatible with EU legislation. In total we estimate that around 40,000 vehicles are involved – which is of the order of 10% of HGVs that are currently subjected to annual roadworthiness testing. If the relevant exemptions are removed it would mean that operators of the vehicles concerned would need them roadworthiness tested at least annually.
- 2.4 There are several reasons for reviewing the list of exemptions now. Firstly the number of exempt vehicles is growing. This raises concerns about road safety – and also of fairness, as between operators of vehicles that are currently tested, and operators of vehicles which are currently exempt from testing.
- 2.5 On the latter point, currently each lorry that is tested helps fund roadside enforcement. However any vehicle whether in or out of the testing regime may be subject to enforcement action. Therefore, by increasing the pool of vehicles that are paying annual testing fees, the cost of enforcement is spread across a larger number of HGV operators. Any vehicles that are currently exempt will, by coming in to scope of annual roadworthiness testing will also by default fall within scope of vehicle plating. This will help to provide greater clarity to enforcement authorities as to whether a particular vehicle is being operated within the maximum permitted weight.

2.6 In addition to supporting road safety and fair competition we need to ensure compatibility between the list of exempt vehicle classes and EU law on testing. The former is detailed in Schedule 2 to the Goods Vehicles (Plating and Testing) Regulations 1988; the latter is provided for under Article 2(2) of Directive 2014/45/EU (which is also compatible with the current Directive 2009/40/EC).

2.7 We are proposing to remove nine and modify one of the exemptions in Schedule 2 to the Goods Vehicles (Plating and Testing) Regulations 1988. The exemptions are in respect of:

- Mobile cranes.
- Break-down vehicles.
- Engineering plant and plant, not being engineering plant, which is movable plant or equipment being a motor vehicle or trailer (not constructed primarily to carry a load) especially designed and constructed for the special purposes of engineering operations.
- Trailers being drying or mixing plant designed for the production of asphalt or of bituminous or tarmacadam.
- Tower wagons.
- Road Construction Vehicles (though we are not proposing to remove the exemption for road rollers and other specialised equipment used in the road construction process).
- Electrically propelled motor vehicles.
- Vehicles constructed or adapted for, and used primarily for the purpose of, medical, dental, veterinary, health, educational, display, clerical or experimental laboratory services.
- Vehicles having a base or centre in any of the following islands, namely, Arran, Bute, Great Cumbrae, Islay, Mull, Tiree or North Uist from which use of the vehicle on a journey is normally commenced. (Modify to comply with new EU Directive),
- Tractor units pulling exempt trailers.

2.8 There are two further categories of effectively exempt 'heavy vehicles' that we are proposing to modify in the context of this review:

- heavy vehicles which benefit from paragraph 44.1.(e) of the Goods Vehicles (Plating and Testing) Regulations 1988, which exempts from roadworthiness testing vehicles being used under an order made under Section 44 of the Road Traffic Act 1988, which allows exemptions from normal regulations for vehicles carrying abnormal loads and other special vehicles. We are proposing to remove exemptions for HGV or HGV-derived vehicles, while leaving in place exemptions for vehicles of genuinely special type; and,
- the provisions of section 185 of the Road Traffic Act 1988 (and also section 186(3) of the Act) so that motor tractors and heavy and light locomotives are no longer exempt from annual roadworthiness testing in any case where a vehicle is based on an HGV-style chassis and would therefore be regarded as a goods vehicle.

EU law

2.9 EU Directive 2014/45/EU states that vehicle classes N2 and N3 (large goods vehicles) must be roadworthiness tested annually, however Article 2(2) also states that:

Member States may exempt the following vehicles registered in their territory from the application of this Directive:

– vehicles operated or used in exceptional conditions and vehicles which are never, or hardly ever, used on public roads, such as vehicles of historic interest or competition vehicles;

– vehicles under diplomatic immunity;

– vehicles used by armed forces, forces responsible of law and order, fire services, civil protection, emergency or rescue services;

– vehicles used for agricultural, horticultural, forestry, farming or fishery purposes only on the territory of the Member State and mainly

on the terrain of such activity, including agricultural roads, forestry roads or agricultural fields;

– vehicles used exclusively in small islands or sparsely populated areas¹;

– specialised vehicles transporting circus and funfair equipment with a maximum design speed not exceeding 40 km/h and only operating on the territory of the Member State; and

- vehicle categories L3e, L4e, L5e and L7e, with an engine-displacement of more than 125cm³, where Member States have put in place effective alternative road safety measures for two or three-wheel vehicles, taking into account in particular relevant road safety statistics of the last five years. Member States shall notify such exemptions to the Commission.

