Department for Transport

Consultation on HGV Periodic Testing and Inspections Exemptions: Summary of Responses

July 2015

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Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
Telephone 0300 330 3000
Website www.gov.uk/dft
General enquiries: https://forms.dft.gov.uk

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Part 1 - Introduction

1.1 Annual roadworthiness testing exists as an important element in ensuring vehicles are maintained in a safe condition to be used on the road. This is particularly important for some of the largest, heaviest vehicles on the roads.

1.2 The impacts arising from regulation, including exemptions from any regulatory regime need to be carefully understood. In the context of road transport operations exemptions can raise safety concerns, impact on operational efficiency and have an effect on competition within the market. Regulatory authorities need to ensure that exemptions from annual roadworthiness testing exists for good reason and does not result in wider societal dis-benefits.

1.3 The Department also need to ensure that any exemptions from annual roadworthiness testing applied are in keeping with wider EU law. EU law on roadworthiness testing is set out in Directive 2009/40/EC and the new Directive 2014/45/EU.

1.4 In the December 2014 consultation we sought views on:

(a) which exemptions from annual roadworthiness testing should be removed or modified,

(b) the impacts of any changes,

(c) the special arrangements that may be needed to test a particular vehicle type,

(d) the need to also plate vehicles of a particular type currently exempt even if they require a roadworthiness test,

(e) and, issues specific to particular exemptions that we propose for removal.

1.5 The consultation document was published on 11 December 2014 and ran for 12 weeks until 5 March 2015.

1.6 The Department received 70 responses in the 12 week period. We are grateful for the time people took to reply. Three responses were received after the close of the consultation period and have not been included, however, in each case the views and information expressed was in line with other responses already received.

1.7 Not all respondents indicated an organisation or sector. However, from the information provided respondents were broadly categorised into 10 main groups as follows:

Table 1.1

Organisation	Number of responses
Non-vehicle type specific trade organisation	6
Volumetric concrete mixer operators and related trade associations	22
Concrete pumping operators and related trade associations	1
Crane operators and related trade associations	2
Vehicle recovery operators and related trade associations	8
Showmen vehicle operators and related trade associations	8
Scottish island HGV transport operators	4
Police	2
Public sector and Members of Parliament	6
Others/individuals	11

1.8 Table of Questions

No.	Question
Q1	Do you agree that we should remove the exemption from roadworthiness testing for the ten categories of HGV [Heavy Goods Vehicle] listed in paragraph 2.7? Please explain why or why not.
Q2	Do you consider that any other of the exempt categories of HGV listed in Annex A should be subject to testing in future – and, if so, which ones and why?
Q3	Do you agree that it is necessary to remove the exemption in Regulation 44.1 (e) for normal HGV and HGV-derived vehicles whose use is permitted under an Order under

	Section 44 of the Road Traffic Act 1988? Please explain why or why not.
Q4	Do you agree that it is necessary to modify the scope of the definitions in section 185 of the Road Traffic Act 1988 so that heavy vehicles with fixed equipment no longer fall outside the definition of vehicles which have to be tested? Please explain why or why not.
Q5	Do you agree with the draft Impact Assessment and/or can you help us to quantify more precisely the estimated costs and benefits? A link to the Impact Assessment is provided at Annex E.
Q6	Are you aware of types of vehicle where we are proposing to remove exemptions from annual testing that will require special arrangements to enable the vehicles to be tested? If so please explain.
Q6A	Do you consider that continuing the exemption from plating requirements for all of the currently exempted vehicles is an appropriate approach? Please explain why or why not.
Q7	Please provide any other information you feel is relevant or evidence that may assist us in considering the exemptions.
B1	It would not be our objective to encompass non-HGV-derived mobile cranes, if these could be readily and unambiguously identified both in law and in practice. Are there any mobile cranes that could be demonstrated not to be based on a motor vehicle chassis and thus legally classified as so? Please explain.
B2	Do you agree that mobile cranes which are longer or heavier than normal road vehicles should continue to be exempt? Please explain.
B3	Would it be relatively easy to roller-brake test mobile cranes in the normal way or would an alternative test be required?
B4	It would not be our objective to encompass non-HGV-derived break down vehicles, if these could be readily and unambiguously identified both in law and in practice. Are there any breakdown vehicles that could be demonstrated not to be based on a normal HGV chassis?

B5	Could break-down vehicles be reasonably easily accommodated in vehicle testing stations? Please explain.
B6	Would it be relatively easy to roller-brake test vehicles in the normal way or would an alternative approach be more sensible or appropriate? Please explain.
B7	It would not be our objective to encompass non-HGV-derived engineering plant, where these could be readily and unambiguously identified both in law and in practice. What types of engineering plant are not based on a normal HGV chassis?
B8	Could 'HGV-based' engineering plant be reasonably easily accommodated in vehicle testing stations?
B8A	Do you feel it is appropriate to allow 4 axle volumetric concrete mixers to be operated in excess of the current Construction and Use weight limit of 32 tonnes for a specified transitional period? Please explain why or why not.
B8B	If you agree that a transitional approach is appropriate, do you have any views how long it should last and what the transitional maximum weights should be?
B9	Would it be relatively easy to roller-brake test vehicles in the normal way?
B10	Are there special considerations we need to be aware of with regards asphalt trailers?
B11	Are there special considerations we need to be aware of with regards tower wagons?
B12	Are there special considerations we need to be aware of with regards road construction vehicles?
B13	Are there special considerations we need to be aware of with regards electrically propelled vehicles?
B14	Are there special considerations we need to be aware of with regards vehicles adapted for medical services, education services etc.?
B15	Are there special considerations we need to be aware of with regards vehicles based on islands that may or may not come within scope of plating and testing?

B16	Are there special considerations we need to be aware of with regards HGV tractor units used for drawing trailers or similar?
C1	Are there special considerations we need to be aware of with regards vehicles that may be captured within the current Regulation 44 exemption?
D1	Are there special considerations we need to be aware of with regards vehicles that may be captured within the current Section 185 exemption?

Part 2 - Executive Summary

2.1 Respondents (around 78%) were generally in favour of introducing annual roadworthiness testing for one or more of the ten categories of vehicle listed in paragraph 2.7 of the consultation document. Furthermore, two thirds supported testing the exempt vehicle being considered from the Road Traffic Act 1988 (sections 44 and 185).

