



Department  
for Transport

# Introducing roadworthiness testing for fast tractors used for haulage and other technical changes to vehicle testing legislation

## 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.

After considering the responses, which were broadly in support of the proposals, we have decided to proceed with the changes to the vehicle testing regime. The UK has an excellent record in improving road safety for all road users, and an important aspect of this is ever-increasing vehicle standards. It is important that our roadworthiness testing adapts and improves accordingly.



Tractors have not previously been subject to roadworthiness testing. Although the number of tractors used for haulage is believed to be low, we should act now to address the potential road safety risks arising from this type of usage.

Roadworthiness testing will not be required for tractors used exclusively for agriculture, as their use on the road is limited compared with other vehicles. Mandatory vehicle testing would unduly burden the agricultural sector. We believe the proposed changes are proportionate to the costs to vehicle operators and the expected benefits to road safety.

We intend to bring forward amending legislation to put the decisions set out in this document into effect. This will contribute to safer roads for everyone.

A handwritten signature in black ink that reads "Jesse Norman". The signature is fluid and cursive.

**Jesse Norman MP**

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

# Introduction

1. Roadworthiness testing is critical to ensuring vehicles are in a safe condition to be used on the road.
2. No tractors are currently subject to mandatory testing, despite the fact that they can in some circumstances be used to undertake commercial haulage, like heavy goods vehicles (HGVs). Extended on-road use of these large and heavy vehicles raises potential road safety implications. We therefore proposed to bring these tractors into the mandatory roadworthiness testing regime.
3. In addition, the consultation also covered a number of other issues relating to roadworthiness testing:
  - Existing exemptions for some Scottish islands;
  - Proposed exemptions for low-speed vehicles;
  - Amendments to the legislation on technical testing requirements; and
  - Vehicle 'clocking'.
4. The scope of the consultation (and the outcomes detailed here) is Great Britain only, as roadworthiness testing is devolved with respect to Northern Ireland.
5. 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. The proposed changes to roadworthiness testing were initially prompted by EU Directive 2014/45/EU. However, we consider that there are good reasons for making these changes regardless of our EU obligations.
6. The consultation ran for 6 weeks from 22 September 2016 to 2 November 2016.
7. The Department received 39 responses. The responses were from both individuals, businesses and other organisations, split as follows:

<b>Organisation</b>	<b>Number of responses</b>
Individuals	11
Businesses	6
Trade bodies	8
Public bodies	4
Other organisations/groups	10

8. Table of questions:

1	Do you have any views on the road safety risk posed by fast tractors used for commercial haulage?
2	Do you anticipate a growth in the number of fast tractors used for commercial haulage? Please provide supporting evidence.
3	Do you agree with the proposed approach to identifying vehicles in scope of the mandatory roadworthiness test? Are there any unintended impacts that we should be aware of? If not, please give your reasons.
4	Do you agree with the proposed approach to exemptions? If not, please give your reasons.
5	Do you agree with the proposed testing frequency? If not, please give your reasons.
6	Do you agree that a significant number of ATFs <sup>1</sup> would be likely to accommodate fast tractor testing? If not, please give your reasons.
7	Do you agree with the proposed approach to delivering the testing: DVSA staff testing vehicles at suitable ATFs? If not, please give your reasons and indicate your preferred approach.
8	Do you agree with the proposed approach to setting the test standard? If not, please give your reasons.
9	Please provide any information you have on the geographical distribution of fast tractors used for commercial haulage.
10	Please provide any information you have on whether and how often fast tractors used for commercial haulage already undergo (voluntary) roadworthiness testing.
11	Do you envisage any difficulties with the proposal to modify the small islands exemption in the Motor Vehicles (Tests) Regulations 1981? If yes, please provide details.
12	Do you have any comments on specific implementation issues for vehicle testing on Bute (for Class VII vehicles <sup>2</sup> and heavy goods vehicles) including any evidence on the likely impact of this change?
13	Do you envisage any difficulties with the proposal to exempt from testing all vehicles with a design speed below 25 km/h (15.5 mph)? If yes, please provide details.
14	Do you envisage any difficulties with implementing these changes to the legislation governing vehicle testing methods? If yes, please provide details.
15	Do you consider that existing legislative provision is sufficient to tackle the issue of “clocking”? If not, please give your reasons.
16	Are you interested in receiving communications about the potential changes to prohibition charging described in this document?