2.10 In our view most of the various types of vehicle that are likely to be currently classified by their owners/operators as being included within the exemptions under Schedule 2 to the Goods Vehicles (Plating and Testing) Regulations 1988 are vehicles which are built on a normal HGV chassis (N2 or N3 vehicles) and in regular use on the road. We therefore consider that it would unrealistic to argue that any of these exempt types could fall within the scope of exceptions as defined under Article 2(2) of the Directive.

Other issues

2.11 In any event, given that:

- most of these vehicle types are based on a normal HGV chassis;
- the number of such vehicles is increasing;
- most need to be maintained in exactly the same way as any other type of HGV;
- the purpose of testing is to corroborate the fact that essential maintenance is being undertaken; and
- there is a need to ensure fair competition

¹ EU Directive 2014/45/EU recital (9a) clarifies this exemption as follows “Vehicles used exclusively on remote territories of Member State, notably on small islands with less than 5,000 inhabitants or in sparsely populated areas with a population density below five persons per square kilometre, are used under conditions that may require a specific roadworthiness testing regime.”

it would be difficult to substantiate an in-principle argument as to why such vehicles should continue to be exempted from periodical roadworthiness testing. Withdrawing these exemptions would also remove the current unfairness whereby HGVs which are exempt from testing are in some cases in direct competition with vehicles which are not so exempt.

Justification

- 2.12** As the focus of this consultation is the requirement for annual roadworthiness testing, we are considering continuing with the exemption from “plating” for the vehicle types that would be brought into scope of annual testing. Introducing “plating” for the currently exempt vehicle types will impose implementation costs for the operators of these vehicles and the administrators of the testing scheme. An alternative would be to phase “plating” over a period to ensure that bottlenecks in meeting the plating requirements are avoided.
- 2.13** We are aware of some vehicle types, specifically 4 axle volumetric concrete mixers, where the custom and practice over recent years has been to operate these 4 axle vehicles in excess of the maximum permitted weight limit of 32 tonnes specified in Construction and Use legislation. We invite comments on a possible option to amend the appropriate legislation to allow the operation of these vehicles at maximum operating weights higher than 32 tonnes (but still within both design and axle weight limits) for a transitional period to avoid dislocation in the market. A higher UK weight limit could be set for volumetric concrete mixers that reduces to the standard limit of 32 tonnes after a period of 10 years.
- 2.14** A more detailed analysis of each of the cases for removing and/or modifying the various exemptions is given in **Annexes B, C and D**.

Consultation questions

It would be helpful if, when you reply, you could focus your response on the following six general questions, though we would, of course, also be pleased to consider any other comments that you may wish to make. Additionally further below are questions relevant to specific classes of exempt vehicle.

General questions

Q1: Do you agree that we should remove the exemption from roadworthiness testing for the ten categories of HGV listed in paragraph 2.7? Please explain why or why not.

Q2: Do you consider that any other of the exempt categories of HGV listed in Annex A should be subject to testing in future – and, if so, which ones and why?

Q3: Do you agree that it is necessary to remove the exemption in Regulation 44.1 (e) for normal HGV and HGV-derived vehicles whose use is permitted under an Order under Section 44 of the Road Traffic Act 1988? Please explain why or why not.

Q4: Do you agree that it is necessary to modify the scope of the definitions in section 185 of the Road Traffic Act 1988 so that heavy vehicles with fixed equipment no longer fall outside the definition of vehicles which have to be tested? Please explain why or why not.

Q5: Do you agree with the draft Impact Assessment and/or can you help us to quantify more precisely the estimated costs and benefits? A link to the Impact Assessment is provided at **Annex E**.

Q6: Are you aware of types of vehicle where we are proposing to remove exemptions from annual testing that will require special arrangements to enable the vehicles to be tested? If so please explain.

Q6A: Do you consider that continuing the exemption from plating requirements for all of the currently exempted vehicles is an appropriate approach? Please explain why or why not.