2.2 Many of the operators of currently exempt vehicles or relevant representative organisations felt that the impact assessment did not focus on particular issues relating to their particular vehicle types. This was especially true of operators of volumetric concrete mixers. However, those concerns were more about maximum operating weight rather than roadworthiness testing itself.

2.3 While there was strong support for introducing annual roadworthiness testing, concerns were raised by many about the ability to test some types of vehicles in current testing stations using current testing methods - with many respondents suggesting that special testing arrangements will need to be developed for specific vehicles.

DfT Comment

2.4 The Department notes the strong support for the introduction of annual roadworthiness testing for the vehicles under consideration by this consultation.

2.5 The consultation has raised a number of issues that require further detailed work before final decisions can be taken. For each vehicle type being considered for inclusion in annual roadworthiness testing the Department will consider the practicalities of that testing, including considering if the vehicle type may require special arrangements to safely facilitate annual roadworthiness testing.

2.6 The Department will consider all the evidence provided to support and improve the Impact Assessment before the Government makes a decision on future annual testing for these vehicles.

2.7 The Government will publish its final determination, accompanied by a final impact assessment once a decision has been taken.

Part 3 - Detailed Summary of Responses

3.1 Part 3 summarises the responses to each of the questions asked in the consultation, picking out key points made by responders and highlighting the initial response of the Department.

Question 1. Do you agree that we should remove the exemption from roadworthiness testing for the ten categories of HGV (Heavy Goods Vehicle) listed in paragraph 2.7? Please explain why or why not.

That list was:-

- Mobile cranes.
- Break-down vehicles.
- Engineering plant and plant, not being engineering plant, which is movable plant or equipment being a motor vehicle or trailer (not constructed primarily to carry a load) especially designed and constructed for the special purposes of engineering operations.
- Trailers being drying or mixing plant designed for the production of asphalt or of bituminous or tarmacadam.
- Tower wagons.
- Road Construction Vehicles (though we are not proposing to remove the exemption for road rollers and other specialised equipment used in the road construction process).
- Electrically propelled motor vehicles.
- Vehicles constructed or adapted for, and used primarily for the purpose of, medical, dental, veterinary, health, educational, display, clerical or experimental laboratory services.

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

3.2

Table 3.1 - Question 1 Summary	
	Number of responses
Yes	46
No	12
Don't know	2
Blank	10

3.3 A majority of respondents support annual roadworthiness testing for one or more of the ten categories of vehicle listed in paragraph 2.7 of the consultation document. The no responses were in reference to particular vehicle types. All non-vehicle specific responses supported the removal of all 10 exemptions.

3.4 However many respondents were only responding in reference to a particular vehicle type that they had knowledge about. Many of those responses caveated their in-principle support for testing on acceptance of bespoke tests for particular vehicle types, primarily because of concerns relating to compliance with construction and use legislation.

3.5 As an example of the nature of this concern, the following comment was made by Road Safety Markings Association:

"The vast majority of members…emphasised their acceptance of the removal of the exemption provided a reasonable period was allowed to phase in the changes in order to maintain operational integrity and that specific sector based engagement took place to ensure, as far as possible, a clear mutual understanding of what could and could not be practically tested without significant 'deconstruction' of fixed equipment fitted to these specialist vehicles.".

3.6 Quite distinctly the 22 responses from volumetric concrete business or representative organisations expressed concern that an unintended consequence of annual testing vehicles would be that they would not be able to legally operate at design weights and they therefore sought agreement to operate such vehicles to design weights, or at least to have further discussions on this issue.

3.7 Of those that disagreed with the removal of an exemption, many questioned what was meant by a normal HGV chassis and here is an example of part a response relating to mobile concrete pumps:

"We do not believe there is a particularly strong road safety related case for removing the exemption for Mobile Concrete Pumps. The number of these specialist units on UK roads is limited and the general standard of maintenance is high. We doubt there is any empirical data to suggest Mobile Concrete Pumps are an area of concern from a road safety perspective.

We also question whether Mobile Concrete Pumps would come within the scope of EU Directive 2014/45/EU as the chassis such vehicles are built on are not normal Heavy Goods Vehicle (HGV) chassis nor are such vehicles in regular use on the road (as compared with HGVs) and do not carry goods."

DfT Comments

3.8 The Department noted the widespread support for roadworthiness testing of the ten categories of HGV listed in paragraph 2.7. It notes support from many of

the operators or representative organisations of vehicle types referred to. The caveats and concerns associated with some of the 'yes' and the 'no' responses are also noted. The Department will consider the practicalities of testing each of the types including considering if some vehicles need special arrangements to facilitate safe and cost effective annual roadworthiness testing.

Question 2. Do you consider that any other of the exempt categories of HGV listed in Annex A should be subject to testing in future – and, if so, which ones and why?

3.9

Table 3.2 - Question 2 Summary	
	Number of responses
Yes	10
No	2
Don't know	3
Blank	55

3.10 Around 66% of those that responded suggested other vehicle types that should be considered for inclusion within annual testing. The most popular suggestion was that any vehicle based on an HGV chassis and used on a public road should be tested. In terms of specific vehicle types British Vehicle Rental and Leasing Association , Lightwater Quarries Ltd and Roadtechs Support Services believe that emergency service vehicles should not be exempted, with the latter saying that because of the speeds they can travel at.

Police Scotland thought consideration should be given to -

"testing agricultural motor vehicles and trailed appliances/agricultural trailers and agricultural trailed appliance conveyors as advancements in mechanical engineering has improved the standard and consequently increased the use of many of the vehicles falling within this legislation. In order to guarantee, as much as is practical, the safety of other road users and ensure essential maintenance is being undertaken as many of these vehicles are regularly used on the roads network."

Perth and Kinross Council had a similar view.

3.11 The British Vehicle Rental and Leasing Association suggested HGVs for export and visiting forces vehicles, Test HGVs, Visiting HGVs, and those HGVs registered in Northern Ireland, should also be subject to testing. Lightwater Quarries Ltd. could see no reason why works trucks and snow ploughs should not be tested annually.

3.12 Some responders suggested that vehicles from outside Great Britain should be subject to annual testing. However, it should be noted that such vehicles are subject to annual testing in their place of origin and are allowed to freely circulate internationally.

DfT Comments

3.13 There will be a separate consultation on testing of tractors. This will be, in part, a step to implement Directive 2014/45/EU that requires T5 tractors used mainly on the road to be tested at least biennially.

3.14 The aim of this question was to check if there is evidence the Department was unaware of that would justify further changes. Given that there is no EU requirement to make changes for these vehicle categories, there are no active plans to do so.

