



Department  
for Transport

# **Future of transport regulatory review consultation:**

## Modernising vehicle standards

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# Introduction

We want the UK to be a world leader in shaping the [future of transport](#). A flexible and forward-looking regulatory framework for transport is critical to achieving this.

The Future of Transport regulatory review aims to address areas of transport regulation that are outdated, a barrier to innovation, or not designed with new technologies and business models in mind.

This consultation is the third opportunity for us to gather your views on the regulatory review, following the publication of the:

- [Future of Mobility: Urban Strategy in March 2019](#)
- [Future of Transport regulatory review: call for evidence on micromobility vehicles, flexible bus services and Mobility-as-a-Service](#), which ran between 16 March and 3 July 2020. A [summary of responses](#) was published in November 2020

This consultation aims to build on our 2019 and 2020 work. It seeks views and evidence from all those with an interest in what an innovative and flexible regulatory framework looks like for emerging transport technologies and puts forward specific proposals.

It also complements the 3-year review of driving legislation being undertaken by the [Law Commission of England and Wales](#) and the [Scottish Law Commission](#) to support the safe and lawful deployment of automated vehicles on GB roads.

The Law Commissions' work forms part of the Future of Transport Regulatory Review and is being conducted on behalf of the Centre for Connected and Autonomous Vehicles. It has included 3 consultations, focused on safety regulation, civil and criminal liability, and the use of automated vehicles as part of passenger services and of public transport networks.

**As part of the review, we're also consulting on:**

- [zero emission vehicles](#)
- [future of flight](#)
- [maritime autonomy and remote operations](#)
- [regulatory sandboxes](#)

You're welcome to provide feedback on as many topics as are relevant to your areas of interest and expertise.

## Background and proposal

We intend to develop a national framework allowing us to adapt the regulation of vehicles. This is essential for the safe deployment of automated and other innovative vehicles. We will also implement improved environmental standards and enforcement to better meet current and future challenges.

There are 4 areas where we are proposing to make changes. We are seeking views on:

- providing a modern framework for tomorrow's vehicles – regulating safety, security and environmental performance
- establishing a flexible, proportionate, and responsive approach to regulating safety, security and environmental performance of vehicles
- tackling tampering
- improving compliance, safety and security

For automated vehicles, the Law Commissions have stressed the importance of an appropriate authorisation process before vehicles are allowed for use on roads as self-driving. The proposals set out in this document seek to ensure the government has the necessary powers to achieve that outcome.

Final recommendations from the Law Commissions, due at the end of 2021, will clarify what further requirements will be needed to ensure that liability for the driving task can be fairly and effectively reallocated in the absence of a human driver.

# A modern framework for tomorrow's vehicles – regulating safety, security and environmental performance

We are seeking powers to amend (or repeal and replace) retained relevant sections of EU law. This would allow such legislation to be updated to reflect technological changes and ensure GB law continues to be fit for purpose, enabling us to make regulations on the approval of the design, construction, marking and labelling of:

- vehicles
- vehicle parts and equipment
- engines for non-road mobile machinery (NRMM)

In this context, the term 'vehicle' includes not only passenger and goods vehicles, but also trailers, 2- and 3-wheeled vehicles and quadricycles, agricultural and forestry tractors and their equipment.

We need the requirements and powers to be wider than those in the [Road Traffic Act 1988](#) to reflect the rapidly developing technological landscape which was not envisaged when the legislation was enacted.

We want to ensure we have powers to introduce provisions to permit the safe introduction of new technologies and new vehicle categories that do not meet existing approval requirements.

We also want to develop consumer information schemes such as tyre labelling.

We propose to create:

- an approval scheme for automated vehicles to set requirements for safety, security and in-use monitoring – this will cover systems, sub-systems and manufacturers' processes across the vehicle lifecycle (design, development, manufacturing and in-use operation)
- new technical regulations for road vehicles, such as approval and in-use obligations for software and cyber-security requirements over vehicle life – this will include the ability to direct vehicle manufacturers and suppliers of replacement parts to act where needed

- powers to ensure the correct maintenance and use requirements, most notably for connected and automated vehicles
- improved powers for monitoring and enforcement of in-use compliance and market surveillance activities – this will include requirements for manufacturers to provide information (such as technical specifications, performance data and access to embedded software)
- powers for the Secretary of State for Transport to amend, by statutory instrument, retained EU legislation on the type-approval of vehicles and NRMM – for example, the EU type-approval framework regulations and regulations covering engine pollutants and emissions

## A flexible, proportionate and responsive approach to establishing safety, security and environmental performance of vehicles

We anticipate a greater range of new and innovative road vehicle designs and associated technologies.

