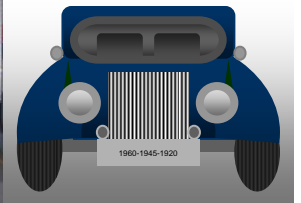


Consultation Paper

November 2011



PUBLIC CONSULTATION

Historic Vehicles MoT Exemption
Review

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Contents

Topic	Page
1. Introduction	4
2. The proposals for consultation	6
Options being considered	
Proposals in all options	7
Impact on business	
3. How to respond	9
Freedom of Information	
The consultation criteria	10
Next steps	

Consultation-Stage Impact Assessment	Annex A
Consultation Response Form	Annex B
The Consultation Criteria	Annex C

1 Introduction

- 1.1 As part of the Reducing Regulation agenda and the desire to remove unnecessary burdens, the Government is proposing to exempt pre-1960 manufactured vehicles from statutory MoT test, as allowed under Article 4(2) of the EU Directive 2009/40/EC, and bring the age of vehicles requiring the statutory MoT test in line with The Goods Vehicles (Plating and Testing) Regulations 1988.
- 1.2 We consider vehicles manufactured prior to 1 January 1960 to be of historic interest. The purpose of this consultation is to invite views on proposals to exempt these vehicles from the statutory MoT test in GB.
- 1.3 Sections 45 to 48 of the Road Traffic Act 1988 provide the legislative basis for MoT testing. The purpose of the MoT test is to ensure that cars, other light vehicles (including some light goods vehicles), private buses and motorcycles over a prescribed age are checked at least once a year to see that they comply with key roadworthiness and environmental requirements in the Road Vehicle Construction and Use Regulations 1986 and the Road Vehicle Lighting Regulations 1989 (both as amended). A test certificate is issued following successful completion of an examination.
- 1.4 Whilst it is important to ensure that vehicles are safe to use on the highway, it is also important to ensure that regulations imposed are not excessive. Currently, both the age and the categories of vehicles requiring the MoT test in GB go further than the EU Directive on roadworthiness test 2009/40/EC, which only subjects post-1960 registered vehicles to a compulsory roadworthiness test and does not require motorcycles of any age to do a statutory roadworthiness test.
- 1.5 The EU Directive of the European Parliament and of the Council, Chapter II, Exceptions, Article 4 states: *“Member States may, after consulting the Commission, exclude from the scope of this Directive, or subject to special provisions, certain vehicles operated or used in exceptional conditions and vehicles which are never, or hardly ever, used on public highways, including vehicles of historic interest which were manufactured before 1 January 1960 or which are temporarily withdrawn from circulation. Member States may, after consulting the Commission, set their own testing standards for vehicles considered to be of historic interest.”*
- 1.6 The estimated 162,000 pre-1960 manufactured vehicles make up less than 0.5% of the approximately 32.7m licensed vehicles in GB that are required by law to have a MoT test. Two-thirds of pre-1960 manufactured vehicles are driven less than 500 miles a year.
- 1.7 Pre-1960 manufactured vehicles are largely well maintained by their owners. The initial MoT test failure rate for these vehicles in 2009 was

less than 10%, whilst the initial MoT test failure rate for post-1960 manufactured vehicles was over 30%.

1.8 The Goods Vehicles (Plating and Testing) Regulations 1988 already exempts unladen pre-1960 manufactured Heavy Goods Vehicles (HGVs) from the roadworthiness test.

1.9 This consultation pack comprises:

- this consultation paper;
- a consultation-stage impact assessment (**Annex A**)
- a pro-forma for responding to the consultation (**Annex B**); and
- a copy of the Government's Consultation Criteria (**Annex C**).

2 The proposals for consultation

2.1 For each question below please explain the reason(s) for your preference.

Options being considered

Option 1	Exempt all pre-1960 manufactured vehicles from the statutory MoT test as allowed under Article 4(2) of the EU Directive 2009/40/EC. The inclusion of all categories of vehicles will make the MoT test requirement match the unladen pre-1960 manufactured HGVs, which are already exempted from the roadworthiness test under The Goods Vehicles (Plating and Testing) Regulations 1988. This is our preferred option.
Option 2	Exempt all pre-1945 manufactured vehicles from the statutory MoT test as allowed under Article 4(2) of the EU Directive 2009/40/EC. Under this option, vehicles manufactured between 1945 and 1959 will still be subject to statutory MoT test.
Option 3	Exempt all pre-1920 manufactured vehicles from the MoT test as allowed under Article 4(2) of the EU Directive 2009/40/EC. Under this option, Vehicles manufactured between 1920 and 1959 will still be subject to statutory MoT test.