Question 3. Do you agree that it is necessary to remove the exemption in Regulation 44.1 (e) for normal HGV and HGV-derived vehicles whose use is permitted under an Order under Section 44 of the Road Traffic Act 1988? Please explain why or why not.

3.15

Table 3.3 - Question 3 Summary	
	Number of responses
Yes	17
No	3
Don't know	3
Blank	47

3.16 Almost 75% of those who responded to this question thought it was appropriate to remove the exemption in regulation 44.1 (e) of the Goods Vehicles (Plating and Testing) Regulations 1988 (the "Plating and Testing Regulations") for normal HGV and HGV-derived vehicles whose use is permitted under an Order under Section 44 of the Road Traffic Act 1988. (vehicles carrying abnormal loads and other special vehicles).

3.17 The overarching view was that removing this exemption for normal HGV and HGV-derived vehicles would improve road safety. Police Scotland acknowledged that *"these vehicles may operate under controlled conditions on many occasions but they often travel large distances in between jobs with no load and will travel at the same speeds as their normal counterparts."*. Their response continues by saying that *"these vehicles often operate under very stressful conditions and periodic testing and inspection would help to ensure that the vital component parts are safe and not presenting a danger to road users."*.

3.18 Lightwater Quarries Limited agreed that the exemption should be removed as HGV derived vehicles should be tested for roadworthiness. However they qualified this by saying that *"no other changes to operating weight or other changes which would affect the viability of a business should be made without further consultation and realistic impact assessment"*.

3.19 The Crane Interest Group of the Construction Plant Hire Association said it would be appropriate to remove the

"specific vehicle" exemption for tractor units, but not for trailers, due to technical reasons.

3.20 Of those that supported continuation of the exemption the European Rescue and Recovery Initiative and the Federation of Vehicle Recovery Association said that the exception should remain as-

"many Heavy Recovery Vehicles are HGV derived, but heavily modified to enable them to fulfil their roles. Without this exemption the cost of obtaining, creating or otherwise operating a vehicle capable of performing the role required would be prohibitive and impractical.".

DfT Comments

3.21 The Department notes the majority support for roadworthiness testing of the categories being considered. The caveats and concerns associated with many responses are noted and the Department will consider the practicalities of testing each of the types, including considering if the vehicles need special arrangements to facilitate safe and cost effective annual roadworthiness testing.

Question 4. Do you agree that it is necessary to modify the scope of the definitions in section 185 of the Road Traffic Act 1988 so that heavy vehicles with fixed equipment no longer fall outside the definition of vehicles which have to be tested? Please explain why or why not.

3.22

Table 3.4 - Question 4 Summary

	Number of responses
Yes	19
No	6
Don't know	2
Blank	43

3.23 As with question 3 many who agreed with the question (70% who expressed a direct opinion) thought road safety concerns were sufficient justification for modifying

the scope of the definitions in section 185 of the Road Traffic Act 1988 so that heavy vehicles with fixed equipment no longer fall outside the definition of vehicles which have to be tested.

3.24 Transport for London (TfL) considered most of the exempt category vehicles are constructed on a HGV chassis. With regards specifically to volumetric concrete mixers, TfL's view was that revised definitions would remove ambiguity for enforcement agencies and heavy vehicle operators.

3.25 The European Rescue and Recovery Initiative and the Federation of Vehicle Recovery Association agreed with modifying the definition explaining that-

"not all recovery vehicles can be tested to the current regime. A specific testing practice is required to ensure compliance with roadworthiness inspection and testing standards that does not include plated weight maximums but uses manufacturers design weights, this should not be in the form of an MOT".

The Road Rescue Recovery Association offered a similar response.

3.26 Of those that disagreed the Batched on Site Association, Armcon and Eastern Concrete replied in similar terms. They deemed it unnecessary to modify the scope of definitions as they believe they have worked successfully since 1988. However, if modification is to be considered a full assessment of the risk and effect needed to be undertaken before a decision to modify could be taken.

3.27 The Showman's Guild and two showmen also disagreed with making changes, making additional points including:

- HSE regularly inspect showmen vehicles and equipment;
- Driver and Vehicle Standards Agency (DVSA) often conduct routine inspections prior to showmen vehicles going back on the road; and
- Many showmen do voluntarily try and annual test vehicles but there has proven to be a number of practical difficulties

DfT Comments

3.28 The Department notes the majority support for roadworthiness testing of these vehicles.

3.29 Again, where practical issues of testing are proven to exist, the Department would work with operators and others to consider development of bespoke tests that may facilitate safe and cost effective annual roadworthiness testing.

Question 5. Do you agree with the draft Impact Assessment and/or can you help us to quantify more precisely the estimated costs and benefits? A link to the Impact Assessment is provided at Annex E.

3.30

Table 3.5 - Question 5 Summary	
	Number of responses
Yes	5
No	27
Don't know	2
Blank	36

3.31 79% of those who responded to this question disagreed with the impact assessment and/or thought it was incomplete. This included all 20 of the volumetric concrete mixer sector responses and 4 of the 5 recovery vehicle sector responses.

3.32 The Batched on Site Association and Armcon attached a consultancy report detailing various perceived shortcomings in the impact assessment. To briefly summarise, concerns centre around the potential financial and environmental impacts of having to operate at lower weights than volumetric concrete mixers currently commonly do i.e. reduced maximum loads leading to increased trips. They believe increased costs

would need to be passed on and the impact assessment does not refer to this nor the reduced wastage of volumetric versus barrel concrete mixers (as concrete is mixed to order in a volumetric). The following summarises most of the other responses concerning volumetric concrete mixers -

"The impact assessment is deficient in relation to potential impact on volumetric mixers' operation. It may only be viewed as valid if important matters including registration, taxation and operation to design weight do not change."

3.33 The European Rescue and Recovery Initiative and the Federation of Vehicle Recovery Association felt the impact assessment had little or no relevance with the breakdown recovery industry and, to ensure continuity of standards, the DFT should carry out an individual impact assessment on the recovery industry. The latter point is also made by the Road Rescue Recovery Association.

3.34 The AA felt the impact assessment failed to sufficiently identify the road safety benefits of introducing a measure that will impact significantly on a small number of third party breakdown agents whose vehicles undertake relatively small mileages to help keep roads clear. They refer to the Department's publication 'Road Casualties Great Britain 2013' that shows that only 2% of all accident casualties were caused by vehicle defects in 2013, and that an even smaller number of these accident casualties, if any, would be attributed to breakdown/recovery vehicles.