<sup>1</sup> ATF – authorised testing facility

<sup>2</sup> Class VII vehicles are vans with a gross weight of between 3.0 and 3.5 tonnes



# Government Response

## Roadworthiness Testing for Fast Tractors

9. The majority of respondents supported the introduction of roadworthiness testing for tractors used for commercial haulage. Many respondents suggested the changes should go further than proposed, by introducing testing for tractors used for agriculture also.
10. The Government has decided to introduce testing for fast tractors used for commercial haulage only.
11. Testing will apply only to vehicles capable of more than 40km/h (approximately 25mph). This is in line with limits contained in the EU Directive on roadworthiness testing (2014/45/EU) and means that we are not imposing additional requirements on vehicle operators, compared with those in the rest of the EU. The consultation responses did not present evidence that tractors incapable of travelling above 40km/h were routinely involved in commercial haulage.

### *Distance-based limit*

12. The consultation proposed that testing apply only to vehicles used further than 15 miles from their base of operation. This is because we wished to apply testing only to those vehicles used principally for commercial haulage, with the greater risk to road safety that this implies.
13. Consultation responses included many comments on the 15 mile threshold, with many respondents preferring no threshold at all.
14. We do not wish to impose new requirements on tractors being used for limited or incidental road haulage. For example, where a business needs to make journeys between two sites in close proximity but has to use the public road to do so. We therefore consider that a threshold is needed to permit such incidental operation.
15. Although some respondents preferred a shorter distance, we consider the 15 mile threshold to be a reasonable proxy for the point beyond which fast tractors are likely to undertake significant haulage and could reasonably compete with HGVs. 15 miles is also an established limit used in operator licensing legislation.
16. The enforceability of a distance-based limit was raised as a potential issue with this approach by some respondents. However, we consider that a distance limit allows for easier enforcement than alternatives, such as cumulative use, e.g distance travelled over set period of time. In enforcement cases, the burden of proof will be on the vehicle operator to demonstrate that they qualify for the distance-based exemption.
17. The Government will proceed with the proposed scope.

### *Exemptions from testing*

18. It was proposed that tractors used solely for agriculture, horticulture and forestry will



be exempted from the requirement for testing. Tractors used for these purposes are used on the road much less than other types of vehicles, including tractors being used for commercial haulage. Some respondents preferred applying testing to all such vehicles.

19. The Government does not consider there to be a compelling road safety case to extend testing to all agricultural vehicles (estimated to be several hundred thousand) and will proceed with the proposed exemption.
20. This exemption will use the same criteria that is applied for vehicle excise duty (VED). Therefore a vehicle correctly taxed in the “agricultural machine” tax class would be exempt from testing.
21. As with the current exemptions from testing, it will be for vehicle owners to declare if their vehicle should not be subject to testing, with the burden of proof lying with the vehicle operator.

#### *Period of testing*

22. The proposal was for testing to be required four years after first registration and every two years thereafter. Consultation respondents generally preferred aligning the period of testing with that of HGVs; that is testing vehicles every year from new.
23. The Government has decided that these tractors should be tested after four years, and every two years thereafter. This is in keeping with the minimum requirements of the EU Directive, reduces the financial burden on vehicle operators and ensures British tractor users do not face stricter regulations than tractor owners elsewhere in the EU. However, the regulations will, as per standard practice, be subject to post-implementation review after five years. The appropriateness of this specific aspect of the measure will be considered at that point.

#### *Testing regime*

24. There was broad agreement with the proposal for fast tractor testing to be conducted by DVSA personnel at Authorised Testing Facilities (ATFs), as part of the goods vehicle testing regime.
25. We have considered the suggestion from some respondents that testing could be conducted by non-DVSA personnel, for example by tractor dealers. However, given the small numbers of vehicles that would be brought into testing we consider that potential testers would not recover the necessary investment, and so there would be a high risk of insufficient testing provision.
26. The Government will proceed with the proposed approach. Tractor dealers, for example, will be able to offer roadworthiness testing, but they would be required to become ATFs to do so. The tractors will not be tested on roller brake testers as tractor design means they are unsuitable. Instead, braking performance will be tested by decelerometer. DVSA will identify which ATFs are suitable for testing tractors, and will provide testers with sufficient training to conduct these tests. The standard HGV test fees will apply for tractors, in addition to “pit fees” for use of the ATF.
27. Current data suggests there will be around 180 fast tractors that require testing. Using the HGV test fee, we therefore consider the cumulative costs of the changes to be small.