Q1. Do you agree that the Government should review the MoT test requirement for vehicles of historic interest (vehicles manufactured prior to 1 January 1960)? If not, why not?

Q2. If you agree to Q1 above, which of the above three options do you prefer? Please say why.

Proposals in all options

Motorcycles	The EU Directive 2009/40/EC does not subject motorcycles to a compulsory roadworthiness test, but we require motorcycles to undergo an MOT test under national legislation. Motorcycles are covered by this consultation and each option.
Vehicle categories	The categories of vehicles subject to MoT testing under the EU rules are cars, motorcycles, buses & coaches and light goods vehicles. The options proposed have not been separated according to vehicle categories. This is because the number of vehicles in each category and the number of casualties associated with these categories (see Tables 1 and 4 of Impact Assessment) are very small.
Vehicles used for commercial purposes	<p>Some pre-1960 manufactured vehicles may be used for commercial purposes e.g. cars used for weddings, buses and coaches used for special occasions, light goods vehicles used commercially.</p> <p>DVLA and VOSA do not keep record of vehicle use. A change in their IT system would be needed if this information is to be recorded. The insurance industry request information on vehicle use to determine insurance premium.</p> <p>Views are invited about whether vehicles used commercially should be included in any historic vehicle exemption.</p>

Q3. Should motorcycles be included for exemption from the statutory MoT test under each of the options? If not, why not?

Q4. Do you agree that all vehicle categories subject to MoT testing be treated equally under each of the options? If not, why not?

Q5. If you disagree with Q4, please state which type of vehicle(s) you would like to be excluded from the proposed MoT test exemption.

Q6. Should vehicles used for commercial purposes be included in the options? If not, why not?

Impact on Business

2.2 This consultation proposes a deregulatory measure which will affect the registered keepers of vehicles used predominantly for personal use. As the MoT test fee is based on the actual cost of the test and there is no direct profit element, we do not expect any MoT test exemption to directly impact business (MoT test stations).

2.3 A consultation-stage impact assessment which provides an in-depth analysis of the nature of costs and benefits for all three options considered in this consultation document is at **Annex A**. The content of the impact assessment is as follows:

Topic	Page
Summary: Intervention and Options	1
Summary: Analysis and Evidence (Options 1-3)	2
Problem under consideration and the rationale for intervention	10
Intended effect	
Description of options considered	11
Data	12
Assumptions	18
Costs and Benefits (10 year estimate)	24
Risks and Sensitivity Analysis	26
Specific Impact Tests	27
Summary and Preferred Option	

Q7. Do you have any comments on the consultation-stage impact assessment, or any data or analysis that would enable the Department to refine its analysis of costs, benefits and other impacts likely to arise from the options?

2.4 The questions below are aimed mainly at the insurance industry but comments would be welcome from any other respondents with an interest.

Q8. Would the insurance premiums for pre-1960 manufactured vehicles be likely to rise if these vehicles were to be exempted from the MoT test?

Q9. If the answer to Q8 is yes, please indicate by how much the insurance premiums may rise for each of the three proposed options. If the rise in insurance premium is likely to differ according to vehicle category, please provide a breakdown of the likely rise by vehicle category for each option as best as possible.

3 How to respond

- 3.1 This consultation paper asks a number of questions about the proposals and seeks further information on the costs and benefits for exempting vehicles of historic interest from the statutory MoT test. It would be helpful if the pro-forma in **Annex B** could be used for providing responses.
- 3.2 The consultation period began on 3 November 2011 and will run for 12 weeks concluding on 26 January 2012.
- 3.3 If you would like further copies of this consultation document it can be found at www.dft.gov.uk/consultations/dft-2011-27. If you would like copies of this consultation document in a hard copy or in alternative formats, or have questions about the consultation please contact:

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- 3.4 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

- 3.5 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.
- 3.6 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.
- 3.7 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.

- 3.8** 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 consultation criteria

- 3.9** The consultation is being conducted in line with the Government's Code of Practice on Consultation. The criteria are listed at **Annex C**, a full version of the Code of Practice on Consultation is available on the Better Regulation Executive web-site at:

<http://www.bis.gov.uk/files/file47158.pdf>

- 3.10** If you consider that this consultation does not comply with the criteria or have comments about the **consultation process** please contact:

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Email address consultation@dft.gsi.gov.uk

Next steps

- 3.11** The Department will consider the responses to this consultation carefully before announcing its conclusions. A summary of responses, including the next steps will be published within 3 months of the consultation closing on www.dft.gov.uk, paper copies will be available on request.