3.35 The British Concrete Pumping Group thought further work was needed to assess the economic impact on the construction industry of such vehicles having to be taken out of service for testing. It would be necessary to ensure that these vehicles are able to pass the test without the need for modification or any undue expense or requirement for equipment to be fitted/positioned in locations that are either impracticable or operationally non-viable.

3.36 TfL supported the content of the draft Impact Assessment. Their view was that roadworthiness testing costs are already borne by the majority of non-exempt vehicle operators; therefore any cost impact of

removing exemptions merely highlights an unfair competitive advantage that is given in the favour of operators of the exempt vehicle types.

DfT Comments

3.37 The consultation stage impact assessment was drafted to focus on the key costs and benefits of subjecting the circa 40,000 vehicles to annual roadworthiness testing. The proposals were not related to increasing or decreasing weight limits of any particular vehicle type. The Department considers that for this consultation stage the impact assessment was sufficient.

3.38 However, the issue of maximum operating weights is an important one additional to annual testing and will be considered in the context of plating requirements.

3.39 The reason for consulting on the impact assessment was for respondents to provide evidence that could further enhance the assessment of the costs and benefits of proposed changes. When the final Impact Assessment is produced it will take account of relevant evidence provided. It will also take account of any special testing arrangements that may be able to be developed that could facilitate safe and cost effective roadworthiness testing.

Question 6. Are you aware of types of vehicle where we are proposing to remove exemptions from annual testing that will require special arrangements to enable the vehicles to be tested? If so please explain.

3.40

Table 3.6 - Question 6 Summary

	Number of responses
Yes	12
No	8
Don't know	1
Blank	49

3.41 57% of those who responded to the questions believed certain vehicle types may need special testing arrangements. Police Scotland thought -

"*some vehicles could present practical issues due to their weight and physical size. This being the case, some work should be carried out to establish:*

- *Are test centres built to a common design?;*
- *Are the facilities within the test centres able to cope with physical characteristics of the vehicles in question?;*
- *Are there sufficient test centres and inspectors in place to deal with the extra demand?; and*
- *Are there training issues for the inspectors to ensure that they have sufficient knowledge of the vehicles concerned in order to carry out the test properly?"*.

3.42 DVSA provided a comprehensive response to this question. In summary they expressed some concerns about testing vehicles that are very wide or have excessively high or very low ground clearance that would impede accessibility into some, or many Authorised Testing Facilities (ATFs). Additionally most ATFs do not have alternatives to roller brake testing. If a vehicle cannot be roller brake tested due to design, balloon tyres, transmission, ground clearance or size a brake test could not be carried out. There may also be issues relating to loading some vehicles for a suitable brake test.

3.43 DVSA acknowledged that the normal HGV annual test standards may or may not be easily applied to all exempt vehicle types. They recognised that some vehicles may not be fitted with, for example, spray suppression, a rear under run device, or a tachograph. Vehicles may in theory need considerable modification to comply with the requirements so instead some specific test 'exemptions' from normal testing standards would need to be considered.

DfT Comments

3.44 This is a major issue that repeats through many of the responses. Whilst it may be preferable for all vehicles to

undertake the same annual roadworthiness test, the Department recognises the need for tests to be appropriate to a particular vehicle types' design and use characteristics. It will therefore seek to work with the relevant sectors and the DVSA to consider the possible development of appropriate roadworthiness tests.

Question 6A. Do you consider that continuing the exemption from plating requirements for all of the currently exempted vehicles is an appropriate approach? Please explain why or why not.

3.45

Table 3.7 - Question 6A Summary	
	Number of responses
Yes	27
No	8
Don't know	2
Blank	33

3.46 There was support for a continued exemption (73% of those expressing a view) from plating requirements. This was primarily from the volumetric, crane and concrete pump sectors.

3.47 The Batched on Site Association said that the economic viability of the volumetric sector hinged on the need for such vehicles to operate to design weights. Other responses from this sector supported this view saying that should a plate be warranted it should be to the stated design weight for that particular vehicle.

3.48 Police Scotland were concerned that roadside enforcement would be hindered by a lack of a plate, a concern shared by the Mineral Products Association who thought it essential that volumetric concrete mixers in particular were within scope of vehicle plating in view of the option set out in paragraph 2.13 of the consultation document to amend the weight limits for volumetric concrete mixers.

3.49 An operator on a Scottish island made it clear that vehicles there are already required to be plated.

3.50 DVSA confirmed that it did not believe it has the resource to carry out the technical and administrative function of issuing plating documentation to about 40,000 vehicles in a single batch, and if most or all vehicles required plating this introduction would need to be staggered. DVSA also made the point that 'normal' vehicles can be issued with plating documentation quite easily as they are contained on a 'standard list' supplied by the manufacturer. Some exempt vehicles may not be included on this standard list which may result in delays in issuing plating documentation.

DfT Comments

3.51 The issue of plating in this case is a complex one. In the context of roadworthiness testing, plating does help in the testing process.

3.52 The concerns by operators of certain vehicle classes related to two primary circumstances. These are the ability to plate a vehicle above the limits set out in construction and use legislation, and the effect of limiting the operating weight of vehicles to construction and use limits when unladen.

3.53 The Department recognises some of the issues raised relating to weight and plating many vehicles are related to timing. It will evaluate all options in this area in further detail. When the Government takes a final decision it will take account of relevant evidence provided and produce an update to the Impact Assessment.

Question 7. Please provide any other information you feel is relevant or evidence that may assist us in considering the exemptions.

3.54

Table 3.8 - Question 7 Summary

	Number of responses
Comment made	13
Blank	57

3.55 TfL explained its concern at the increase on public roads in the number of unregulated vehicles. It pointed to evidence from the roadside enforcement conducted by the Industrial HGV Task Force. For example, targeted stops on volumetric concrete mixers carried out between January and December 2014 revealed that 72 per cent of vehicles were issued with a roadworthiness prohibition notice (PG9) and only 17 per cent were found to be compliant with all relevant regulation. TfL believe removal of exemptions from roadworthiness testing would significantly improve roadworthiness rates and reduce the risk these vehicles present to vulnerable road users, such as cyclists and pedestrians.