#### *Test standard*

28. It was proposed that tractors will be tested in accordance with Directive 2014/45/EU

and against the standards in the Road Vehicles (Construction & Use) Regulations 1986 (as amended), as they apply to category T tractors that travel above 40 km/h. These standards are higher than those that apply to slower category T tractors, for example requiring higher braking performance.

29. Some respondents noted that many tractors designed to the slower standard will not be able to pass the test, effectively limiting these vehicles to haulage within 15 miles from their base of operation. The Government notes this comment but considers that tractors not meeting the standard needed to exceed 40km/h are already unlikely to be commercially viable for haulage beyond short distances.
30. There was strong support from respondents for the proposed approach to the test standard and the Government will proceed on this basis.

## Technical Changes to Vehicle Testing Legislation

### *Exemption for small islands*

31. This section covers the response to both the questions on roadworthiness testing on small islands for class VII vehicles (goods vehicles between 3.0 and 3.5 tonnes), as contained in this consultation, and also the relevant questions in the 2014 consultation on the exemptions from testing for HGVs.<sup>3</sup>
32. The proposals were to amend the relevant exemptions to make vehicles on the Isle of Bute subject to vehicle testing, as applies on mainland Britain. This would bring class VII vehicles and HGVs used solely on Bute into testing. It was proposed to continue to exempt vehicles operated solely on Arran, Great Cumbrae, Islay, Mull, Tiree and North Uist, but to remove the exemption for HGVs that are based on these islands but used on mainland Britain.
33. Although there was very little consultation response to these proposals, we understand there is currently no ATF or class VII MOT centre on the Isle of Bute. DVSA is exploring how testing provision can be provided there, and expects to authorise appropriate sites in advance of testing requirements coming into force. DVSA will provide further information for affected vehicle owners.
34. The Government will proceed with the change, but in such a way that it will not require vehicles to make special visits to mainland Britain in order to have a roadworthiness test, which would be unduly costly to these operators.

### *Exemption for low-speed vehicles*

35. We proposed to introduce an exemption from testing for all vehicles with a design speed below 25km/h. The vehicles that are affected will be vehicles of very unusual or specialised construction, for example steam powered vehicles. These are likely to be difficult to accommodate within existing test facilities, and often have different construction and test requirements than more typical types of vehicle. As these vehicles travel at very slow speeds, the road safety risk posed by them is significantly lower than for normal vehicles.
36. The Government will proceed with this change as planned, as the number of vehicles affected by this exemption is estimated to be very small and the small number of respondents who commented on this were supportive, on the grounds that it exempts

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<sup>3</sup> <https://www.gov.uk/government/consultations/hgv-periodic-testing-and-inspections-exemptions>

many steam engines.

### *Technical testing requirements*

37. A small number of highly specific technical points were raised by respondents about the proposed modifications to the testing method. The Government will take these into account in preparing draft legislation and implementing. No responses indicated that there would be a material impact of the proposed changes on MOT garages or vehicle operators.

## Vehicle “Clocking”

38. The consultation did not contain specific proposals to address odometer fraud (“clocking”) but sought stakeholders’ views on the issue. There were a number of responses, of which the majority were in favour of legal changes (see “Annex: Detailed Summary of Responses” for further details). The Government will consider further what measures, if any, are needed.

## Further Comments

39. Operator licensing is a further means of ensuring vehicles are operated safely and responsibly. It also allows for enforcement and penalties for those who do not comply with these requirements. The fast tractors affected by these changes are likely to be subject to the operator licensing regime, which provides a further safeguard for their safe use.
40. Despite the proposals to create exemptions from mandatory testing for some vehicles, the Department wishes to remind vehicle operators that they have a legal responsibility to ensure that their vehicles are safe any time they are used on the road.
41. The consultation did not specifically ask about testing for trailers towed by fast tractors. These trailers, if not being used for agriculture, do not benefit from the current exemption from testing for agricultural trailers, and are therefore required to be tested.

