



Department
for Transport

Specialised Heavy Vehicles: Exemptions from Annual Testing

Government Response to Consultation

September 2017

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Foreword

We have noted the views expressed in response to the consultation, and would like to thank all those who took the time to write to us.

The responses were broadly in favour of the principle of introducing mandatory roadworthiness testing for specialised heavy vehicles, which can weigh up to 44 tonnes, where this is practicable and proportionate.

The UK has an excellent record in improving road safety for all road users, and robust and comprehensive roadworthiness testing is a key means of achieving this. Our statistics indicate that the vehicles that are exempt from testing are more likely to be involved in road accidents that were caused by vehicle defects.

It is important that the regulatory regime keeps up as the vehicles used on our roads develop and adapt. Increased standardisation of design has made many formerly special, “untestable” vehicles no different from a practical perspective from heavy goods vehicles.

At the same time, we have listened to stakeholders’ views, and where there are good reasons for certain vehicles remaining outside the formal testing regime, the proposals have been modified accordingly.

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. As set out in our Road Safety Statement¹ published in 2015, the Government will pursue a wide range of policies to help deliver its commitment to reducing the numbers of road users killed or seriously injured each year. Roadworthiness testing is an important means of ensuring vehicles are in a safe condition to be used on the road.
2. Legislation specifies which vehicles must undergo roadworthiness testing, and sets the technical standards they must meet. This legislation has several exemptions from testing, including for many large and heavy vehicles, which have been in place for several decades.
3. Between 11 December 2014 and 5 March 2015, the Department consulted on removing some of the exemptions from testing for certain specialised heavy vehicles. The proposals were with a view to ultimately reducing the number of defects on currently exempt vehicles, and consequently the number of accidents these defects contribute to.
4. This document is the Government's response to the consultation, the final proposals and way forward. Alongside this, we are publishing an impact assessment of the expected costs and benefits of the changes.

Consultation proposals

5. We proposed that it is sensible that all heavy vehicles should undergo roadworthiness testing to identify defects, unless there is a clear reason why this is not practical or proportionate.
6. Annual roadworthiness testing for heavy goods vehicles is covered by the Goods Vehicles (Plating and Testing) Regulations 1988 (as amended). The regulations contain a number of exemptions from the requirement for annual testing for certain vehicle types (based on a mixture of design and use).² The consultation proposed to remove 12 of these exemptions, with the important caveat that this would only apply to vehicles that are based on an HGV chassis.
7. Vehicle defects can cause accidents, injuries and fatalities. The risk of an accident having serious consequences increases as the weights involved increase. Statistics show that vehicle defects are more likely to be a contributory factor in accidents involving the currently exempted vehicles than those involving typical HGVs. Introducing roadworthiness testing for some of these vehicles is therefore expected to reduce the number of such accidents.
8. Furthermore, the number of exempt vehicles is far higher than when the regulations were first made, for example with the advent of more applications for vehicle-based

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/487704/british_road_safety_statement_print.pdf

² Schedule 2. <http://www.legislation.gov.uk/ukxi/1988/1478/schedule/2/made>

plant. This raises concerns about material road safety risks arising from untested vehicles. It also creates inequity between operators of similar vehicles, some of whom are required to test their vehicles and others who are not.

9. We consider that these exemptions were initially put in place primarily on the grounds of practicality, as the vehicles tended to be of varied design and construction and would not all be able to undergo goods vehicle testing. However, specialised heavy vehicles are now much more standardised, in many cases based on typical heavy goods vehicle (HGV) chassis.
10. The consultation proposals were designed to implement the existing and new EU Directives on roadworthiness testing, 2009/40/EU and 2014/45/EU respectively.³ The latest Directive requires testing for:
 - vehicle categories N2 and N3 – motor vehicles designed and constructed primarily for the carriage of goods, having a maximum mass exceeding 3.5 tonnes;
 - vehicle categories O3 and O4 – trailers designed and constructed for the carriage of goods or persons, as well as for the accommodation of persons, having a maximum mass exceeding 3.5 tonnes.
11. This means that all specialised heavy vehicles constructed on or adapted from HGV chassis' are required to be tested. The current regulations exempt some vehicles that are considered category N2, N3, O3 and O4 and so we are required to amend our regulations to bring such vehicles into testing.
12. 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. However, we would like to make clear that we consider that the changes detailed in this document are worth making on the grounds of the above road safety rationale, irrespective of our current EU obligations.
13. The consultation received 70 responses. In general there was strong support from respondents for the introduction of annual roadworthiness testing for the vehicles covered in the consultation. A summary of responses to the consultation has previously been published on the gov.uk website.⁴

