



Department
for Transport

Exempting Vehicles of Historical Interest from Roadworthiness Testing

Government Response to Consultation

September 2017

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Ministerial Foreword

We would like to thank all those who responded to the consultation for their valuable input, and have noted the views expressed.

After considering the responses, we have decided to exempt most vehicles over 40 years old from the requirement for annual roadworthiness testing. This means lighter vehicles (such as cars and motorcycles) and those larger vehicles such as buses which are not used commercially. Heavy Goods Vehicles and Public Service Vehicles falling under operator licensing regulations will remain within the scope

of roadworthiness testing. This will ensure a proportionate approach to testing for older vehicles, which works for public safety and vehicle owners.

Vehicles that have been substantially changed, regardless of their age, will not be exempt from annual roadworthiness testing. We do not propose to set out in legislation a definition of “substantial change” but will be including this in guidance so that it can remain more flexible and responsive. The exact wording for this guidance will be discussed with stakeholders and relevant bodies and published subsequently.

We will bring forward amending legislation to put the decisions set out in this document into effect.



Jesse Norman MP

Parliamentary Under Secretary of State for Roads, Local Transport and Devolution



Introduction

1. Annual roadworthiness testing is an important element in ensuring vehicles are in a safe condition to be used on the road. It is also important to ensure that the testing regime is relevant to today's motorists and does not place unnecessary burdens on vehicle owners.
2. The proposed changes to roadworthiness testing were initially prompted by the agreement of EU regulations on roadworthiness. Provisions on vehicles of historical interest are set out in EU Directive 2014/45/EU. However, we consider that there are good reasons for making these changes regardless of our EU obligations. The Directive enabled Member States to exempt vehicles over 30 years old from periodic roadworthiness testing. It also provided that vehicles that have been substantially changed should not be exempted from annual roadworthiness testing.
3. The Government respected the EU referendum result and triggered Article 50 of the Treaty on European Union on 29th March 2017 to begin the process of exit. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will also continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in the future once the UK has left the EU.
4. The Department carried out a public consultation on how to reform roadworthiness testing of vehicles of historical interest from 16 September to 2 November 2016. The Department received 2,217 responses, many of which were from owners of older vehicles. A number of responses were received from organisations including car owner clubs.
5. Not all respondents answered all of the questions in the consultation. The summary gives figures for those responding to each specific question.

| Organisation | Number of responses |
|---|----------------------------|
| Individuals | 2141 |
| Businesses | 24 |
| Trade bodies | 6 |
| Public bodies (including museums) | 9 |
| Other organisations/groups (mainly motorists' clubs) | 37 |

6. Vehicles constructed or first registered before 1960 are already exempt from roadworthiness testing (popularly known as the 'MOT'). The Department's preferred option was to exempt all vehicles constructed or first registered 40 years ago on a rolling basis. We also suggested they might be required to have a basic roadworthiness test instead of the MOT. An alternative option, of exempting vehicles more than 30 years old, on a rolling basis, was also proposed.
7. In the interests of clarity we have used in this document and in the proposed legislation the phrase "vehicles of historical interest" rather than the more commonly used term "classic car". We have replicated the wording in the Directive as there is no established legal definition of a classic car. In addition, the vehicles covered include other, non-car vehicle types such as motorcycles.
8. We asked for views as to whether all vehicles over 40 years of age should be exempted from testing or if some, such as Heavy Goods Vehicles and Public Service Vehicles, should continue to be tested.
9. We also sought views on how to define "substantial change". One suggestion was to use an 8 point rule devised by the Driver and Vehicle Licensing Agency (DVLA) to determine whether a vehicle that has been modified should be re-registered, to establish whether or not a vehicle has been substantially changed (and thus ineligible for exemption from the MOT).
10. A full list of the questions asked in the consultation can be found at Annex A of this document. A summary setting out in more detail the individual responses is included at Annex B.

Government Response

Exemption from MOT Testing for Vehicles Over 40 Years Old

1. 899 respondents to this question supported the Government's proposal to exempt vehicles over 40 years old from MOT testing, while 1,130 respondents were opposed. The chief argument against the exemption was that all vehicles travelling on the highway should have an annual test for safety reasons.
2. **The Government has decided to proceed with the exemption for all vehicles constructed or first registered more than 40 years ago, on a rolling basis, as proposed in the consultation document.** Currently there are 197,000 vehicles exempt from MOT testing. By implementing this measure it is expected that around an additional 293,000 vehicles (or 1% of the total fleet) will not require an annual MOT test.
3. The Government's consideration has included the following factors and issues, which were raised by respondents to the consultation, in reaching this decision:
 - 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 was 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 the date for Vehicle Excise Duty.
4. The Government also took into consideration the reasons raised in opposition to making this change. The main ones identified were that:
 - any vehicle could cause a fatal accident and therefore all should have an annual MOT. This is an argument against any exemptions at all, including the current one for 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; and
 - vehicle owners do not have the facilities to conduct tests as thoroughly as garages.