3.56 The British Concrete Pumping Group explained that-

"Mobile Concrete Pumps are currently classed as Engineering Plant. They have serviced the construction industry for over 40 years. They are used for major civil engineering and building projects throughout the UK. It is a specialised and niche industry (there are approximately 250 - 300 units in the UK). The chassis on nearly all Mobile Concrete Pumps are specifically adapted to enable the machines to operate in the UK. If road worthiness testing is to be introduced, agreement must be reached on the technical incompatibilities that will arise. There are a number of rigid Mobile Concrete Pumps that operate up to 70 tonnes on a specially adapted 6-axle chassis, with a vehicle length of 16 metres."

3.57 Eastern Concrete felt the current regulations and arrangements are adequate for the regulatory authorities to enforce and that they just needed clear direction, consistency and resource to remove the businesses which operate contrary to the prescribed standards currently laid down.

3.58 The Crane Interest Group of the Construction Plant Hire Association felt the exemption should be removed for mobile cranes on an HGV derived chassis but that mobile cranes on special non-HGV derived chassis structures should remain exempt.

3.59 A private individual thought that better enforcement of exemptions was required to make sure that vehicles and

people claiming exemptions are genuine. The individual suggested that proof of the vehicle owner's membership of a trade body such as the Showmen's Guild, The Society of Independent Roundabout Proprietors, or the Association of Independent Showmen would demonstrate that the vehicle exemption is being used correctly.

3.60 The European Rescue and Recovery Initiative and the Federation of Vehicle Recovery Association suggested that, in the light of this consultation, it would be relevant for a review of the complete test regime for all HGV vehicles and in particular those under the Special Types General Order 2003.

3.61 The Road Surface Treatment Association felt that the cost of cleaning Road Treatment Machines for testing would be disproportionate given the existing health and safety arrangements already in place for such vehicles.

DfT Comments

3.62 It is recognised that some vehicle types are difficult to test, or can raise issues. The information provided will be used in considering any potential testing arrangements.

Questions from the annexes.

3.63 There were a number of vehicle specific questions asked in the annexes B, C and D of the consultation. The Department will consider the detailed information provided in relation to each of these questions when considering any potential testing arrangements.

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

3.64

Table 3.9 - Question B1	
	Number of responses

Yes	4
No	3
Don't know	3
Blank	60

3.65 The Crane Interest Group of the Construction Plant Hire Association said that there are a number of mobile cranes which could be readily identified in law and practice not to be based on an HGV chassis. Proof could be provided by photographs and information from the manufacturers.

3.66 Lightwater Quarries felt that they had seen many cranes which are clearly not based on a motor vehicle chassis and suggested manufacturers could readily declare if the crane was or was not based upon a motor vehicle.

3.67 Classic Combines suggested some vehicle types that might be classified as mobile cranes but are not based on an HGV chassis. These included:

- genuine off road cranes (described by manufacturers as rough terrain);
- city cranes (might be tricky to identify as whilst not on a standard truck chassis, still have much in common);
- pick and carry units (Franna, Terex and JCB) that use some HGV components such as axles and brakes, but with bespoke chassis etc.; and
- telescopic handlers (visually and often technically, they will be more or less identical to agricultural specified machines, and do the same job). They should usually be readily identifiable by manufacturer.

3.68 Classic Combines suggested a three step process for identifying in or out of scope cranes:

1 Identify by manufacturer; and if not possible
2 Assessment of the entries by people that know what they are looking for; and if that is not possible
3 A letter to each owner, either “inviting” then to come along for plating etc. or asking them to confirm that they have a machine that is not in scope with pictures etc.

3.69 TfL said it was unaware of any mobile cranes that could be demonstrated not to be based on a motor vehicle

chassis. Even if there were, their view is that mobile cranes as a category should not be exempt from roadworthiness testing and that there should be proper justification for an exemption in any particular case.

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

Table 3.10 - Question B2	
	Number of responses
Yes	6
No	4
Don't know	2
Blank	58

3.70 The Road Haulage Association agreed on the basis that DVSA and ATF test lanes and brake roller testers would be unable to cater for these vehicles. The DVSA made a similar comment.

3.71 The Crane Interest Group of the Construction Plant Hire Association said that there were a number of technical and administrative reasons why we should continue with the exemption.

3.72 The Freight Transport Association said that for the classes referred to in the consultation any exemption should be removed in principle unless there is an appropriate reason why the regulatory burden of its inclusion could be considered greater than any risk to road safety of its exemption. Mobile cranes may be one vehicle type where some vehicles might be too large for standard DVSA and ATF test lanes to accept or could damage some of the testing equipment. If so the Freight Transport Association suggested an alternative solution to undertaking an annual roadworthiness test may need to be developed. Where this is the case it would seem that the inspection and maintenance regime which operator licensing underpins would be even more

necessary where some aspects of the annual roadworthiness test may not be able to be conducted.

3.73 A private individual said that mobile cranes are defined in law as 'Engineering Plant' and that this definition should remain unchanged. However they should be subject to monthly safety inspections, to ensure safety and roadworthiness at all times.

3.74 Eastern Concrete's view was that all vehicles used on the public highway should be tested in some form, a view supported by TfL.

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

3.75

Table 3.11 - Question B3	
	Number of responses
Yes	3
No	2
Don't know	8
Blank	57

3.76 The Crane Interest Group of the Construction Plant Hire Association considered it would be relatively easy to roller-brake test most mobile cranes covered by the consultation, subject to the availability of suitable facilities. If it was not possible to roller brake test then there were alternative brake tests that had been developed jointly by the CPA and DVSA. The DVSA response included a copy of this alternative brake test.

3.77 Perth and Kinross Council's view was that modern roller-brake testers are flexible and are able to accommodate a wide range of vehicle weights and axle configurations.

3.78 The Road Haulage Association said that this would be dependant up on weight and axle configuration, but they suspected alternative arrangements would be required.

3.79 Eastern Concrete suggested some of the supposed oversize vehicles be tried in the standard test equipment

and it may be quite surprising how easy it is to test all vehicles.

3.80 Classic Combines thought telescopic handlers, particularly those with “agricultural” tread patterns, might pose problems, but certainly no more than a regular agricultural tractor would. However there could be some telescopic handlers that could be very tricky to roller test, in particular those with permanent 4 wheel drive and limited slip differentials, some come with continuously variable transmission so there is no way of disconnection of the transmission. Others have hydrostatic drives lines, in some cases with directly coupled wheel motors, that cannot be disengaged.