Q7: Please provide any other information you feel is relevant or evidence that may assist us in considering the exemptions.

List of vehicle class specific questions extracted from the annexes:

Questions from Annex B

B1: It would not be our objective to encompass non-HGV-derived mobile cranes, if these could be readily and unambiguously identified both in law and in practice. Are there any mobile cranes that could be demonstrated not to be based on a motor vehicle chassis and thus legally classified as so? Please explain.

B2: Do you agree that mobile cranes which are longer or heavier than normal road vehicles should continue to be exempt? Please explain.

B3: Would it be relatively easy to roller-brake test mobile cranes in the normal way or would an alternative test be required?

B4: It would not be our objective to encompass non-HGV-derived breakdown vehicles, if these could be readily and unambiguously identified both in law and in practice. Are there any breakdown vehicles that could be demonstrated not to be based on a normal HGV chassis?

B5: Could break-down vehicles be reasonably easily accommodated in vehicle testing stations? Please explain.

B6: Would it be relatively easy to roller-brake test vehicles in the normal way or would an alternative approach be more sensible or appropriate? Please explain.

B7: It would not be our objective to encompass non-HGV-derived engineering plant, where these could be readily and unambiguously identified both in law and in practice. What types of engineering plant are not based on a normal HGV chassis?

B8: Could 'HGV-based' engineering plant be reasonably easily accommodated in vehicle testing stations?

B8A: Do you feel it is appropriate to allow 4 axle volumetric concrete mixers to be operated in excess of the current Construction and Use

weight limit of 32 tonnes for a specified transitional period. Please explain why or why not.

B8B: If you agree that a transitional approach is appropriate, do you have any views how long it should last and what the transitional maximum weights should be?

B9: Would it be relatively easy to roller-brake test vehicles in the normal way?

B.10 Are there special considerations we need to be aware of with regards asphalt trailers?

B.11 Are there special considerations we need to be aware of with regards tower wagons?

B.12 Are there special considerations we need to be aware of with regards road construction vehicles?

B.13 Are there special considerations we need to be aware of with regards electrically propelled vehicles?

B.14 Are there special considerations we need to be aware of with regards vehicles adapted for medical services, education services etc.?

B.15 Are there special considerations we need to be aware of with regards vehicles based on islands that may or may not come within scope of plating and testing?

B.16 Are there special considerations we need to be aware of with regards HGV tractor units used for drawing trailers or similar?

Question from Annex C

C.1 Are there special considerations we need to be aware of with regards vehicles that may be captured within the current Regulation 44 exemption?

Question from Annex D

D.1 Are there special considerations we need to be aware of with regards vehicles that may be captured within the current Section 185 exemption?

What will happen next

A summary of responses, including the next steps, will be published on <https://www.gov.uk/government/consultations> within three months of the consultation closing. Paper copies will be available on request.

Annex A List of exemptions

List of exemptions from roadworthiness testing in Schedule 2 of the Goods Vehicles (Plating and Testing) Regulations 1988

Vehicle type	Remove/modify exemption
1. Dual-purpose vehicles*	
2. Mobile cranes	✓
3. Break-down vehicles	✓
4. Engineering plant etc.	✓
5. Tarmac Trailers	✓
6. Tower wagons	✓
7. Road Construction vehicles	✓
8. Fire fighting vehicles	
9. Works trucks etc.	
10. Electrically propelled motor vehicles	✓
11. Snow ploughs etc.	
12. Lifeboat tractors	
13. Living vans*	
14. Medical /educational/display vehicles	✓
15. Over-run-braked trailers	
16. Limited use vehicles	
17 Agricultural motor vehicles and trailed appliances	
18. Agricultural trailers and agricultural trailed appliance conveyors	
18A. Converter dollies	
19. Public Service Vehicles*	
20. Licensed taxis*	
21. Vehicles used solely for the purposes of funerals*	
22. HGVs for export and visiting forces vehicles	
23. Test HGVs	
24. Visiting HGVs*	
25. Northern Ireland registered HGVs*	
26. HGVs based in seven Scottish islands.	✓
27. Visiting HGV trailers*	
28. 'Caterpillar-track' vehicles	
29. Steam propelled vehicles	
30. Pre-1960 HGVs	
31. Specialised narrow-track utility vehicles	
32. Airport 'handling' vehicles	
33. Airport 'service' vehicles	
34. Police HGVs	

35. HGV tractor units drawing exempt trailers



36. Play buses*

37. Large American pick-up trucks*

* vehicles marked with an asterisk , while exempt from testing of HGVs under the Goods Vehicles (Plating and Testing) Regulations 1988, are nevertheless subject to roadworthiness testing under the separate testing regimes applied to cars (MOT), passenger service vehicles, or under legislation in Northern Ireland or their home state.