5. In reaching its decision the Government gave significant consideration to the issue of any potential impact on rates of death and serious injury on the road. 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 those for newer vehicles.
6. This increase can be better understood through consideration of the actual numbers from 2015. In this year 215 people were killed or received serious injuries in accidents involving vehicles first registered in 1961-1977, which is fewer than the figures for vehicles built after 1987. Death and serious injury rates per vehicle for pre-1978 vehicles are significantly fewer than the figures for those vehicles built after 1988, which was 160,385 deaths and serious injuries in 2015. There are of course significantly more vehicles built after 1988 and still on the roads than there are vehicles from earlier dates but rates of injury per vehicle are also lower for pre-1978 vehicles.
7. Some vehicle owners may not keep on top of basic maintenance requirements if they do not have the deadline of the MOT to influence them. Research carried out on behalf of the Department for Transport in 2011 by the Transport Research Laboratory (TRL) produced the report 'Effect of Defects in Road Accidents'. The TRL report explored for newer vehicles the impact that different test frequencies may have upon road safety.
8. The TRL report authors were careful to caveat conclusions on road casualties and state assumptions. Some people may be influenced by a change in the first MOT timing and fail to undertake even routine maintenance, which could result in safety critical defects on the vehicle. Conversely the public may follow the law and keep their vehicles in a safe condition regardless of the MOT timing. Many current owners of older vehicles do take great pains at present to maintain their vehicles.
9. TRL estimated in 2011 that just 3% of road casualties could be associated with vehicle defects. The effect of MOTs on the rate of vehicle defects contributing to crashes amongst these older vehicles is difficult to assess. Our conclusion is there could be a small negative effect on road safety. The impact assessment uses an estimate of close to two serious injuries per year. However there is no specific evidence that not testing vehicles of historic interest will lead to a safety risk materialising. It is important to note that the method used to make the prediction uses a relatively simple approach and there are a number of confounding factors, not least that other events could trigger a repair or replacement part to be fitted before the MOT date.
10. MOT pass rates are also indicative of the condition in which vehicles are kept. Like vehicles registered before 1960 (but less so), vehicles first registered in 1961-1977 have a substantially lower MOT failure rate than the general fleet.
11. Taking all these factors into consideration we consider the element of risk arising from taking vehicles over 40 years old out of the testing regime is small. Testing requirements should be proportionate. Per vehicle, the risks in the status quo of not testing vehicles until they are three years old and of not testing the general fleet every six months as opposed to the current annual frequency are likely to be higher. The risks also apply in respect of far larger numbers of vehicles.
12. By implementing this measure owners of vehicles built before 1977 will benefit from a number of savings. The principal saving will be the cost of the MOT test. However, they will also benefit from the associated financial and times costs incurred in taking their vehicle to be tested.
13. The option for owners to submit their vehicles to a voluntary MOT test will remain and they will still, like all vehicle owners, need to ensure that they meet the legal requirement of keeping their vehicle in a roadworthy condition at all time. Currently

around 6% of the owners of pre-1960 vehicles submit their vehicles to voluntary testing and we would anticipate that many vehicle owners will service their vehicles regularly.

14. Exempting vehicles over 40 years old is also in line with the current rolling 40 year exemptions from Vehicle Excise Duty, so vehicle owners would be able to apply for VED exemption at the same time as their vehicle becomes exempt from MOT tests.

Introduction of a Basic 'VHI' Roadworthiness Test – (either annual or biennial) for 40 Year Old Vehicles

15. In total 1,125 respondents supported the introduction of a basic vehicle roadworthiness test on an annual or biannual basis. It was suggested this test should only include a check of the vehicle's identity, brakes, steering, tyres and lights. However, many respondents including those who were in favour of the introduction of such a test said that other items should be included. Checks on the structural integrity of vehicles and for corrosion were the main suggestions for other items to be checked. The inclusion of these items would alter the proposed basic test to something very close to the MOT so there seems to be little benefit from requiring such a test instead of an MOT.
16. **We have decided not to proceed with this proposal.** Those owners who feel an annual check is needed will be able to submit their vehicles for a voluntary MOT.