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

Table 3.12 - Question B4

	Number of responses
Yes	0
No	4
Don't know	3
Blank	63

3.81 TfL was not aware of any breakdown vehicles which are based on a non-HGV chassis. Even the very large breakdown vehicles, are based on a conventional rigid-chassis design.

3.82 Allianz Global failed to understand the reasons why there is still an exemption in place for the plating and testing of heavy recovery vehicles. Any issue of axle loading to be able to carry out a brake roller test is easily resolved by using modern electronics that can convert hydraulic pressure signals to the load sensing system on

the air braking. They felt many operators were not regularly maintaining these vehicles as they should.

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

3.83

Table 3.13 - Question B5	
	Number of responses
Yes	7
No	1
Don't know	2
Blank	60

3.84 The AA said that some breakdown and recovery vehicles are very large and finding nearby test facilities that can accommodate them for testing could pose real problems for some operators.

3.85 The Road Haulage Association thought that provided the vehicle is based on a standard HGV chassis configuration it could be accomodated, which the vast majority are. Perth and Kinross Council agreed saying the construction of these vehicles was no larger or heavier than HGV's.

3.86 TfL could see no reason why these vehicles could not easily be accommodated within testing facilities. Lightwater Quarries agreed although it was unsure about testing of special types.

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

3.87

Table 3.14 - Question B6	
	Number of responses
Yes	5

No	2
Don't know	3
Blank	60

3.88 TfL and Perth and Kinross Council thought it should be relatively easy to roller-brake test vehicles in the normal way.

3.89 The European Rescue and Recovery Initiative also thought it would be relatively easy. However, they thought with specialised and heavy recovery vehicles this could be a problem as a load cannot be imposed correctly on the vehicle to produce the required results when using the present testing equipment. The European Rescue and Recovery Initiative suggest equipment should be reviewed to take account of modern recovery vehicle design, which would facilitate the roller brake testing of recovery vehicles.

3.90 Allianz Global Assistance considered the issue of axle loading to be able to carry out a brake roller test is easily resolved by using modern electronics that can convert hydraulic pressure signals to the load sensing system on the air braking.

3.91 Bedfordshire Recovery thought testing could also be a problem as using a brake simulator (due to the construction of the vehicle) would require a casualty vehicle to be towed through the test lane.

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

Table 3.15

	Number of responses
Volumetric	20

Concrete pumps	1
Showman vehicles	4
Cranes	1
Don't know	4
Blank	40

3.92 The general response from the volumetric sector was that volumetric mixing plant manufactures concrete in fresh batches on site. As this is very clear and unambiguous this type of vehicle should remain within the engineering plant category.

3.93 The Batched on Site Association felt the exact definition of 'normal' HGV chassis had not been indicated. They considered the Directive definition of category N vehicles as contemplating motor vehicles designed and constructed primarily for the carriage of goods and mobile batching plant was not designed and constructed primarily for the carriage of goods.

3.94 Showmen's Guild felt that many riding machines were not based upon a normal HGV chassis.

3.95 The British Concrete Pumping Group view was that Mobile Concrete Pumps were Engineering Plant that fall within this criterion.

3.96 The Crane Interest Group of the Construction Plant Hire Association confirmed that heavy mobile cranes where one or more axles exceed 16.5 tonnes per axle are classed as Engineering Plant; and can be readily identified in law and practice under the Special Types (General Order) 2003 Regulations. They are not based on a normal HGV chassis.

3.97 The Society of Independent Roundabout Proprietors (SIRP) view was that there are showman's vehicles and specialised ride equipment that fall into the engineering plant category, including ride centre trucks and other specialist trailers that form part of the ride/show itself. The term "specialised" means "developed or designed for a special activity". SIRP felt that it can clearly be argued that most showman's vehicles have been developed, altered and designed to suit specific needs.

They all feature special bodies, racking and equipment specific to their use in the amusement industry and that such alterations make them useless in that form to other industries.

3.98 SIRP felt that the exemptions for locomotives, motor tractors and engineering plant should also be kept, but tightened to avoid abuse. Exempting low use vehicles of the type which do not operate in the conventional goods vehicle manner should remain, in particular the exemption for specialist showman's and circus vehicles which have been adapted and converted by design even if converted from a standard vehicle as it is obvious that they are not operated in the conventionally acepted goods vehicle manner.

3.99 A private individual disagreed with the consultation document's view (paragraph 2.10) that many of the vehicles currently used as locomotives are based on goods vehicles. Whilst at first sight this may appear to be true, there are distinct differences because all of these vehicles will have been adapted and specialised for purpose, not least because they will no longer be able to carry a load in the normal sense of a goods vehicle. They will be fitted with fixed engineering plant or special equipment which makes them a specialised vehicle transporting circus and fun fair equipment, and altered for such purpose by specialised alteration. The only issue the responder could see was the speed restriction which is currently different. The EU description does not state the vehicle cannot start out as a standard vehicle, it states it must be specialised, and it is clear that most if not all of the small amount of showmen's vehicles that currently operate as locomotives and motor tractors have been altered and specialised for the purpose of transporting some or part of circus or fun fair equipment or ancillary items, as was confirmed by the letters and certificates issued by the former Vehicle Inspectorate in 1993.

3.100 Classic Combines questioned how trailed engineering plant (e.g. generators, compressors, lighting towers, access platforms), which presumably do not appear on any DVLA database, would be treated? Classic Combines felt the position needed to be made absolutely clear.

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

Table 3.16 - Question B8	
	Number of responses
Yes	26
No	2
Don't know	2
Blank	40

3.101 The Showman's Guild highlighted problems showmen currently have had accessing ATFs for voluntary testing.

3.102 Road Haulage Association considered there to be many vehicles currently enjoying the status of engineering plant that are in fact HGV derived chassis with bolted on specialist equipment.

3.103 The British Concrete Pumping Group replied saying theoretically mobile concrete pumps should be accomodated although there would need to be discussion with DVSA and assurances given.

3.104 The volumetric concrete industry general view was that it is likely most volumetric concrete mixers, could be reasonably accommodated in vehicle testing stations.

3.105 The Road Surface Treatment Association believes that bitumen application machines would require specialist and expensive cleaning before they could be accepted into a testing centre.

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

3.106

Table 3.17 - Question B8A	
	Number of responses
Yes	21
No	6
Don't know	0
Blank	43

3.107 Although 77% of those who responded to this question agreed with a transitional approach it should be noted that all but one of the "yes" responses were from the volumetric sector. It should be further clarified that the volumetric sector were not actually supporting a transition period as their preference was to maintain ongoing operation of such vehicles at design weights and not time limited by future changes. The only other "yes" was from Perth and Kinross Council who thought a transitional approach was appropriate to alleviate the immediate impact.