³ EU Directive 2009/40 currently governs the minimum requirements for a regime of periodic roadworthiness tests of vehicles used on public roads. The new roadworthiness Directive 2014/45/EU repeals 2009/40/EC and is to be implemented by 20 May 2018.

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/449362/HGV-responses.pdf

Government Response

Removal of Certain Exemptions

14. Consultation responses generally supported the proposals in the consultation and the rationale for these changes. For each vehicle type, we have considered the appropriateness of removing the exemption. These final proposals are in keeping with our view that vehicles based on an HGV chassis should undergo testing unless, for some reason, this is not practical or proportionate.
15. We will remove the exemption for the following categories of vehicle, where they are based on an HGV chassis:
 - 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 (but not road rollers and other specialised equipment not based on an HGV chassis);
 - Electrically propelled motor vehicles registered since 1 March 2015;
 - Tractor units pulling exempt trailers; and
 - Motor tractors and heavy and light locomotives exempted under sections 185 and 186 (3) of the Road Traffic Act 1988, where these are based on a HGV chassis.
16. We also consulted on removing the exemptions for:
 - Vehicles constructed or adapted for, and used primarily for the purpose of, medical, dental, veterinary, health, educational, display, clerical or experimental laboratory services; and
 - Heavy vehicles exempted under paragraph 44.1.(e) of the Goods Vehicles (Plating and Testing) Regulations 1988, i.e. vehicles operating under STGO or vehicle special orders under Section 44 of the Road Traffic Act 1988.
17. We have decided not to remove these two exemptions.
18. In addition, showman's vehicles, many of which are currently exempt from testing as plant or motor tractors, will remain exempt from testing via a new specific exemption.
19. 'Based on a HGV chassis' means vehicles that we would consider to be subject to

European Community Whole Vehicle Type Approval (ECWVTA) (if brought to market today) as category N2, N3, O3 or O4 vehicles. To add clarity, the new regulations will include an exemption for 'mobile machinery' which covers bespoke vehicle constructions, for example road rollers. Note that this does not include machines mounted to a HGV chassis.

20. The exemption for vehicles first used before 1960 will be amended so that vehicles which have been substantially altered will not benefit from this exemption.
21. In total, we estimate there to be around 29,500 vehicles that will be brought into testing. The largest groups of vehicles affected are breakdown vehicles, road construction vehicles and engineering plant. Each vehicle type is discussed in more detail below.
22. The consultation proposed to remove the exemption from testing for vehicles on the Isle of Bute, and also for vehicles based on the Arran, Great Cumbrae, Islay, Mull, Tiree or North Uist but which are used on mainland Great Britain. Vehicles used exclusively on these islands were proposed to remain exempt from testing.
23. The Department more recently ran a consultation in 2016 on introducing roadworthiness testing for fast tractors and technical changes to vehicle testing. It considered this island-related exemption alongside a proposed change for class VII vans (vans of 3-3.5 tonnes) on Bute. The response to that consultation is published separately and announces that we will implement the proposed changes for Scottish islands.