Exemption from MOT Testing for Vehicles Over 30 Years Old

17. 1,511 respondents were opposed to the suggestion of exempting vehicles aged 30-40 years from MOT testing. This comprised approximately 75% of all those responding to this question. The main argument against this proposal was that cars between 30 and 40 years old were more powerful than their predecessors, thus they would be driven faster and were more likely to be involved in accidents. Therefore it was more important that they have an annual test.
18. Respondents also pointed to the higher number of collisions and the increased MOT test failure rates for vehicles of this age, compared to those over 40 years old. Vehicles first registered in 1961–1977 have better MOT pass rates than those registered in the following 10 year period.
19. The number of vehicles built in 1978-1987 and requiring an MOT test numbers about half the 1961-1977 cohort. However, they are involved in more than twice as many accidents. Our figures indicate that in 2015, 455 people were killed or received serious injuries in accidents involving vehicles built in 1978-1987. This is significantly higher than the figures for 1961-1977 vehicles (given above as 215 deaths and serious injuries). As stated above, the number of deaths and serious injuries in post-1988 vehicles is significantly greater, which is to be expected given their greater use on the roads. That said, the rate of death and injury in vehicles from 1978-87, unlike the older vehicles, is comparable to that of the general vehicle fleet. Allowing such vehicles an exemption from testing does not seem to us prudent given the current accident data.
20. **We have decided not to proceed with this proposal in the light of the accident data but also given the strong public concerns over the proposal.**

Substantial Change

21. It is a requirement of EU Directive 2014/45 that vehicles which have been substantially changed “in the technical characteristics of their main components” should not be exempt from roadworthiness testing. We proposed that an 8-point rule, currently used by the DVLA to determine whether a vehicle that has been modified should be re-registered, should be used to establish whether substantial change has occurred.
22. 1,155 respondents to this question supported this proposal and 926 were opposed. Some respondents objected to this proposal on the grounds that substantial alterations could include upgraded brakes and suspension and excluding these vehicles retrospectively was unfair. Others said that the proposed DVLA 8-point rule for determining whether a vehicle had been substantially altered was too prescriptive or another layer of bureaucracy and drivers should be allowed to decide themselves whether their vehicles complied. Many of those that responded supporting this proposal felt that careful guidance on this matter would be needed.
23. We have assessed these issues with DVLA and the Driver Vehicle Standards Agency (DVSA). **We have produced a modified definition of ‘Substantial Change’ based on DVLA’s rule and propose to include it in guidance which will be finalised before the regulations come into force. A copy of this in draft is annexed to the response.** We will discuss the definition with stakeholders before the guidance is issued and ensure that the guidance is the subject of regular review. It is 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 bikes. **Accordingly a slightly different definition of “substantial change” will be used for motorcycles. This will also be published.**
24. We asked if we should **not** take into account any modifications made before 1988 when determining whether a vehicle had been substantially changed. 1,366 respondents to this question agreed and 631 disagreed.
25. **We have decided that we will consider only modifications made since 1988 when determining whether a vehicle has been substantially altered and thus not exempt from testing.**

Other Classes of Vehicle

26. The consultation asked if the exemption from testing should also apply to larger vehicles such as Heavy Goods Vehicles and Public Service Vehicles. (These vehicles are currently generally exempt from testing if built before 1960.) 479 respondents supported this proposal. 754 said that HGVs and PSVs should be tested, while 27 said that they should be exempted if they were not used commercially. 251 respondents replied ‘No’ because they did not support any exemption for these vehicles. Reasons given for objecting to this proposal included the following:
 - ‘The additional size and weight of the vehicles in these classes make testing essential to save lives.’
 - ‘PSV and HGV vehicles that are used for business should be tested as it is likely that 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.’

- ‘These vehicles may carry multiple passengers and if involved in a collision will result in a greater number of injuries.’

27. **We have decided not to amend the existing position of old heavy goods vehicles (more than 3.5 tonnes unladen weight) and public service vehicles (with 12 seats or more) in respect of testing, with one exception – pre-1960 buses and HGVs which have been changed substantially will need to be tested.** We accept that there is concern over the implications of accidents involving heavier vehicles and those carrying groups of passengers, in some cases commercially. It is also appropriate that large vehicles are subject to the same level of operator licensing requirements regardless of the vehicle age.

Biennial Testing

28. The MOT failure and casualty rates of vehicles first registered between 1960 and 1977 suggest that reducing the testing frequency for them from one year to two years would be justified, given their safety record compared to the general fleet. These vehicles are involved in accidents with fatalities and serious injuries at around one third of the rate of all vehicles.
29. If biennial testing were introduced, it could be extended to cover those old vehicles (including some pre-1960 vehicles) which are still in the testing regime on account of not meeting the other criteria for being Vehicles of Historical Interest (in most cases related to the degree of modification).
30. However, the planned removal of most of these vehicles from testing makes a change to biennial testing superfluous. In addition, changing testing to a biennial frequency is not deliverable alongside the other planned changes because such a policy would require changes to primary legislation and so annual testing would have to continue at least for the time being. We do not contemplate there being a suitable opportunity to make such changes before implementation of the Directive in May 2018. **Therefore we are not proceeding with this option in the near future.**

Mileage Limit

31. As part of the consultation we asked if there should be an annual mileage limit for Vehicles of Historical Interest in order for them to be exempted from testing. There was strong opposition from respondents: 1,329 were opposed and 580 were in favour. **We have decided not to proceed with this option as it is not required by the Directive and we did not see an argument in favour of “gold plating” it in this way.**

Next Steps

32. We will introduce secondary legislation to enact these changes as soon as possible. The changes will come into effect from 20 May 2018. We will discuss with stakeholders the precise formulation of the guidance on substantial change and this will be published once the legislative phase is completed.