3.108 The Mineral Products Association, whilst not disagreeing with a short transitional period, believed that 4 axle volumetric concrete mixers should operate to the construction and use weight limit of 32 tonnes for a number of reasons, including:

- Volumetric concrete mixers are in practice HGVs.
- Permitting 4 axle vehicles to operate to weights significantly in excess of 32 tonnes would increase damage to road surfaces due to excessive axle loadings.
- Volumetric operators have been generating a commercial advantage over regulated HGVs by operating at vehicle weights significantly in excess of the C and U 32 tonne weight limit for 4 axle vehicles.

- The Mineral Products Association believe any potential increase in the cost of volumetric supply concrete would have virtually no impact on wider economic or construction costs as the turnover of volumetric supply is equivalent to 0.13% of the value of construction output

3.109 The Road Haulage Association also disagreed with a transitional period explaining that these vehicles are based on a standard 8x4 or 8x2 chassis used by the construction industry and will therefore be able to meet testing requirements immediately.

3.110 The Metropolitan Police, Police Scotland, Transport for London and the FTA were others that disagreed with a transitional period.

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

Table 3.18 - Question B8B

	Number of responses
Yes	18
No	1
Don't know	0
Blank	51

3.111 Perth and Kinross Council thought a period up to 5 years was appropriate. The Mineral Products Association thought that any transitional period should be short, limited to a maximum of two years. The Mineral Products Association felt that this would allow sufficient time for volumetric operators to adjust and would not elongate the inherent safety hazards associated with overweight vehicle operations for the suggested ten year period.

3.112 The Batched on Site Association said that a transitional approach was completely unacceptable and undesirable. The general view of the volumetric sector was that the-

"maximum operational weights should be the design weight, and where necessary as prescribed on the VTG 6T plate column 3. It is business critical to operate to design weight.".

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

3.113

Table 3.19 - Question B9	
	Number of responses
Yes	23
No	1
Don't know	1
Blank	45

3.114 Only the Showman's Guild thought roller brake testing may be a problem, and suggested a visual inspection (where possible) may be a more sensible approach and more appropriate to either avoid damaging the ride/attraction of where a roller-brake test could not be conducted.

3.115 The general view of the volumetric sector was that volumetric batching equipment could be roller brake tested to design weights at vehicle test stations.

Question B10. Are there special considerations we need to be aware of with regards asphalt trailers?

Table 3.20 - Question B10	
	Number of responses
Yes	2

No	2
Don't know	0
Blank	66

3.116 DVSA were clear that they would not accept them for test in any condition that would constitute a health and safety risk to staff or contamination of premises.

3.117 Classic Combines said that if asphalt trailers were to be tested “cold” then how would they be tested laden, which is when it matters? Presumably it is not a good idea to let them cool down when full and there was limited scope to press them down from above, and it would probably not be nice to go underneath, pulling the axles down to simulate loaded condition. Classic Combines also asked whether there was scope for a mess if dynamic testing with inertia meter was undertaken.

3.118 This would also apply to asphalt gear mounted on trucks too.

Question B11. Are there special considerations we need to be aware of with regards tower wagons?

3.119

Table 3.21 - Question B11	
	Number of responses
Yes	1
No	2
Don't know	1
Blank	66

3.120 TfL said that tower wagons may require special arrangements dependent on their weight and size.

3.121 DVSA pointed to its general concerns relating to the potential size, in this case presumably the height, of

such vehicles, and the potential issues around availability of ATFs to accommodate such vehicles.

3.122 The Road Haulage Association and Perth and Kinross Council were unaware of any potential issues.

Question B12. Are there special considerations we need to be aware of with regards road construction vehicles?

Table 3.22 - Question B12	
	Number of responses
Yes	3
No	3
Don't know	0
Blank	64

3.123 DVSA would not accept them for test in any condition that would constitute a health and safety risk to staff or contamination of premises.

3.124 Road Haulage Association were not aware of any special considerations for these vehicles that they considered were based on standard 8x4, 6x2 chassis configurations.

3.125 Classic Combines thought transmission type (hydrostatic and with wheel motors) may cause difficulties testing on a roller brake tester. Axle loads and in some cases, vehicle width may also be issues, particularly with wheel loaders.

3.126 The Road Surface Treatment Association highlighted issues with the costs associated with cleaning vehicles so they could be presented for roadworthiness testing and that some components that should be tested would require parts of the vehicle to be dismantled.

Question B13. Are there special considerations we need to be aware of with regards electrically propelled vehicles?

Table 3.23 - Question B13	
	Number of responses
Yes	1
No	4
Don't know	0
Blank	65

3.127 DVSA was again clear that they would not accept electric powered vehicles for test in any condition that would constitute a health and safety risk to staff.

3.128 The Road Haulage Association were not aware of any particular issues as these are standard vehicles powered by battery power.

3.129 The Freight Transport Association highlighted that some of its members operate electric vehicles and they maintain these vehicles to the same standards in terms of inspections and maintenance as they do with HGV vehicles under the scope of annual testing. As technologies have developed – fuelled largely by vehicle operators' demand for low-carbon vehicle options in their normal operating fleet – we now see electrically propelled vehicles of up to 7.5t operating on all classes of roads. The Freight Transport Association considered it was difficult to identify why such vehicles should be exempt.

3.130 Transport for London and Perth and Kinross Council did not believe there were any special considerations.

Question B14. Are there special considerations we need to be aware of with regards vehicles adapted for medical services, education services etc.?

3.131

Table 3.24 - Question B14	
	Number of responses
Yes	1
No	3
Don't know	0
Blank	66

3.132 DVSA responded that HGV annual test standards may or may not be easily applied to these vehicle types.

3.133 Road Haulage Association thought that as these vehicles are of a standard vehicle configuration there would be no issues.

3.134 Transport for London and Perth and Kinross Council did not believe there were any special considerations.

Question B15. Are there special considerations we need to be aware of with regards vehicles based on islands that may or may not come within scope of plating and testing?