Annex B Review of case for removing exemptions

1. Mobile cranes (as defined in Schedule 3 to the Vehicles Excise Act 1971).

Under schedule 3 to the Vehicles Excise Act 1971 "mobile crane" means a vehicle designed and constructed as a mobile crane which (a) is used on public roads only either as a crane in connection with work being carried on a site in the immediate vicinity or for the purpose of proceeding to and from a place where it is to be used as a crane; and (b) when so proceeding neither carries nor hauls any load than such as is necessary for its propulsion or equipment.

Whilst many vehicles under this category may not be considered to be carrying any goods or burden, many cranes being considered under this exemption are built on a normal HGV chassis.

According to DVLA statistics there are 4646 currently licensed vehicles of this type.

They may travel long distances to get to site locations and are regularly seen on the road as many rarely stay in one location for any length of time.

Case for removing exemption:

Most mobile cranes do not fall within the exemption criteria set out in Article 4.1 of Directive 2009/40/EC or Article 2(2) of Directive 2014/45/EU.

Special considerations:

B1: It would not be our objective to encompass non-HGV-derived mobile cranes, if these could be readily and unambiguously identified both in law and in practice. Are there any mobile cranes that could be

demonstrated not to be based on a normal HGV chassis and thus legally classified as so? Please explain.

B2: Do you agree that mobile cranes which are longer or heavier than normal road vehicles should continue to be exempt? Please explain.

B3: Would it be relatively easy to roller-brake test mobile cranes in the normal way or would an alternative test be required?

2. Break- down vehicles.

Breakdown vehicles are defined in regulation 3 of the Goods Vehicles (Plating and Testing) Regulations 1988 as motor vehicles with permanently mounted apparatus designed for raising one disabled vehicle partly from the ground and drawing that vehicle when so raised; and, which is not equipped to carry any load other than articles required in connection with that apparatus or for repairing disabled vehicles.

Break-down vehicles are based on a normal HGV chassis and are in regular use on the road. According to DVLA statistics, there are 16,660 currently licensed.

There is no equivalent exemption for 'light-break-down vehicles' under the Motor Vehicles (Tests) Regulations 1981 – which are subject to testing.

Equally, 'recovery vehicles' – which are designed to carry a disabled vehicle 'piggy-back' on-board do not meet the definition of 'break-down vehicles' because the disabled vehicle is not left with one or more wheel set in contact with the ground are subject to testing under the Goods Vehicles (Plating and Testing) Regulations 1988.

There is therefore currently an unfair distinction as between 'light' break-down vehicles – which do have to be tested – and 'heavy' break-down vehicles which do not. Also, as between recovery vehicles – which need to be tested – and heavy break-down vehicles which do not.

Case for removing exemption:

Breakdown vehicles do not fall within the exemption criteria set out in Article 4.1 of Directive 2009/40/EC or Article 2(2) of Directive 2014/45/EU.

Special considerations:

B4: It would not be our objective to encompass non-HGV-derived break down vehicles, if these could be readily and unambiguously identified both in law and in practice. Are there any breakdown vehicles that could be demonstrated not to be based on a normal HGV chassis?

B5: Could break-down vehicles be reasonably easily accommodated in vehicle testing stations?

B6: Would it be relatively easy to roller-brake test vehicles in the normal way or would an alternative approach be more sensible or appropriate?

3. Engineering plant and plant, not being engineering plant, which is movable plant or equipment being a motor vehicle or trailer (not constructed primarily to carry a load) especially designed and constructed for the special purposes of engineering operations.