Annex A: Full list of the questions in the consultation document

| | |
|----|--|
| 1. | Do you agree with the preferred option 3? (I.e. exempt vehicles constructed or first registered more than 40 years ago on a rolling basis, with a basic roadworthiness test.) If not, which option do you prefer (if any) and why? |
| 2. | Do you believe that we should allow exemptions (based on options 2, 3 or 4) but for vehicles which are at least 30 years old vehicles rather than 40 years old? If yes, please indicate which option you would prefer and why? |
| 3 | Do you agree that there are good safety reasons to exempt 40 year old rather than 30 year old VHIs from testing? |
| 4. | Do you agree with the option of using DVLA's 8-point rule as a way of defining the 'substantial change' provision in the new Directive? If not, can you suggest an alternative method? |
| 5. | If we use DVLA's 8-point rule, how many VHIs might fail to prove they have not undergone substantial changes? |
| 6. | Do you agree with the assumption that the majority of VHIs used for business purposes will continue to have an MOT test to ensure they remain roadworthy and to keep insurance premiums down? |
| 7. | If Ministers decide that VHIs should undergo a basic 'VHI' roadworthiness 'safety' test, do you agree that the test should only check vehicle identity, brakes, steering, tyres and lights? If not, what should the test cover? |

| | |
|-----|--|
| 8. | Do you agree that all VHIs should be included in the preferred option 3 or should we continue to test certain classes of VHIs, e.g. HGVs and PSVs? |
| 9. | Do you agree that we should not take into account any vehicle modifications made before 1988? |
| 10. | Do you agree that most privately owned VHIs are kept in a well maintained condition by their owners? |
| 11. | Do you agree that an annual mileage limit should be imposed on VHIs exempted from testing? If yes, what annual mileage limit should be imposed? |
| 12. | Do you agree with the draft Impact Assessment at Annex A – and/or can you help us to more precisely estimate costs and benefits? |
| 13. | Are there any other options you think we should consider in connection with testing exemptions for VHIs? |
| 14. | Please provide any evidence or information that you feel may assist us in considering the options. |

Annex B: Detailed Summary of Responses

Q1 - Do you agree with the preferred option 3? (I.e. exempt vehicles constructed or first registered more than 40 years ago on a rolling basis, with a basic roadworthiness test.) If not, which option do you prefer (if any) and why?

Of those who responded to this question, 1,130 (56%) were opposed and 899 in favour (44%).

The main reasons given in the responses for supporting the proposal were that:

- cars of this age were 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 was 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 the date for Vehicle Excise Duty.

The main reasons in the responses for not implementing the proposal were that:

- any vehicle could cause a fatal accident and therefore all should have an annual MOT. This is of course an argument against any exemptions at all, including the current one for vehicles built before 1960;
- older vehicles were constructed to different design standards to those for modern vehicles, were not as robust and therefore should have an MOT;
- most owners of older vehicles keep them in good condition but others do not and it always made sense to have an independent check;
- older vehicles corrode more easily than modern ones but this cannot always be spotted by the owner.

Q2 - Do you believe that we should allow exemptions (based on options 2, 3 or 4) but for vehicles which are at least 30 years old vehicles rather than 40 years old? If yes, please indicate which option you would prefer and why?

Respondents were opposed by 1,511 (75%) to 507 (25%). The main argument against this proposal was that cars between 30 and 40 years old were more powerful than their predecessors and thus they would be driven faster and were more likely to be involved in accidents. Therefore it was more important that they have an annual test.

Respondents also pointed to the higher accident rate and failure rate for MOT tests for vehicles of this age, compared to those over 40 years old. Vehicles from 1978 to 1987 number about half the vehicles from 1961 to 1977. However they are involved in more than twice as many crashes. Vehicles first registered between 1978 and 1987 (i.e. 30-40 years old) fail 30.3% of MOT tests, more than vehicles registered between 1961 and 1977 (i.e. 41 to 56 years old) where the failure rate is 22.6%. In 2015 there were 215 casualties

in personal injury accidents involving 1961-1977 vehicles compared with 455 casualties involving 1978-1987 vehicles.

Some respondents thought that young drivers might be tempted to purchase these cars if an MOT was not required (and thus save money) and would be less likely than older drivers to conduct regular maintenance. Therefore they thought this would be more dangerous.

Specific responses against this option included:

'Many 30 year old vehicles are complex and many have electronics controlling engine management, and braking systems. These need to be checked, often using specialist equipment to ensure safety standards are maintained.'