## Next Steps

42. The changes will be implemented through amendments to the following legislation: the Good Vehicles (Plating and Testing) Regulations 1988 and Road Traffic Act 1988; the Road Vehicles (Construction & Use) Regulations 1986; the Motor Vehicles (Tests) Regulations 1981; and the Road Vehicles Lighting Regulations 1989.
43. The changes are planned to take effect from 20 May 2018. DVSA will communicate with MOT centres and ATFs as necessary. We intend for testing provision for tractors to be in place from January 2018 in order to allow vehicle operators to obtain roadworthiness certificates for their vehicles before the changes take effect.
44. A number of respondents referred to other areas of vehicle legislation applicable to tractors used for commercial haulage, and we recognise that the current regulatory framework for vehicles falling into this group is complex. Alongside this document, we are publishing an information sheet to assist operators of tractors in understanding

the regulatory requirements that apply to them, including depending on whether they are using their vehicles for agriculture or other types of haulage.

# Annex: Detailed Summary of Responses

## Roadworthiness Testing for Fast Tractors

Q1 - Do you have any views on the road safety risk posed by fast tractors used for commercial haulage?

1. The general response to this question was that tractors presented similar risks for road safety as heavy goods vehicles (HGVs) and the consensus was that they should be regulated in the same way as HGVs. For example some respondents said:

*“Both the tractor and the trailer should be properly tested and plated for such use and should undergo annual testing”*

*“They should be subject to controls equivalent to LGVs.”*

*“T5 tractors are large vehicles and they will often tow loads up to 18.3 tonnes, therefore failures in roadworthiness can have very significant impact on drivers and other road users when an incident occurs”*

*“We agree with the opinion stated in the consultation document that fast tractors used on road in the same way as lorries and at similar speeds as lorries could pose similar types of road safety risks as lorries.”*

*“However we are also of the opinion (based on the information currently available) that the actual risk presented by fast tractors currently used on road for commercial haulage appears to be limited because ... only 180 vehicles are currently registered in the general haulage tax class and engaged in commercial haulage activity”*

2. One respondent was concerned that the proposals encourage the use of T5 tractors for haulage instead of HGVs, and asserted that road safety would suffer as a result.

Q2 - Do you anticipate a growth in the number of fast tractors used for commercial haulage? Please provide supporting evidence.

Question 2 Summary	Number of responses
Yes	13
No	5
No Comment	21

3. A majority of respondents expect the number of fast tractors used for commercial haulage to increase.
4. Several respondents commented that the estimate of 180 fast tractors used in the consultation document was not accurate, and that a number of tractors registered for agricultural use are being used for commercial haulage:

*“It is recognised that more than the 180 tractors registered for ‘General haulage’ are being used for work other than agricultural purposes; e.g. transporting construction equipment on ‘low loaders’ (unbalanced trailers).”*

5. Some respondents felt that their numbers wouldn't increase as tractors remain less economical than HGVs, while others thought that exemptions for agricultural vehicles, for example driver licensing, meant that hauliers were being undercut by tractors.
6. We did not receive any data to quantify a growth in fast tractors being used for commercial haulage.

Q3 - *Do you agree with the proposed approach to identifying vehicles in scope of the mandatory roadworthiness test? Are there any unintended impacts that we should be aware of? If not, please give your reasons.*

<b>Question 3 Summary</b>	<b>Number of responses</b>
Yes	15
No	11
No Comment	13

7. There was mixed support from respondents for the proposed scope of fast tractor testing. A number of respondents were pleased to see proposals for tractors to be tested but thought that this should apply much wider:

*“Any vehicle that is involved with commercial haulage must be subjected to the roadworthiness examination”*

*“even tractors used for agriculture are covering significant mileage”*

*“all T5 tractors that are used to tow loads on public roads should be subject to annual testing”*

*“it needs to include agricultural ones too and those within 15 miles of base, they are all as dangerous as each other”*

*“Fast tractors pose a road safety risk whether they are used for commercial haulage or agriculture, particularly in view of their size on narrow country roads.”*

*“It is an increasing risk, there are many more of them on the area's roads each year, with no distinction as to whether they are being used for agricultural purposes or not.”*

8. Those supportive of the scope said that it was proportionate in keeping vehicles used rarely on the road out of testing:

*“[I agree] that ‘commercial haulage’ should be interpreted as meaning transport for hire and reward or own-account transport, or for other professional purposes, as this is consistent with other EU legislation. It also includes vehicles that are used mainly on public roads and excludes those that operate predominantly off-road but may sometimes use public roads for short distances, for example to move between different off-road sites. This is consistent with other parts of British law that regulate vehicles”*

9. One respondent believed linking the requirement to be tested to the vehicle's tax class would be a more rigorous proposal.