We propose a flexible, proportionate and responsive approach to allow safe, secure and environmentally friendly vehicles to come to market. These vehicles need to be registered for use on our roads without undue delay.

At the same time, we want to ensure that we can respond quickly to address any new and emerging security threats and safety risks. Flexibility will enable us to be responsive to developments and learn from the deployment of new technologies such as vehicle automation. This may be important for maintaining safety where new and previously unforeseen risks arise.

We propose to:

- revise the existing provisions around prototype vehicles and vehicle orders to better accommodate the registration and use of innovative vehicle designs
- create a power for the Secretary of State for Transport to issue guidance covering matters which may not be suitable for secondary legislation

Proposed revisions regarding vehicle orders include:

- enabling orders to apply to vehicles operated on behalf of specified persons
- applying order-making powers to retained EU approval legislation
- extending order-making powers to allow the registration and use of small volumes/small series innovative vehicles that do not comply with all type approval requirements subject to alternative safety/environmental/security measures being included

Such provisions should allow manufacturers and system suppliers to easily place new vehicles and technologies produced in limited numbers on the market. This will be subject to controls and conditions which maintain safety, security and environmental performance.

We propose giving power to the Secretary of State for Transport to issue guidance, supplementing vehicle approval regulations. This power is considered necessary to enable the regulator to respond appropriately and in a timely manner to:

- emerging technologies undergoing rapid advancements
- the latest knowledge and best-practice
- the latest methodologies for assessing vehicle safety and security

Example applications of this power could include:

- interpreting existing technical requirements and test procedures to enable application to new technologies
- best-practice for the use of virtual testing (for example, the validation of simulation-based testing)
- ensuring consistent and safe behaviours of automated vehicles under certain scenarios

We anticipate establishing appropriate consultation procedures to ensure the measures are proportionate and balanced.

## Tackling tampering

We will create new offences for tampering with a system, part or component of a vehicle intended or adapted to be used on a road. This will enable us to address existing gaps in the legislation, ensuring cleaner and safer vehicles. We will also create new offences for tampering with non-road mobile machinery (NRMM) and for advertising ‘tampering’ services or products.

This will strengthen our ability to enforce compliance in this area.

We are aware that the Law Commissions in both their first and third consultations on automated vehicles have considered tampering. We await their final recommendations and would welcome views on our proposals, as follows.

Specifically, we would look to create:

- a specific offence for supplying, installing and/or advertising, a ‘tampering product’ for a vehicle or NRMM – this would apply where a principal effect of the product is to bypass, defeat, reduce the effectiveness of or render inoperative a system, part or component (the product may be a physical part or component, hardware and/or software)
- a specific offence for removing, reducing the effectiveness of, or rendering inoperative a system, part or component for a vehicle/NRMM and advertising such services
- a specific offence for allowing for use or providing a vehicle or NRMM that has had the operations described in the previous 2 points performed on it
- a new power to require economic operators to provide information, where a service/product they have supplied amounts to or enables ‘tampering’ with a vehicle or NRMM – this would apply in any of the above senses and include requirements to provide relevant information on the quantities of products sold or modified

We would like to emphasise that our policy intention is to prevent modifications that have a negative impact on road safety, vehicle security and the environment.

We do not intend our proposals to:

- prevent legitimate motorsport activities
- prevent restoration, repairs or legitimate improvements to vehicles, such as classic cars or motorbikes
- negatively impact businesses involved in these activities

## Improving compliance, safety and security

We are seeking powers to enable the Secretary of State for Transport to set out in secondary legislation a new automotive recall regime.

This will mean we can require a manufacturer or supplier to recall and/or remove from sale, vehicles and other automotive products.

This will apply when the vehicle or product is found not to comply with type approval, safety or security standards.

The regime will require manufacturers to identify and report any vehicles that do not meet safety or cyber-security standards. The Secretary of State for Transport would have the power to issue a recall notice.

The manufacturer would be required to achieve a minimum recall rate in respect of any unsafe vehicles or components. They might also be required to compensate vehicle owners.

Failure to comply with such a notice, including a failure to achieve the minimum recall rate, would be enforced through civil penalties.

We propose a power for the Secretary of State for Transport to direct vehicle manufacturers and system suppliers to address urgent safety, security or environmental issues.