'I feel that the cars of this age range are a bit modern thus pulling in a younger audience and more likely to neglect maintenance.'

'30-40 year old vehicles are still used by many as simply cheap transport. These people tend to have little money for car maintenance and less interest in doing it themselves.'

'30 year old cars are not uncommon on the road, many fall into old Banger status that are bought by young drivers or people who can't afford to maintain them.'

'30 years takes us back to the mid 80's where electronic management systems were already in use on many vehicles, some of which are still "beyond" the competent owners' capabilities to repair or maintain themselves. Amateurs fixing their own ABS systems is a scary idea! (or even removing them!).'

Among the arguments in favour were:

'Most modern vehicles are usually scrapped well before 30 years of age. Vehicles of this age tend to be kept by enthusiasts or collectors and tend to be in good condition and well maintained'

'People who drive such cars tend to do so because they are passionate about vehicles, and as such tend to be far more aware of maintenance and repair than people who drive newer cars.'

Q3 - Do you agree that there are good safety reasons to exempt 40 year old rather than 30 year old VHIs from testing?

Respondents disagreed with this by 1,198 (60%) to 796 (40%). Many of those disagreeing did so because they felt that no vehicles should be exempted from testing. Some other arguments against were that vehicles aged 40 years or more were more prone to rust than newer vehicles and thus needed annual testing. Comments included:

'There are NO safety reasons for exempting any vehicle from safety checking on an annual basis. Sadly it is human nature that if the need for a test is withdrawn, some owners will abandon essential maintenance on safety related items such as brakes, tyres and corrosion.'

'Whilst early (pre 1960) vehicles use relatively simple technology (for brakes and suspension etc.) and are relatively lower in performance, more recent vehicles are more sophisticated and have much higher performance levels. The level of complexity increases as the date of manufacture moves forward through time. Not insignificant in this is the effect of corrosion in monocoque chassis structures. Therefore caution should be used in removing regular roadworthiness inspections, for those vehicles with greater complexity, although testing could be simplified to a biennial safety inspection of basic items such as tyres, lights, brakes, suspension and steering.'

Among the arguments supporting this were that the modern MOT test was more relevant to vehicles 30 years old; and vehicles that were 40 years old were looked after better and used less, so an annual test was needed less. Specific comments included:

'The exemption of 40 year old cars covers cars which could be over 80 years old which have very low speeds and are not driven on motorways. The 30 year old car may well be driven at high speeds. These more powerful cars should have some level of test.'

'40 year old vehicles and over fall, to a greater degree, in the specialist / collectors hands and as such are maintained to a higher standard.'

Q4 - Do you agree with the option of using DVLA's 8-point rule as a way of defining the 'substantial change' provision in the new Directive? If not, can you suggest an alternative method?

1,155 respondents (56%) supported this proposal and 926 (44%) were opposed. The main argument in favour was that the DVLA 8-point system was well established and understood. It had been in use for a while and therefore was appropriate for this purpose.

Some objected on the grounds that substantial alterations could include upgraded brakes and suspension and mandating testing for these vehicles retrospectively was unfair. Others said that the proposed DVLA 8-point rule for determining whether a vehicle had been substantially altered was too prescriptive or another layer of bureaucracy and drivers should be allowed to decide themselves whether their vehicles complied.

Many respondents, both those agreeing and those objecting, said that the DVLA rule was too prescriptive and needed amending.

A handful of responses said that the DVLA rule was not applicable to motorcycles; for example, some old motorcycles had no suspension.

Specific comments included:

'No, not as currently structured. It needs to be improved to recognise that as time passes, original parts (newly made) become increasingly expensive and also difficult to obtain. Modifications that allow some degree of update so that cheaper and more freely available parts can be used should always be allowed, such as those for braking and suspension.'

'Yes. The 8 point rule has been in effect for decades, and prior to the introduction of IVA in 1998 was the de-facto method of registering a substantially changed vehicle.'

'I agree that "Substantial change" should be regulated and clearly defined. It would be in the interest of public safety that such modifications are safe and appropriate to the vehicle in question. Is it appropriate to fit a larger engine to a vehicle and not also ensure that the brakes, tyres and other components are adequate?'

'No. It is a sledgehammer to crack a nut and is far too proscriptive. Modifications need to be viewed as either making a car less safe, more safe or irrelevant. A larger engine may be more reliable, more environmentally friendly and more reliable but loses a point. Improving brakes and steering, another 2 points each. Even welding 2 cars together to make a good one, if done properly, is not necessarily a safety issue (so long as it is not an attempt to swindle a buyer).'

'The 8-point rule is fully understood by all stakeholders and works well. It would also enable common sense to be applied to ignoring fitment of safety features such as seat belts, lights, flashing indicators, updated brakes etc. when defining "substantial change".'