Plating

24. The focus of the consultation was on the requirement for annual roadworthiness testing. However, heavy vehicles within scope of annual roadworthiness testing are also by default within scope of vehicle plating. This involves DVSA issuing a plating certificate, in advance of a vehicle's first test, to be attached to the vehicle that denotes the maximum vehicle weight and maximum train weight. This assists with vehicle testing and enforcement. There is no fee to vehicle operators for being plated, but this imposes an administrative cost to DVSA, funded by roadworthiness test fees.
25. We asked whether vehicles being brought into testing should continue to be exempt from plating.
26. There was a general preference from respondents to continue exempting these vehicles from plating requirements. It should be noted that just over half of those who responded to this question were from the volumetric concrete mixer (VCM) industry. These responses were against plating on the principle that it would limit their operating weight to 32 tonnes.
27. We believe plating is of benefit in the testing and enforcement process, particularly where the vehicles operating weight changes substantially during use. Therefore, in general, the vehicles being brought into testing will be required to be plated.
28. However, we are aware that in certain cases there may be difficulties in determining the plated weight of the vehicle. Therefore, we intend to amend the regulations to give DVSA the discretion on whether a vehicle can be plated to allow these specific vehicles to undergo a roadworthiness test without a plate.

29. For VCMs, we are continuing policy work related to the maximum weight of these vehicles, and will not require these vehicles to be plated until a way forward on their maximum weights has been devised.

Testing Provision

30. Vehicles becoming subject to testing will join the existing goods vehicle testing regime where DVSA personnel test vehicles at Authorised Testing Facilities (ATFs). Where, due to the unusual design of a particular vehicle, this is not possible, the vehicle testers will satisfy themselves that safety and environmental standards will be maintained. The fees for these tests will be the same as applies to all currently tested HGVs.⁵
31. Responses to the consultation indicated that some individual vehicles may be difficult to test, or in some cases may not fit into ATFs.
32. Although, as discussed further below, vehicles operating under s44 orders⁶ will remain exempt from testing, a small number of vehicles in other categories may face similar issues and so we have considered special arrangements to ensure there is testing provision for these vehicles.
33. To do this, DVSA will be able to designate one-off or 'occasional' sites to test these vehicles. These may be neither ATF nor DVSA-owned sites, but will be places where a goods vehicle test can be conducted. This would apply only to vehicles that DVSA determine cannot reasonably be tested within the existing range of test sites, and is anticipated to be required infrequently.

⁵ <https://www.gov.uk/government/publications/heavy-goods-vehicle-fees/heavy-goods-vehicle-hgv-and-trailer-test-fees>

⁶ Orders issued under Section 44 of the Road Traffic Act 1988 which authorise the use of special motor vehicles

Detailed response on individual vehicle categories

Mobile cranes

34. Under Schedule 3 to the Vehicles Excise Act 1971 (as enacted), "mobile crane" means a vehicle designed and constructed as a mobile crane which (a) is used on public roads only either as a crane in connection with work being carried out on a site in the immediate vicinity or for the purpose of proceeding to and from a place where it is to be used as a crane; and (b) when so proceeding neither carries nor hauls any load other than such as is necessary for its propulsion or equipment.
35. Mobile cranes are constructed as either a crane fitted to a HGV chassis or a specialised, bespoke construction. The consultation proposal was to require testing only of the HGV based cranes.
36. Respondents generally agreed that HGV based mobile cranes should be tested, but acknowledged that some of the larger ones may not fit into ATFs and would need special arrangements because of their weight and height.
37. The exemption from testing will be removed for mobile cranes that are based on an HGV chassis.
38. Industry representatives have told us that the majority of these mobile cranes are specialised constructions, and would not therefore become subject to statutory testing. We are pleased to note that industry is developing a specialised voluntary testing scheme for the larger, bespoke construction cranes. We will help to facilitate this wherever possible.

Breakdown vehicles

39. Breakdown vehicles are motor vehicles with permanently mounted apparatus designed for raising one disabled vehicle partly from the ground and drawing that vehicle when so raised; and, which are not equipped to carry any load other than articles required in connection with that apparatus or for repairing disabled vehicles. This is the most abundant of all the vehicle categories considered in this consultation.
40. There was particularly strong support for the annual roadworthiness testing of these vehicles, as breakdown vehicles are generally based on a normal HGV chassis and are in regular use on the road. However, one trade association thought that modifications that enable these vehicles to fulfil their roles could pose difficulties for testing in ATFs, and some respondents suggested that breakdown vehicles operating under the special types legislation should remain exempt. Our decision to retain the exemption for s44 (special type) vehicles will mean that those larger breakdown

vehicles operating under this regime continue to be exempt from testing. Operators of unusual or modified designs need to ensure that they choose a suitable ATF that is able to accommodate their particular vehicle.