10. Some respondents were concerned how vehicles in scope of testing would be identified, stating that there is insufficient enforcement to encourage accurate reporting of tractor use, and that vehicles registered for agricultural use were doing commercial haulage work.

Q4 - Do you agree with the proposed approach to exemptions? If not, please give your reasons.

Question 4 Summary	Number of responses
Yes	12
No	10
No Comment	17

11. As with question 3, a number of respondents commented that agricultural vehicles should not be exempted from testing, irrespective of how much they are used on the road. For example, one said:

*“I do not think any vehicle travelling on a public highway should be exempt”*

12. Those in support of exempting agricultural vehicles agreed that their exemption was in keeping with the intention of the relevant EU Directive:

*“[agree] with the view not to include tractors which meet the criteria for the ‘agricultural machine’ vehicle taxation class as these vehicles are not generally considered to be used mainly on the public road”*

*“there is good reason to exempt agricultural vehicles that are being used for legitimate agricultural etc purposes, which generally occur outside of built up areas, mostly other than on the public road and usually on a limited, seasonal basis”*

13. However, respondents were keen that clarity was provided on how agricultural use would be defined.

14. Many respondents commented on the proposed 15 mile radial distance beyond which testing would be required. Disagreement was either because respondents felt any distance-based limit was inappropriate:

*“The clause allowing use within a 15 miles radius of the registered base of the vehicle will cause confusion and uncertainty about any Commercial Haulage operation”*

*“with the objective of improving road safety ... we do not understand why such vehicles can enjoy derogation from roadworthiness testing if they do not stray outside a 15 mile radius of their base”*

or because others felt 15 miles was an inappropriate distance to apply:

*“We understand and accept the reasoning that where these vehicles are only travelling very short distances (for example, from one field to another) they pose very low road safety risks, and so it is not reasonable to subject the owner to the costs of mandatory testing. However, in our view 15 miles is too far to be used as the criteria for when these vehicles become subject to mandatory testing, because such a distance allows a significant amount of interaction with other road users, with the consequent road safety risks.”*



*“We feel that the current operator licence limit of 15 miles in respect of the transport of outputs should be revised upwards to reflect a modern agricultural industry”*

Q5 - Do you agree with the proposed testing frequency? If not, please give your reasons.

<b>Question 5 Summary</b>	<b>Number of responses</b>
Yes	13
No	10
No Comment	16

15. Generally, those in agreement with the 4-2-2 period of testing did not provide comments to support their view.
16. Those opposed to applying this period of testing all stated that tractor testing should be conducted annually, to be consistent with the requirements of typical haulage vehicles:

*“Any testing provision should be annually”*

*“No, the testing frequency should be identical to that applied for HGVs”*

*“If fast tractors are to be used as goods vehicles then they should be subject to the same testing frequency as goods vehicles; i.e. at the first anniversary and annually thereafter”*

*“We suggest that fast tractors that carry loads on the road should be subject to annual roadworthiness testing from 1 year old, in line with the rules for other large goods vehicles.”*

Q6 - Do you agree that a significant number of ATFs would be likely to accommodate fast tractor testing? If not, please give your reasons.

<b>Question 6 Summary</b>	<b>Number of responses</b>
Yes	10
No	8
No Comment	20

17. Technical requirements for ATFs were the main reason cited by respondents for ATFs not testing tractors. These included: the existing roller brake testers may not be wide enough for many tractors; the size of wheels and tyres used on tractors may not be suitable for roller brake testers; the height of the vehicles may be too high for headlight testing; and the number of vehicles being brought into testing is too small to justify the investment in equipment for many ATFs.
18. Other respondents were concerned that the spread of ATFs providing testing for tractors would be too sparse across the country, which would result in longer journeys to testing sites. Some felt that this may particularly be a problem as ATFs would not be obligated to offer testing for tractors:



*“Our view is that many ATFs would 'decline' to perform such tests given the small number of vehicles in this category.”*

19. Instead, some respondents advocated that agricultural dealers should be allowed to perform roadworthiness testing.

Q7 - *Do you agree with the proposed approach to delivering the testing: DVSA staff testing vehicles at suitable ATFs? If not, please give your reasons and indicate your preferred approach.*

<b>Question 7 Summary</b>	<b>Number of responses</b>
Yes	15
No	6
No Comment	18

20. The majority of respondents supported the proposal to test fast tractors at ATFs, conducted by DVSA staff. Similar concerns were raised as with question 6, on the availability of test sites and test slots.