## How to respond

The consultation period began on 28 September 2021 and will run until 11:45pm on 22 November 2021. Ensure that your response reaches us before the closing date.

Further copies and alternative copies of this consultation document, such as Braille and audio CD, for example, can be requested at [FutureOfTransport@dft.gov.uk](mailto:FutureOfTransport@dft.gov.uk).

You may send your consultation response:

- via the [online survey](#)
- by downloading the [response form](#) and emailing us the return at [FutureOfTransport@dft.gov.uk](mailto:FutureOfTransport@dft.gov.uk)
- by emailing [FutureOfTransport@dft.gov.uk](mailto:FutureOfTransport@dft.gov.uk) directly with your comments
- by post at:

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London SW1P 4DR

When responding by email only, state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, make it clear who the organisation represents and, where applicable, how the views of members were assembled.

If you have any suggestions of others who may wish to be involved in this process, contact us.

## Questions

This is a list of questions that appear in the consultation and is for information purposes only. If you wish to reply to the questions, see How to respond.

Do you agree or disagree with our overall intention relating to modernising vehicle standards?

Overall, what are your comments on our intention?

### **A modern framework for modern vehicles – regulating safety, security and environmental performance**

Overall, do you agree or disagree with the package of proposals stated? Why and what are your comments on any of the specific proposals?

What aspects or potential applications of the proposed powers do you think:

- are particularly important for us to take forward and why?
- could create difficulties and why?
- could be excessively costly for industry to meet and why?

What data or evidence can you provide, or direct us to, that would allow us to assess the potential costs and benefits of the proposals put forward?

Are any of the proposed requirements expected to:

- give rise to challenges and why?
- be excessively costly to comply with and why?

### **A flexible, proportionate, and responsive approach to regulating safety, security, and environmental performance of vehicles**

Overall, do you agree or disagree with the package of proposals stated? Why and what are your comments on any of the specific proposals?

What further provisions, beyond those proposed, relating to prototype vehicles or vehicle orders would better enable the registration and use of innovative vehicles?

Are there any areas of type approval where you think it may be appropriate to issue technical guidance in place of, or to supplement, secondary legislation? What type of approvals and why?

What data or evidence can you provide, or direct us to, that would allow us to assess the potential costs and benefits of the proposals put forward?

Are any of the proposed requirements expected to:

- give rise to challenges and why?
- be excessively costly to comply with and why?

### **Tackling tampering**

Overall, do you agree or disagree with the package of proposals stated? Why and what are your comments on any of the specific proposals?

We define a system, part or component as ‘software and/or hardware that impacts on the environment, road safety or security’. This would include examples such as those which assist or fulfil the driving task, control power, speed or emissions, protects road users or protects the vehicle from tampering.

Do you agree or disagree with this definition? If you disagree, why and how would you define it?

For our purposes, the scope of the measure is tampering with a system, part or component of a vehicle or NRMM. Provide any information on how widespread tampering is.

What if any other:

- services could be inadvertently affected by the proposals on tampering?
- products could be inadvertently affected by the proposals on tampering?
- exemptions should we consider on tampering?

What data or evidence can you provide, or direct us to, that would allow us to assess the potential costs and benefits of the proposals put forward?

Are any of the proposed requirements expected to:

- give rise to challenges and why?
- be excessively costly to comply with and why?

### **Improving compliance, safety and security**

Overall, do you agree or disagree with the package of proposals stated? Why and what are your comments on any of the specific proposals?

What, if any, barriers or reasons exist that prevent manufacturers from recalling certain vehicles and which we should consider when setting minimum recall rates?

What data or evidence can you provide, or direct us to, that would allow us to assess the potential costs and benefits of the proposals put forward?

Are any of the proposed requirements expected to:

- give rise to challenges and why?
- be excessively costly to comply with and why?

### **Public Sector Equality Duty**

Supply any data or evidence you have about any of the proposals discussed that you think would positively or negatively impact on individuals with protected characteristics.

### **Final comments**

Any other comments?

## Next steps

These responses will complement evidence gathered from the [Future of transport regulatory review: call for evidence](#) and other work on the [Future of Transport](#) to inform our work on this regulatory review. A government response will be published in due course.

In the call for evidence, we said that ultimately the regulatory review may conclude that substantive legislative reform is required. We will continue to engage with stakeholders as our plans develop and as we determine areas where changes to primary legislation are necessary. Where that is the case, we would look to bring forward legislative proposals when Parliamentary time allows.

## Consultation principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator  
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