41. The exemption from testing will be removed for breakdown vehicles that are based on an HGV chassis. This will also address the current discrepancy between breakdown vehicles and 'light' breakdown vehicles and recovery vehicles, which currently need to be tested.

Engineering plant and other plant

42. Engineering plant is defined in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986 ("C&U") as movable plant or equipment being a motor vehicle or trailer specially designed and constructed for the special purposes of engineering operations, and which cannot, owing to the requirements of those purposes, comply with all the requirements of C&U and which is not constructed primarily to carry a load. The current exemption also applies to "plant not being engineering plant" which can comply with the requirements of C&U.
43. There are a large number of vehicles in this category, but given the wide variety of purposes of these vehicles and the wide variety of classifications applied to them we do not have robust data on how many are of standard HGV construction.
44. Some respondents were unsure whether their vehicles would be considered as based on an HGV chassis. As stated above, this distinction is based on whether the underlying vehicle has been/would have been subject to type approval as an N2 or N3 vehicle. The Department will publish guidance to clarify this point. As with other vehicle types, our decision to retain the exemption for s44 (special type) vehicles will mean that larger engineering plant operating under the Special Types regime continue to be exempt from testing.
45. The exemption from testing will be removed for both engineering plant and other plant that is based on an HGV chassis. Vehicles not based on a normal HGV chassis, such as some types of construction plant, will continue to be exempt. Due to the diverse range of vehicles this may affect, DVSA may need to test some of these vehicles outside ATFs. Volumetric concrete mixers will therefore be brought into testing.

Tarmac trailers

46. These are generally draw-bar trailers designed to transport molten asphalt in bulk. The asphalt necessarily needs to be heated on site and the trailers are therefore also equipped with some form of heating unit.
47. A number of concerns were raised by respondents to the consultation regarding the condition of the trailers at the time of testing to ensure they are clean enough and safe to test without the need for disassembly of the trailer. However, these trailers are already required to be roadworthy and to this end we would consider them likely to require periodical servicing. We will expect the trailers to be similarly prepared for a roadworthiness test as for servicing.
48. The exemption from testing for tarmac trailers will be removed.

Tower wagons

49. Tower wagons are vehicles which carry an integral expanding or extendible device for facilitating the erection, inspection, repair or maintenance of overhead structures or equipment, but which are not constructed for the conveyance of any other load.
50. No significant issues relating to testing these vehicles were identified by respondents to the consultation, though we understand they can be very large or tall. However, the hydraulic hoists generally collapse completely onto the body of the vehicle so we consider the vehicles are not likely to be oversized and unable to fit into ATFs.
51. Operators of unusual or modified designs need to ensure that they choose a suitable ATF that is able to accommodate their particular vehicle. Exceptionally, if a tower wagon is oversized or overweight, DVSA can test this vehicle outside an ATF.
52. The exemption from testing will be removed for tower wagons that are based on an HGV chassis.

Road construction vehicles

53. Road construction vehicles are defined in section 61 of the Vehicle Excise and Registration Act 1994 (as originally enacted). These are heavy goods vehicles which are constructed or adapted for use for the conveyance of built-in road construction machinery, and which are not constructed or adapted for the conveyance of any other load except articles and material used for the purposes of such machinery.
54. This category can include a wide range of body types, some of which may also be considered plant. This category also includes a number of highly specialised vehicles, such as road rollers, tar scrapers etc. These specialised vehicles will not be included in the testing regime due to their highly specialised nature and the difficulties in testing them.
55. A number of respondents to the consultation raised concerns regarding the condition of the vehicles at the time of testing to ensure they are clean enough and safe to test without the need for disassembly. As with tarmac trailers above, we expect these vehicles already undergo periodical servicing. We will expect these vehicles to be presented for test in a manner that the components can be tested.
56. We will remove the exemption from testing for road construction vehicles that are based on an HGV chassis.