Engineering plant is defined in regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986 ("C&U") as movable plant or equipment being a motor vehicle or trailer especially designed and constructed for the special purposes of engineering operations, and which cannot, owing to the requirements of those purposes, comply with all the requirements of C&U and which is not constructed primarily to carry a load. The exemption in Schedule 2 to the Goods Vehicles (Plating and Testing) Regulations 1988 also applies to plant not being engineering plant.

Given the wide variety of body types fitted to these vehicles and the wide variety of classifications applied to them we do not know how many are in use on the road.

Many vehicles for which operators claim exemption from testing under this category are vehicles that are based on a normal HGV chassis and are in regular use on the road, such as volumetric concrete mixers, mobile drilling plant and mobile pumps. Some vehicles, however, are uniquely constructed, such as plant used for road construction (e.g. road planer), and other construction vehicles (e.g. backhoe loaders/JCB).

Case for modifying rather than removing exemption:

Many vehicles in this category do not fall within the exemption criteria set out in Article 4.1 of Directive 2009/40/EC or Article 2(2) of Directive 2014/45/EU. However vehicles not based on a normal HGV chassis, such as construction plant, can continue to be exempt as their construction and usage cycle are entirely different to that of HGVs. This would also align with the European type approval system under Directive 2007/46/EC, whereby vehicles based on a lorry chassis are subject to type approval, regardless of whether their ultimate guise is as goods vehicle or mobile plant.

Special considerations:

B7: It would not be our objective to encompass non-HGV-derived engineering plant, if these could be readily and unambiguously identified both in law and in practice. Is there any engineering plant that could be demonstrated not to be based on a normal HGV chassis?

B8: Could 'HGV-based' engineering plant be reasonably easily accommodated in vehicle testing stations?

B8A: Do you feel it is appropriate to allow 4 axle volumetric concrete mixers to be operated in excess of the current Construction and Use weight limit of 32 tonnes for a specified transitional period. Please explain why or why not.

B8B: If you agree that a transitional approach is appropriate, do you have any views how long it should last and what the transitional maximum weights should be?

B9: Would it be relatively easy to roller-brake test vehicles in the normal way?

4. Trailers being drying or mixing plant designed for the production of asphalt or of bituminous or tarmacadam.

These are generally draw-bar trailers designed to transport molten asphalt in bulk. Necessarily the asphalt needs to be heated on site – and the trailers are therefore also equipped with some form of heating unit.

These trailers were almost certainly exempted from testing in 1968 because there were concerns about causing damage to the then newly constructed network of Heavy Goods Vehicle Testing Stations – and also because of the potential risk involved in testing to testing station staff.

Case for removing exemption:

The original concerns about testing such trailers remain. However, such trailers do not fall within the exemption criteria set out in Article 4.1 of Directive 2009/40/EC or Article 2(2) of Directive 2014/45/EU.

Special considerations:

It may well be that there are particular Health and Safety issues to address. However, there should be no insuperable problems provided trailers are ‘cold’ when submitted for test.

B.10 Are there special considerations we need to be aware of with regards asphalt trailers?

5. Tower wagons as defined in:

- (a) Paragraph 8 of Schedule 1 to the Vehicles Excise and Registration Act 1994 as originally enacted; or,**
- (b) Paragraph 17 of Schedule 2 to that Act as originally enacted.**

These are HGVs which carry an integral expanding or extendible device for facilitating the erection, inspection, repair or maintenance of overhead structures or equipment – but which are not constructed for the conveyance of any other load.

Vehicles that are currently exempted under this category are vehicles that are based on a normal HGV chassis and are in regular use on the road.

Our best estimate from DVLA statistics is that there are in the region of 3,800 tower wagons currently licensed and on the road.

Case for removing exemption:

Vehicles in this category do not fall within the exemption criteria set out in Article 4.1 of Directive 2009/40/EC or Article 2(2) of Directive 2014/45/EU.

Special considerations:

There are no special considerations that we are aware of. Originally it may have been the case that ‘tower wagons’ may not easily have been accommodated in testing stations. However, so far as we are aware, the same problem does not exist with modern vehicles since hydraulic hoists mostly appear to collapse completely onto the body of the vehicle.

B.11 Are there special considerations we need to be aware of with regards tower wagons?

6. Road Construction Vehicles as defined in section 61 of the Vehicle Excise and Registration Act 1994 as originally enacted and road rollers.