21. Those not in support of DVSA testing advocated testing these vehicles at agricultural dealers' sites, or agricultural dealers becoming authorised, as per the MOT system, to test tractors. Alternatively, DVSA staff could perform tests at agricultural dealers' premises.

Q8 - *Do you agree with the proposed approach to setting the test standard? If not, please give your reasons.*

<b>Question 8 Summary</b>	<b>Number of responses</b>
Yes	18
No	3
No Comment	18

22. There was general support from respondents for the testing standards proposed, and that these should be in line with the standards set out in the Roads Vehicles (Construction and Use) Regulations 1986 and in line with the standards applied to HGVs.

23. Several respondents commented on the effects of the proposed 15 mile exemption for haulage work on the proposed test standard. One effect cited was that this would permit a lower standard of vehicle, or less well-maintained vehicle, to do haulage within 15 miles.

24. Respondents also pointed out that the 15 mile exemption would restrict some operators' current ability to use vehicles that cannot meet the higher standard for haulage more than 15 miles from their base. One respondent noted that this would in effect limit the market for tractors that could do haulage beyond 15 miles to probably two manufacturers:

*“Setting the test standard equal to that of a truck, with adjustments to reflect the special equipment fitted to a T5 vehicle (hitches etc) is reasonable. Difficulties will occur with the existing pool of T5 tractors, such that many may be unable to pass the roadworthiness test on technical grounds relating particularly to brakes”*

Q9 - Please provide any information you have on the geographical distribution of fast tractors used for commercial haulage.

25. No specific information was given in response to this question. Anecdotal evidence was provided that:
- tractors are used for moving construction machinery including in suburban areas;
  - for transporting goods to anaerobic digestion sites; and
  - hauliers in the south west of England are reporting competition from tractors.

Q10 - Please provide any information you have on whether and how often fast tractors used for commercial haulage already undergo (voluntary) roadworthiness testing.

26. No information was provided for this question by respondents. Anecdotal evidence was that tractors were not subjected to voluntary testing, but that individual tractor operators often undertake their own vehicle inspections and maintenance.

## Technical Changes to Vehicle Testing Legislation

Q11 - Do you envisage any difficulties with the proposal to modify the small islands exemption in the Motor Vehicles (Tests) Regulations 1981? If yes, please provide details.

27. No responses were received with issues around modifying this exemption; the only comments given were that no issues were foreseen.

Q12 – Do you have any comments on specific implementation issues for vehicle testing on Bute (for Class VII vehicles and heavy goods vehicles) including any evidence on the likely impact of this change?

28. Only two responses were received on this question, both supporting the testing of vehicles based on Bute. We received no comments on issues in administering testing on the island.

### DfT Comment:

29. The 2014 consultation on removing the exemption for HGVs based on small islands received several comments. Briefly these were:
- That vehicles used solely on the islands should be treated differently from those used on mainland Britain;
  - That some islands do not have the appropriate vehicle testing facilities; and
  - That many vehicles were already tested and undergo six-weekly checks, to comply with their operator licensing obligations.

Q13 – Do you envisage any difficulties with the proposal to exempt from testing all vehicles with a design speed below 25 km/h (15.5 mph)? If yes, please provide details.

Question 13 Summary	Number of responses
Yes	2
No	16
No Comment	21

30. Two respondents expected there to be difficulties with exempting from testing all vehicles with a design speed below 25km/h (15.5 mph). However, no additional comments were provided as to the difficulties they expected to be incurred.
31. The majority of respondents who commented on this question did not see any difficulties with this proposal. One respondent noted favourably that the proposed exemption would apply to all steam traction engines and road rollers, regardless of their age or modification. As such they could avoid needing to assess their eligibility for the proposed exemption for historical vehicles (this was proposed in a separate consultation). Another was keen that this exemption shouldn't be seen as allowing a lower standard of vehicle at low speeds.

**DfT Comment:**

32. There are no proposals to affect the blanket exemption for all steam propelled goods vehicles from the Plating and Testing Regulations.

Q14 – Do you envisage any difficulties with implementing these changes to the legislation governing vehicle testing methods? If yes, please provide details.