Electrically propelled motor vehicles

57. These are the same as typical HGVs other than that they are propelled by electric motors rather than by an internal combustion engine. The original exemption would have applied to more uncommon electric vehicles, such as milk floats, and was not intended to apply to typical goods vehicles.
58. Currently, electric HGVs weigh up to 12 tonnes and can travel at more than 50mph. It is foreseeable that these vehicles will become more abundant, and that advances in technology will allow electric vehicles of more than 12 tonnes to become commercially available.
59. Prior to 2014, electric goods vehicles were not required to be type approved so have varying designs and specifications. In particular, traditional milk floats are not suitable

for standard goods vehicle testing, so we do not wish to bring these into the testing regime.

60. No significant issues relating to testing other electric vehicles were identified by respondents to the consultation. We will remove the exemption from testing for electrically propelled motor vehicles registered since 1 March 2015.
61. Removing the exemption now while this market is young will remove an ongoing imbalance between electric and fossil fuel powered vehicles, and prevent a larger impact if the exemption were removed in the future.

Tractor units pulling exempt trailers

62. These are normal HGV tractor units, only exempt from testing because the trailers they are towing are exempt. These trailers are either living vans, health/educational vehicles discussed below or over-run braked trailers.
63. No significant issues relating to testing these vehicles were identified by respondents to the consultation. They can be tested in the same way as all other HGV tractor units.
64. The exemption from testing for tractor units pulling exempt trailers will be removed where they are based on an HGV chassis.

Motor tractors and heavy and light locomotives

65. Motor tractors and locomotives are heavy vehicles that can move goods or other loads, but the weight of these loads is not imposed on the motor tractor or locomotive itself. Section 186 of the Road Traffic Act 1988 states that appliances and apparatus permanently fixed to the vehicle are not considered a load; this includes, for example, cranes fitted onto HGV chassis.
66. Motor tractors and heavy and light locomotives are not currently defined as in scope of the goods vehicle testing. We wish to avoid the unintended consequence of the vehicles that are being brought into testing here being exempted under another means, and so we propose to include motor tractors and locomotives into the scope of annual roadworthiness testing. The consultation recognised that showman's vehicles used to tow fairground equipment/rides are often considered motor tractors or locomotives. These have been considered separately, below.
67. The majority of respondents thought it was appropriate to remove the exemption in the interests of road safety. However, as with other special vehicles, some respondents were concerned whether some of these would fit into test centres or be suitable for normal HGV testing methods.
68. Motor tractors and heavy and light locomotives that are based on an HGV chassis will be brought into the scope of testing. Operators of unusual or modified designs need to ensure that they choose a suitable ATF that is able to accommodate their particular vehicle. Exceptionally, if a locomotive is oversized or overweight, DVSA can test this vehicle outside an ATF.

Health/educational Vehicles

69. These are vehicles constructed or adapted for, and used primarily for the purpose of,

medical, dental, veterinary, health, educational, display, clerical or experimental laboratory services.

70. Although no significant issues were raised by respondents to the consultation, on further consideration, we do not consider that it is proportionate to make these vehicles subject to testing. We understand that the numbers of these vehicles and their mileages are small and they do not operate in the same way as typical HGVs or other specialised heavy vehicles.
71. We have decided not to remove the exemption for these vehicles.