These are heavy goods vehicles which are constructed or adapted for use for the conveyance of built-in road construction machinery, and which are not constructed or adapted for the conveyance of any other load except articles and material used for the purposes of such machinery.

Many vehicles that fall under this category are vehicles that are based on a normal HGV chassis and are in regular use on the road.

We do not have an estimate of the number of vehicles likely to be involved because there is a wide variety of vehicle types which may fall within the scope of the exemption.

Case for removing exemption:

Many vehicles in this category do not fall within the exemption criteria set out in Article 4.1 of Directive 2009/40/EC or Article 2(2) of Directive 2014/45/EU.

Special considerations:

Some are clearly highly specialised vehicles which are really only designed for use 'on-site' and for the purposes of constructing/repairing roads, for example road rollers and tarmac layers. It would not be the intention to require that such vehicles should be subjected to periodical roadworthiness testing. However these would meet the definition of Plant or Engineering plant and thus would be covered under that exemption. The discussion under that section (above) is relevant here.

The types of vehicle whose exemption from testing we propose to remove would be vehicles which were essentially HGVs but which had ancillary equipment on-board which enabled the vehicle to serve part of the process of road construction whilst on-site.

B.12 Are there special considerations we need to be aware of with regards road construction vehicles?

7. Electrically propelled motor vehicles.

These are normal HGVs which are propelled by electric motors rather than by an internal combustion engine which is directly connected by a transmission train to the drive wheels.

Most vehicles for which operators claim exemption from testing under this category are vehicles that are based on a normal HGV chassis and are in regular use on the road. Electric HGVs currently weigh up to 12 tonnes and can travel at more than 50mph. We expect that, with advances in technology, electric vehicles of more than 12 tonnes may become commercially available.

We do not believe there are many electric HGVs on the road. However, there is clearly the potential for an expanding market for such vehicles – and advances in technology are likely to herald heavier variants than are currently available being developed in the future.

Case for removing exemption:

Vehicles in this category do not fall within the exemption criteria set out in Article 4.1 of Directive 2009/40/EC or Article 2(2) of Directive 2014/45/EU.

Special considerations:

Clearly, some aspects of the existing HGV roadworthiness test (e.g. emissions) may not be applicable to electric vehicles, and some modifications to the test procedure for such vehicles may need to be made. However, the vast majority of the test procedures should be easily transferrable to them.

B.13 Are there special considerations we need to be aware of with regards electrically propelled vehicles?

8. Vehicles constructed or adapted for, and used primarily for the purpose of, medical, dental, veterinary, health, educational, display, clerical or experimental laboratory services, such use:

(a) Not directly involving the sale, hire or loan of goods from the vehicle;

(b) Not directly or indirectly involving drain clearing or sewage or refuse collection.

The description of this class of vehicle is largely self-explanatory. However, all are based around normal HGV motor vehicles and HGV trailers.

Given the very wide nature of this class of exemption we do not have any estimate of how many such vehicles there may be on the road.

Case for removing exemption:

Vehicles in this category do not fall within the exemption criteria set out in Article 4.1 of Directive 2009/40/EC or Article 2(2) of Directive 2014/45/EU.

Special considerations:

There are none as far as we are aware.

B.14 Are there special considerations we need to be aware of with regards vehicles adapted for medical services, education services etc.?

9. Vehicles having a base or centre in any of the following islands, namely, Arran, Bute, Great Cumbrae, Islay, Mull, Tiree or North Uist from which use of the vehicle on a journey is normally commenced.

This class of exempt vehicle includes any HGVs normally operated from any of these islands – irrespective of whether they make national or international journeys. However, these are vehicles that are based on normal HGV chassis and are in normal regular use on the road.

We estimate that there are somewhere in the region of 800 such vehicles.

There is a further linked exemption under Regulation 44(2) of the Goods Vehicles (Plating and Testing) Regulations 1988 which exempts HGVs from roadworthiness testing if they are using roads on islands not connected to the mainland.

EU Directive 2014/45 allows an exemption as follows, “Vehicles used exclusively on remote territories of Member State, notably on small islands with less than 5,000 inhabitants or in sparsely populated areas with a population density below five persons per square kilometre, are used under conditions that may require a specific roadworthiness testing regime”.