Question 14 Summary	Number of responses
Yes	4
No	11
No Comment	24

33. Some respondents expected there to be difficulties with implementing changes to legislation governing vehicle testing. Their reasons were varied and technical, including:

*“Conventional roadworthiness testing cannot be applied to steam propelled tractors and waggons (lorry)”. For example “there is no separate chassis or body shell; the firebox, horn-plates, boiler.”*

*“As a general comment the required changes and additions to Regulations should not exceed the requirements of Directive 2014/45”*

*“We believe that MOT testers will not be able to ascertain when, or on which vehicles, [headlamp cleaning devices] are mandatory”*

*“Implementation of any changes to legislation will only ever be as good as the level of checks and enforcement, it being necessary for there to be sufficient funds available to allow this.”*

## Vehicle “Clocking”

Q15 – Do you consider that existing legislative provision is sufficient to tackle the issue of “clocking”? If not, please give your reasons.

34. The majority of respondents indicated that they did not consider the existing legislation was sufficient.
35. Some of the reasons for this included:

*“It is currently far too easy to adjust mileage records, with no effective regulation of the process or the availability of the necessary equipment, and with no practical technical barrier to doing so.”*

*“enforcers have to be able to show that the trader's actions have affected consumers meaning there can be delays in being able to take enforcement action forward.”*

*“The burden of proof is to prove the clocking is to influence a sale and increase vehicle value – something in itself which is a challenge but also does not take into account personal contract purchases which could be seen as incentivising clocking.”*

36. Other reasons given by respondents included: no effective regulation of the process; currently the criminal act is only when the vehicle is sold if the mileage adjustment is not declared; there is insufficient data held on mileage of vehicles; difficulty for subsequent owners when vehicles are sold on; mileage only recorded at MOT after three years giving more incentive to adjust earlier; very few legitimate reasons to adjust mileage; there is evidence to show clocking has increased so the existing legislation cannot be adequate; and services offering untraceable mileage adjustment are currently being advertised.
37. Some respondents highlighted the impact of mileage adjustment on road safety, with routine maintenance being missed, and on consumers who are likely to be paying a higher price for second hand vehicles than they are actually worth. One respondent noted that companies offering mileage adjustment often offer other services like diesel particulate filter (DPF) and exhaust gas recirculation (EGR) valve removal.
38. Many respondents recommended possible actions to address the issue of clocking more effectively. A number suggested outlawing the action of mileage adjustment. Another solution cited by several respondents was to regulate the mileage correction industry so only authorised agents would be legally allowed to provide the service. Other suggested solutions included: type approval regulations should include a check that odometers are protected from tampering; banning the sale of DIY mileage correction tools; require all motor trade professionals to submit mileage data at every interaction, as is the case in Belgium; and simplify legislation to improve enforcement.

## Potential Changes to Charging for Clearance of Prohibitions

Q16 - *Are you interested in receiving communications about the potential changes to prohibition charging described in this document?*

39. A number of respondents wanted further information about these changes.

### **DfT comment:**

40. Policy work is ongoing about changes to prohibition charging. DfT will contact interested parties in due course.

## Further comments on agricultural tractors

41. Several additional comments relating to the regulations of agricultural tractors were given by respondents.

42. A number of respondents queried whether the trailers towed by fast tractors used for commercial haulage would also be subject to testing. Some raised the roadworthiness standards of trailers as being lower than tractors:

*“Both the tractor and the trailer should be properly tested and plated for such use and should undergo annual testing”*

*“Often haulage trailers are taken out of service because they are so defective; only to then start a new life on the road behind a tractor.”*

*“Glazing, lights, number plating, etc are driver responsibility on a daily / journey basis and an MOT certificate only gives a false sense of security for which there is no place in road safety.”*

*“although the tractor will undergo a roadworthiness test similar to that of an HGV there is no guarantee that there is compatibility between tractor and trailer during braking.”*

*“it is unclear which trailers will be permitted to be towed by fast tractors when engaged on commercial haulage activities.”*

43. Many respondents commented on driver licensing for tractor drivers, many asserting that the current requirements are too lax for vehicles that can drive with trailers at weights of up to 31 tonnes. More generally, these respondents commented that the size of vehicles posed problems, particularly on narrow country roads where they are predominantly used:

*“the tractor drivers should be tested and be qualified to drive with heavy loads and have tachometers fitted to monitor the hours worked”*

*“Tractor driving qualifications are not sufficient for fast road haulage. There should be distance restrictions, regular mot testing and additional HGV licence requirements for all road transportation/delivery operations”*