'No. There are many modified vehicles on the road that have been constructed in a safe and correct manner. Many kit cars are actually stronger and safer than the original donor vehicles. As an example, a common vehicle to modify and shorten the chassis of is the Land Rover. It is also commonplace that when an owner undergoes this level of modification that the brakes, steering and suspension are also upgraded, thus making it a better vehicle than the original. Another example is the Volkswagen Beach Buggy Kit Car – many of these have countless thousands spent on them to uprate the performance and the safety, and are in far better shape than the 50 year old Beetle that they started out from. Granted, there are some shabby ones out there, but any unsafe chassis or any other modifications could be quickly spotted by means of a visual inspection, such as the MOT. Any MOT tester would spot bad welding and brake performance. There is no reason to change it.'

'You will not be able to police this, so it is largely irrelevant.'

'I do not understand why there is concern about 'substantial change' to historic vehicles. In most cases owners will have upgraded their vehicles rather than downgraded them. The 8 point rule doesn't appear to address the situation where a vehicle has been completely re-shelled with a genuine identical body shell.'

'The 8-point rule is not appropriate as a mechanism for defining if a vehicle has been substantially changed. As an example it will excluded valid changes such as the removal of MG rubber bumpers, the fitting of 5 speed gear boxes and conversions such as the "Lenham" Midget bodies. Any definition of 'substantial change' is going to be difficult to administer and open to difficulties caused by different interpretations.'

Q5 - If we use DVLA's 8-point rule, how many VHIs might fail to prove they have not undergone substantial changes?

This prompted a wide variety of responses. 328 respondents said they had no idea or no data on which they could base an answer. 54 said this could not be proved as no-one had access to all the records for older vehicles. 12 said they thought the question was irrelevant.

148 respondents suggested that only a few, or very few, Vehicles of Historical Interest might fail to prove they had not undergone substantial change. Conversely, 215 thought that a substantial number would fail. 15 people suggested 10%, nine felt it might be 20% and smaller numbers put forward other percentages.

86 respondents said that this would depend on the criteria adopted for deciding whether a vehicle had been substantially changed and/or whoever was making the assessment.

There were 220 other comments, including some that simply voiced their opposition to the exemption for VHIs or stated that substantially changed vehicles should not be excluded. A number made the point that many alterations were designed to improve safety and others said that it was sometimes difficult to spot them.

Q6 - Do you agree with the assumption that the majority of VHIs used for business purposes will continue to have an MOT test to ensure they remain roadworthy and to keep insurance premiums down?

Respondents agreed by 1,627 (80%) to 412 (20%). Most of those agreeing argued or assumed that insurance companies would require that the vehicles have an annual MOT. A handful argued that some businesses would look for any opportunities to cut costs and therefore would not submit Vehicles of Historical Interest for a voluntary MOT. Others said they had no information upon which they could base an answer.

Specific comments included:

'Yes and of course there are requirements imposed by operator's licensing regulations.'

'It is quite likely that an insurer would require an annual roadworthiness inspection in order to manage the risk. This is in keeping with good practice for a commercial vehicle still used for business, which is probably used regularly too.'

'I do not think it can be assumed that any owner, whether a business or private individual, will voluntarily put their vehicle through a test if they do not have to. Some will, some will not. That is simple human nature.'

'VHIs used for business purposes will presumably have to have an MOT in order to be insured at all. The government would therefore be relying on the insurance companies to enforce road safety.'

'I do not agree with this assumption. If a business can save money by not testing a vehicle, or maintaining it they will save that money. Insurance companies may (and hopefully will) insist on MOT testing of some form before they will cover a vehicle, business or private. Hopefully they will apply sufficient pressure to ensure that some sort of regular testing of ALL VHI's still continues.'

Q7 - If Ministers decide that VHIs should undergo a basic 'VHI' roadworthiness 'safety' test, do you agree that the test should only check vehicle identity, brakes, steering, tyres and lights? If not, what should the test cover?

A majority of respondents (54%) supported this, by 1,082 to 923 (46%). Many of those (in support and opposition) said that other items should be added. Structural integrity and corrosion was the main suggestion; others included suspension, seat belts and windscreen wipers. Inclusion of these items would alter the proposed basic test to something very close to the MOT.

Comments included:

'If such a test is deemed necessary, then those items seem a reasonable way of checking roadworthiness.'

'This is a crazy idea and to what end? The customer still has to drive to the test station (same impact as MOT) The proposed items for the test are a significant proportion of the test as it stands for vehicles of this age anyway (same impact as MOT) The significant item missing for cars of this vintage is corrosion which is totally safety critical.'

'It should also include a structural inspection; this is key to safety.'

'If a test has to be applied, due to the complexity of understanding many of these early vehicles, I believe the test should just check vehicle identity, brakes, steering, tyres and lights and should only test to the standard at which the vehicles was originally constructed.'