This definition limits the scope of the exemption to vehicles that never leave qualifying territories. Vehicles based there that move onto the mainland will need to be roadworthiness tested unless they fall in to one of the remaining exemptions.

Case for modifying rather than removing exemption:

Giving due regard to the effect on businesses based on Scottish Islands we are not proposing to remove the exemption. Unlike EU Directive 2009/40/EC new EU Directive 2014/45/EU does provide an explicit exemption. Our proposal is to “copy and paste” the existing wording in to our legislation. This would replace both the exemption listed in Schedule 2 of the Goods Vehicles (Plating and Testing) Regulations 1988 and the exemption created under Regulation 44(2) of those Regulations.

Special considerations:

With island populations changing the Department does not plan to issue a definitive list of islands that are or are not exempt under the EU definition. Rather it would be for individual vehicle operators to ensure they are compliant with the new EU rules, although the Department will consider issuing guidance to assist those operators.

B.15 Are there special considerations we need to be aware of with regards vehicles based on islands that may or may not come within scope of plating and testing?

10. Heavy motor cars or motor cars constructed or adapted for the purpose of forming part of an articulated vehicle and which are used for drawing a trailer falling within a class of vehicle specified in paragraph 13, 14 or 15 of this Schedule or a trailer being used for or in connection with any purpose for which it is authorised to be used on roads by order under section 44 of the 1988 Act, being an order authorising that trailer or any class or description of trailers comprising that trailer to be used on roads.

Essentially these are HGV tractor units used for drawing trailers that are exempt from testing – specifically living vans, display etc. vehicles, and over-run-braked trailers. Also, HGV tractor units drawing trailers operated under an Order issued under section 44 of the Road Traffic Act 1988.

Most vehicles for which operators claim exemption from testing under this category are vehicles that are based on a normal HGV chassis and are in regular use on the road.

Case for removing exemption:

Vehicles in this category do not fall within the exemption criteria set out in Article 4.1 of Directive 2009/40/EC or Article 2(2) of Directive 2014/45/EU.

Special considerations:

There should be none, so far as we are aware.

B.16 Are there special considerations we need to be aware of with regards HGV tractor units used for drawing trailers or similar?

Annex C Review of case for removing ‘Regulation 44 exemptions’

These are effectively ‘use’ exemptions i.e. the offence of using a vehicle without a current roadworthiness testing certificate does not apply providing the vehicle is used for any of the prescribed purposes.

The only exemption referred to in 44(1) of the Goods Vehicles (Plating and Testing) Regulations 1988 that we are proposing to remove is “(e) any purpose for which it is authorised to be used on roads by an order under section 44 of the 1988 Act”;

Case for removing exemption Regulation 44(1)(e)

Regulation 44(1)(e) vehicles are HGVs used under specific orders made under section 44 of the Road Traffic Act 1988. The exemption refers to two types of order:

- (a) the use of a vehicle under a specific order made by the Secretary of State under section 44 (Vehicle Specific Order, VSO); or
- (b) to the use of a vehicle under the provisions of the Road Vehicles (Authorisation of Special Types) General Order 2003 (STGO).

Vehicles in this category do not fall within the exemption criteria set out in Article 4.1 of Directive 2009/40/EC or Article 2(2) of Directive 2014/45/EU. Nor, since they are in regular use on the road, do they appear to meet the criteria for the exemption in Article 4.2 of Directive 2009/40/EC.

Special considerations:

Many of the vehicles authorised for use under a VSO are normal HGVs and should be capable of being tested as HGVs in the normal way. Some consequential arrangements would clearly need to be made in respect of testing bearing in mind that VSOs are granted in cases where the vehicle in question cannot comply in every respect with the requirements of the Road Vehicles (Construction and Use) Regulations

1986 and/or the Road vehicles Lighting Regulations 1989. However, all HGV-based vehicles should be capable of being subjected to most elements of a statutory roadworthiness test. It would still be open to the Department to issue a VSO granting exemption from annual testing where this was deemed appropriate.

Some of the 'STGO vehicles' – at least the motor vehicles – will be normal, heavy, HGV tractor units, and these are the ones which we propose should be subject to testing in future. Of course some of these vehicles will already be tested since some will be likely to be used both for STGO work and for general haulage. However, the intention is to ensure that any HGV-derived tractor units that are used exclusively for STGO work will no longer be exempt from statutory testing.