Table 3.25 - Question B15	
	Number of responses
Yes	6
No	2
Don't know	1
Blank	61

3.135 Arran Haulage requested that the Department reconsider the impact on vehicles that never leave a currently exempted island. Arran Haulage said that Arran is nearing the threshold for the full impact of the legislation, and highlighted their concerns with one vehicle in particular. They operate a 44 tonne rigid plus drawbar fitted with timber crane for hauling timber from the forests which is then forwarded to the mainland by

other vehicles. This vehicle would never have reason to leave Arran during its working life. The vehicle and trailer are fitted with skeletal bodies, i.e. timber bolsters with no floors.

3.136 The cost of sending this vehicle to the mainland on the ferry would currently be £455.10. Due to the nature of the construction of the vehicle, it cannot be loaded home, thereby generating considerable costs for the company. Arran Haulage calculate the cost of the boat fare is the equivalent cost to driving the vehicle some two hundred and fifty miles.

3.137 A private individual based on a currently exempted Scottish island said that as far as he was aware, none of the currently exempt islands has any facility where testing to the required standard could be carried out. Given the very small number of vehicles involved, it is most unlikely that any commercial enterprise would consider it viable to install such facilities. Vehicles would therefore be required to travel to the mainland where any preparatory work deemed necessary on a vehicle would have to be carried out by a third party, at a cost which, in his experience, is not always transparent. He clarified that cost should be a factor in ensuring safety, but only that the consultation's proposals may require incentivisation.

3.138 The respondent mentioned above continued to say that HGVs on exempted islands have always been subject to operators licencing. Therefore, island based vehicles are required at all times to be in an equivalent condition to mainland operated examples whether on or off island, and are subject to the same standards at roadside inspection. It was his experience that DVSA vehicle inspectors are fair in their application of standards, and make no allowance for island status, sometimes being even more thorough than normal when examining an exempt vehicle. He had never received a prohibition for roadworthiness failure in over 30 years. Most operators who he knew, and are in similar circumstances, take their obligations very seriously.

3.139 The periodic vehicle safety inspection regime (usually carried out at six week intervals) which is mandatory in the haulage industry, is of great value in ensuring safety,

(and safety would be enhanced by rolling it out across all the categories of vehicle for which exemption is proposed to be removed.) He thought many island operators might accept a higher frequency of safety inspection, say, monthly, as a trade-off for the continuation of the status quo. Facilities already exist for safety inspections to be carried out in all the exempt areas.

3.140 Finally, he noted that island vehicles were not exempt from plating, only testing.

3.141 Another Scottish island operator, John Thomson Construction, made similar points. Additionally they said that there was no relevance in the population of an island to this matter. The requirement to test should rest on whether there is a testing station on the island.

3.142 Classic Combines highlighted that ferry costs would be prohibitive to move vehicles from island to island for testing.

3.143 If testing really had to be introduced, then Classic Combines thought mobile test facilities may have to be brought into service.

3.144 DVSA mentioned the distances to the local ATF or DVSA operated testing station.

Question B16. Are there special considerations we need to be aware of with regards HGV tractor units used for drawing trailers or similar?

3.145

Table 3.26 - Question B16

	Number of responses
Yes	1
No	4
Don't know	0
Blank	65

3.146 DVSA said it was imperative to accommodating these proposed vehicles that they are based on a heavy goods vehicle.

3.147 No one else that responded could foresee any problems.

Question C1. Are there special considerations we need to be aware of with regards vehicles that may be captured within the current Regulation 44 exemption?

3.148

Table 3.27 - Question C1	
	Number of responses
Yes	0
No	2
Don't know	2
Blank	66

3.149 Road Haulage Association said not if they are standard tractor units. However it may be necessary to establish if current roller brake testers at DVSA and ATF outlets are capable of handling the braking effort produced by these vehicles.

3.150 DVSA said that those vehicles exempted by virtue of either regulation 44 of the plating and Testing Regulations or section 185/6 of the Road Traffic Act 1988 are either motor tractors/locomotives, Special Types abnormal indivisible loads tractor unit vehicles (AILVs) or vehicles with Individual Special Orders. Some of these are incapable of complying with construction and use/ authorised weights legislation as they are already overweight or close to overweight unladen or have special characteristics that would fail a normal HGV annual test. For example crash cushions have too many rear fog lamps.

3.151 DVSA maintain that the exempted vehicles are based on a "normal" HGV chassis. The exemption from testing in the Plating and Testing Regulations also includes an exemption from plating, and from the requirement for vehicle changes to be advised as notifiable alterations.

3.152 Removing the exemption out of Schedule 2 of the Plating and Testing Regulations would therefore require them to be plated at weights against which DVSA would expect to be able to brake test for compliance. Vehicles used solely under Special Types General Order (STGO) Category 2 and 3 have far lower brake efficiencies specified in STGO schedule 1 than would be expected from looking at their design weight and for STGO category 3 part of the park brake efficiency required can be achieved by the use of scotches which clearly cannot be replicated on a roller brake tester.

3.153 DVSA suggest a possible alternative is to recast plating and testing disassociating "plating" from "testing" for these specific vehicles and then issuing brake testing instructions for the.

Question D1. Are there special considerations we need to be aware of with regards vehicles that may be captured within the current Section 185 exemption?

3.154

Table 3.28 - Question D1	
	Number of responses
Yes	8
No	4
Don't know	1
Blank	57

3.155 DVSA's comments to question C1 also applied to vehicles exempted under Section 185 of the Road Traffic Act 1988.

3.156 Road Haulage Association response to this question was no if the vehicles were in standard tractor configurations.

3.157 A showman replied that this exemption was-

"originally envisaged to cover only the small number of vehicles which were used for specialist drawing of

trailers, hence the description locomotive and motor tractor indicate drawing vehicles the type used by such people as showmen and circus proprietors are perfect examples of this specialist vehicle. Unfortunately this section has probably been abused in later years, with construction vehicles and the like sometimes perhaps mistakenly being construed to meet the criteria. The tightening up of the exemption in line with the EU, but encompassing a UK interpretation would be most useful.".

3.158 The person above also suggested that the exemption might be reworded-

"Vehicles specially converted for the purpose of the haulage and transportation of circus and fun fair equipment, such vehicles in the case of locomotive or motor tractor which can be permanently fitted with a special appliance or equipment which is ancillary to the profession or trade of a showman or circus proprietor, such vehicles when travelling on the highway shall not exceed the prescribed speed limit applicable in Great Britain to such a vehicle".

DfT Comments

There has been a wide range of response and practical suggestions from respondents to the consultation. The Department will evaluate these responses and suggestions in detail when considering future changes and will seek to do so in ways that will promote road safety while minimising burdens on businesses and individuals.