'The presence of rust for example, is a significant part of safety, as is a decent electrical system. Visual inspecting finds many potential safety issues. Testing only for those items you mention, could allow a very unsafe vehicle to be used on the road.'

Q8 - Do you agree that all VHIs should be included in the preferred option 3 or should we continue to test certain classes of VHIs, e.g. HGVs and PSVs?

There was a clear majority against exempting HGVs and PSVs over 40 years old from testing (71% to 29%). Many respondents simply said that there should be no exemptions for any VHIs but others did say that HGVs and PSVs should not be exempted on the grounds that they were larger vehicles and thus had a greater potential to be dangerous.

Comments included:

'To single out a different size of vehicle from another and to imply the owner is more or less likely to maintain it is not really a valid reason.'

'Either a vehicle is a VHI or it isn't. Creating sub categories will lead to confusion.'

'Vehicles with multiple occupants and those over 3.5te could cause significant damage and loss of life if not maintained correctly. A test should be carried out at least annually.'

'Larger vehicles have larger mass therefore could cause more damage than a 1960's moped colliding with another vehicle.'

'Because of the sheer size and weight of these type of vehicles they should still have to have some kind of safety test I was a HGV class one driver for over 40 years I know what can happen when something goes wrong.'

'Test everything. Pedestrians, other road users and indeed the VHI owners are owed a duty of care by the Government and bodies like the DVSA to ensure safety. Exemptions open up an identifiable hazard with a reasonable certainty of an occurrence of risk.'

Q9 - Do you agree that we should not take into account any vehicle modifications made before 1988?

1,267 respondents (67%) agreed, compared to 615 (33%) who were against this. Among the reasons given in favour were that modifications did not significantly increase the likelihood of a vehicle being involved in an accident. Some of those opposed said it would be difficult to prove when modifications were made; others said it would depend on the modifications. Other criticisms were that it was bureaucratic and impossible to enforce.

It is clear from their comments that a number of respondents had misunderstood the question. There was an assumption that we were seeking to outlaw vehicles from having modifications made before 1988 – or after it. This is not what we are proposing to do.

Comments received included:

‘Vehicle modifications should be allowed, provided they are safe.’

‘There are VHI owners today who delight in modifying their vehicles and they should not be restricted from this activity.’

‘All radically altered vehicles should be subject to annual MOT testing. This would avoid the situation of finding proof of alteration date. The alteration date is an irrelevant factor in road safety.’

‘If the modifications have been carried out competently the vehicle may actually be safer and more roadworthy than it was originally.’

Q10 - Do you agree that most privately owned VHIs are kept in a well maintained condition by their owners?

We asked if respondents agreed that most privately owned VHIs were kept in a well maintained condition. 1,690 agreed (84%) and 320 did not (16%). Many said they were members of car clubs and were well placed to see how well owners maintained their vehicles. A frequent comment was that owning VHIs was a labour of love and any owner would want to keep their vehicle in a good condition.

Among those disagreeing were comments that not all maintained their vehicles in a good condition and some did the minimum needed to pass the MOT. One person in the industry said they often saw vehicles that were in a poor or dangerous condition. Another said that most owners did their best to maintain their vehicle but did not have the skills to do it properly.

Comments included:

‘Most owners are enthusiasts and VHI value is related to condition.’

‘An owner is not always best qualified to determine whether a vehicle is roadworthy or safe - an engineer must do that.’

‘Anyone investing tens of thousands of pounds in classic car, van or pickup is going to be more careful with that vehicle and what he does with it. It's certainly going to be more cared for than an average 7/8 year old vehicle. These vehicles are on the road a minimal time each year, usually on weekends in the Summer, so they are of minimal risk.’

‘No, not at all. Statistics in Table 5 of the Impact Assessment shows that 29.5% of the vehicles referred to in this consultation failed their MOT test in the year 2014-15, so those vehicles were un-roadworthy when presented for test. And as not every VHI owner will be a trained mechanic, how would they know whether or not there was a problem? So having that annual MOT is essential to ensure such vehicles are safe to use on the roads. I am a qualified engineer, own a Testing Station and have three

classic cars which I submit for MOT Test every year. Time and again over the years one of my vehicles has unexpectedly failed its MOT for a defect not noticeable whilst driving. If I can get 'caught out', so can the average VHI owner.'

Q11 - Do you agree that an annual mileage limit should be imposed on VHIs exempted from testing? If yes, what annual mileage limit should be imposed?

Respondents strongly rejected this, by 1,329 (70%) to 580 (30%). Among the comments of those opposed to this suggestion were that: the higher the mileage, the better the likely condition of the vehicle; most VHIs did have low mileage but some were taken on rallies and tours, which a mileage limit would prevent; this was best left to insurance companies (who tend to charge higher premiums for cars with higher mileage); there was no means of enforcing a limit; and this was not required by the Directive and amounted to gold-plating. Comments included:

'If a VHI is unsafe it shouldn't travel one mile. If it is safe, why would you restrict the number of miles it can travel in a given period of time?'