It would not be the intention to require statutory testing of:

- Specialised track-laying vehicles;
- Self-propelled trailers; or
- Multiple axle trailers capable of being operated in various axle configurations.

C.1 Are there special considerations we need to be aware of with regards vehicles that may be captured within the current Regulation 44 exemption?

Annex D Review of case for removing ‘Section 185 exemption’

Section 185 of the Road Traffic Act 1988 defines the following three classes of vehicle – which are of particular significance to this review:

- ‘heavy locomotive’: means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen exceeds 11690 kilograms;
- ‘light locomotive’: which means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen does not exceed 11690 kilograms but does exceed 7370 kilograms;
- ‘motor tractor’: which means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen does not exceed 7370 kilograms;

And the meaning of ‘excepted articles’ in this context means – under the provision of section 185(2) of the Act – any of the following: water, fuel, accumulators (i.e. propulsion batteries) and other equipment used for the purpose of propulsion, loose tools and loose equipment.

Section 186(3) is also relevant in this context because it extends the scope of what might not otherwise be classified as a locomotive or motor tractor. It does so by stipulating that:

- For the purposes of section 185 of this Act, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the load or goods or appliance or apparatus is not to be deemed to constitute a load or goods or burden of any description, but is deemed to form part of the vehicle.

This is of significance because the testing provisions under section 49 of the Road Traffic Act 1988 are relevant to ‘goods vehicles of any prescribed class’; and, whereas ‘goods’ are defined in section 192(1) of the Act as ‘goods or burden of any description’, sections 185 and 186 arguably effectively take many vehicles with only ‘fixed equipment’ on board outside the scope of the roadworthiness testing scheme.

Case for removing exemption:

There is no mention in Directive 2009/40/EC or Directive 2014/45/EU of goods vehicles which carry only fixed equipment being excluded from the scope of either Directive.

GB legislation appears to be unclear on the point in that whilst sections 185 and 186 of the Road Traffic Act 1988 treat such vehicles as ‘locomotives’ rather than as goods carrying vehicles, some vehicles with only fixed equipment are included within the list of ‘HGV exemptions’ under schedule 2 of the Goods Vehicles (Plating and Testing) Regulations 1988. In other words, GB legislation also classifies such vehicles as goods vehicles – which is unsurprising bearing in mind the following definitions in section 192(1) of the Road Traffic Act 1988:

- ‘goods vehicle’ means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted; and,
- ‘goods’ includes goods or burden of any description.

The vast majority of vehicles that may be classified as locomotives are in fact just ordinary goods vehicles in normal and regular use, albeit they may have fixed equipment on board rather than ‘demountable goods-carrying capacity’. This makes the distinction with testable HGVs somewhat tenuous – given that the need for essential safety inspections and maintenance is just as great in relation to such vehicles; and, also that the potential consequences of a failure to maintain adequately are just as significant as in the case of goods vehicles designed to carry demountable/transportable goods.

This category also encompasses vehicles which are sometimes known as “Ballast tractors” – a vehicle which is itself without any load carrying capacity (other than ballast to help traction), and which tows a heavy trailer via a drawbar coupling rather than a fifth wheel, such that no load is imposed from the trailer onto the towing vehicle. (i.e. unlike an articulated vehicle). Showmen often use such vehicles to tow fairground

rides, albeit in many cases these are not strictly ballast tractors but instead have fixed equipment such as generators behind the cab.

Therefore, as showman's vehicles do fall within this category, we are proposing to have an exemption that reflects the new EU Directives i.e. specialised vehicles transporting circus and funfair equipment, with a maximum design speed not exceeding 40 km/h, and only operating in Great Britain.

D.1 Are there special considerations we need to be aware of with regards vehicles that may be captured within the current Section 185 exemption?

Annex E Impact assessment

A copy of the draft Impact Assessment is available at <https://www.gov.uk/government/consultations/hgv-periodic-testing-and-inspections-exemptions>

When responding to the consultation, please comment on the analysis of costs and benefits, giving supporting evidence wherever possible.

Please also suggest any alternative methods for reaching the objective and highlight any possible unintended consequences of the policy, and practical enforcement or implementation issues.

Annex F Consultation principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available on the Better Regulation Executive website at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

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