Vehicles operating under s44, Road Traffic Act 1988

72. These are vehicles which are authorised for use on the road despite not being compliant with all of the normal vehicle regulations, usually due to excess length, width or weight. There are two types of order which allows their use on the road:
 - Vehicle Specific Orders (VSO) made by the Secretary of State, which applies to individual vehicles
 - The Road Vehicles (Authorisation of Special Types) General Order 2003 (STGO) which authorises classes of vehicle which may be used on the road.
73. The orders also set conditions for the vehicle's use such as reduced speed limits and requirements to notify authorities of journeys.
74. VSO vehicles are generally highly specialised, non-conventional vehicles and includes trial vehicles. STGO vehicles are HGVs used for abnormal (oversized or overweight) loads, or overweight mobile cranes, engineering plant or breakdown vehicles.
75. The consultation proposed removing exemptions for these vehicles based on a normal HGV chassis, while leaving in place exemptions for vehicles of genuinely special type.
76. Respondents generally supported removing the exemption but pointed out that many of the vehicles would not fit into ATFs, or would be too heavy.
77. Following consultation, and on further consideration, we will not remove the general exemption for vehicles currently operated on section 44 orders. However, we intend to change the legislation so that the relevant orders (either for specific vehicles with VSOs or for classes of vehicles covered by STGO) in the future could include the condition that the vehicle(s) must undergo annual roadworthiness testing.
78. It is worth noting that many of these vehicles are subject to Operator Licensing, and are required to undergo routine maintenance and servicing as part of this regime.

Showman's vehicles

79. These are vehicles used for shows or fairs, usually comprising of HGV chassis' with fixed rides or shows. There are established categories of vehicle for the purposes of vehicle excise duty (VED) (but not currently for testing) as either 'showman's goods vehicle' or 'showman's vehicle':
 - i. "showman's goods vehicle" means a showman's vehicle which—
 - (a) is a goods vehicle, and

- (b) is permanently fitted with a living van or some other special type of body or superstructure forming part of the equipment of the show of the person in whose name the vehicle is registered under this Act
 - ii. “showman’s vehicle” means a vehicle—
 - (a) registered under this Act in the name of a person following the business of a travelling showman, and
 - (b) used solely by him for the purposes of his business and for no other purpose
- 80. Typically these vehicles have been exempted from testing as either motor tractors/locomotives, plant or living vans. With the removal of these exemptions, showman’s vehicles would also become subject to testing.
- 81. The consultation received responses from people operating showman’s vehicles. Showman’s vehicles have features distinct to this class of vehicle which makes them difficult to test: they are often oversized and may not fit into many ATFs, and consultation responses stated that the process of testing could damage the attached rides/shows. The vehicles also often travel in convoy and generally have low mileage compared with other heavy vehicles, limiting the potential road safety risk they pose.
- 82. We will introduce an exemption for showman’s vehicles and showman’s goods vehicles. The exemptions will match the existing VED categories.

Volumetric Concrete Mixer Weights

- 83. Volumetric concrete mixers (VCMs) are vehicles used to deliver concrete that is mixed on-site. The consultation document asked specific questions about whether VCMs should be permitted to exceed the standard 32 tonne weight limit for vehicles of their design.
- 84. Consultation responses were split between those who stated restricting VCM weights would increase their operating costs disproportionately, and others who thought they should be treated like all other HGVs. The Department has been in discussion with interested parties to identify a way forward on this issue, which will be communicated in due course. Until this is concluded, VCMs will be required to undergo roadworthiness testing, but will not be required to be plated.

Further Comments

85. Operator licensing is another means by which regulations ensure vehicles are operated safely and responsibly. It also allows for enforcement and penalties for those who do not comply with these requirements. Many of the vehicles affected by these changes are likely to be subject to the operator licensing regime, which provides a further safeguard for their safe use.
86. In parallel to this consultation, the Department consulted on removing the exemptions for some of these vehicle types from operator licensing. A response to that consultation will follow later this year.
87. Although we have not removed all of the exemptions from testing that were considered at consultation, the Department wishes to remind vehicle owners that they have a legal responsibility to ensure that their vehicles are roadworthy at all times. In addition, the Department encourages voluntary testing of vehicles that will remain exempt from statutory testing, and supports the ongoing initiatives of certain industry bodies to develop such schemes.

Next Steps

88. The changes will be implemented through amendments to the Goods Vehicles (Plating and Testing) Regulations 1988. The legal changes will take effect from 20 May 2018.