'This over complicates matters and would be hard to manage and police in practice. Such vehicles are rarely used and I doubt many travel long distances. If they do then their owners will surely be carrying out much enhanced maintenance.'

'It will be totally unenforceable or checkable as who is going to check the mileage if the vehicles are exempt from any test?'

'Aside from disagreeing with the exemption from testing, most VHIs only cover a limited mileage each year anyway, so there would be no benefit with restricting them – and it would cause considerable inconvenience to those using the vehicles daily or wanting to be involved in longer 'historic' events.'

'Very infrequent use can be more dangerous than regular use as components, especially brakes, are liable to seize up.'

'This is not something even required by the directive. This is gold-plating.'

Few of the respondents in favour of this suggestion said anything other than to suggest a limit of 5,000-10,000 miles per annum.

Q12 - Do you agree with the draft Impact Assessment at Annex A – and/or can you help us to more precisely estimate costs and benefits?

A majority agreed with the Impact Assessment (IA) – 847 (57%) to 628 (43%). Many said they did not have the expertise to comment upon the IA. One person in the industry said it was heavily biased to support the lead proposal (i.e. an exemption for VHIs over 40 years old) as it assumed that vehicles currently undergoing annual testing would behave the same if they were untested. Another said the IA made an inadequate assessment of the amount of revenue that would be lost to MOT testing stations if vehicles were exempted. One garage owner objected strongly to the statement that MOT stations made no profit from MOT tests. Another said that body shops and car retailers/repairers would also lose revenue.

Most of those agreeing with the IA said that the figures looked reasonable. Comments included:

'No the cost of the proposals in reducing MOTs will be less safe vehicles, putting more lives at risk.'

'Very dismissive of the impact on MOT stations, most of whom are small businesses. ... removing this revenue stream will put them into loss.'

Q13 - Are there any other options you think we should consider in connection with testing exemptions for VHIs?

Among the other options that respondents suggested we should consider were:

- Maintain the system as it is;
- MOTs for older vehicles should be every two or three years;
- Specific training for those testing older vehicles to ensure they were aware of the differences compared to modern vehicles.

The consultation document also outlined three other options:

- Option 1 – to remove the current exemption for vehicles built before 1960;
- Option 2 - a basic roadworthiness test instead of an MOT for 40 year old vehicles;
- Option 4 – a basic roadworthiness test for VHIs conducted biennially. HGVs, buses and coaches would need to be certified that they had not been substantially altered.

We did not seek specific responses to these options as we did not recommend these but there was some support for each.

Comments included:

"Many VHIs are inherently less safe than modern vehicles. They may only be capable of lower speeds (which isn't always the case), but the quality of their brakes/road holding/steering can, on the vast majority of such cars be significantly inferior of that on modern vehicles. In many cases this means that they need to be maintained in really good condition to ensure such components are in the best condition they can be, given their inferior design. It should also be noted that many VHIs need frequent adjustments to such safety components to ensure they are in a safe condition – cable operated brakes suffer from cable stretch, mechanical rod brakes suffer high wear in the eyes of their joints, many older suspension joints need constant adjusting to take up wear and so on. Not all owners are aware of these limitations to the use of VHIs – so that annual third party check is essential."

Q14 - Please provide any evidence or information that you feel may assist us in considering the options.

Comments included:

'As I've said, I see no reason at all to meddle in what is hobby for many that provides jobs and income for a lot of people.'

'I doubt there is a classic car outside of a museum that hasn't had some form of modification but what you will find is people that spend many hours and thousands of pounds on vehicles modifying to their individual taste are some of the safest owners and drivers on the road. In saying that no one is perfect and an annual test of all vehicles will help owners keep their vehicles safe but this shouldn't impose on people's right to modify and create individual works of art and engineering projects what your

trying to do by imposing an IVA type test that is not sympathetic to old vehicles and the limitations of their original construction is crush an industry a hobby and an art form.'

'How many modern vehicles are driven regularly compared to VHI? - there is a tiny percentage of VHI on the road regularly - leave the VHI alone and concentrate on other road related issues eg drivers using mobile phones, cyclists not stopping at red lights, HGV drivers driving carelessly etc.'

'Personally I think the 8 point rule has worked to date and greater information/awareness needs to be forthcoming from Government as interpretation of this rule isn't clear even when asking the DVLA for advice.'

'Parts are hard to obtain for VHI's and modification and modernisation are often the only method to keep them on the road. Test for basic safety, allow free reign of modifications and allow vehicles of the appropriate age to be exempt from scrupulous testing on a rolling yearly basis the same as vehicle tax.'

'Close consultation with the Federation of British Historic Vehicle Clubs is vital in this process.'