



MOT exemption for Vehicles of Historic Interest

After some uncertainty and speculation, the UK Government has clarified its approach to the implementation of its obligations under the EU Roadworthiness Testing Directive and how it will affect the UK MOT test as it applies to historic vehicles, and specifically Vehicles of Historic Interest (VHI). The Federation of British Historic Vehicle Clubs (FBHVC) has represented the historic vehicle movement's interests in discussions with the Department for Transport (DfT) and in a recent FBHVC newsletter and addendum set out a clear update. Here is a brief summary but first an important clarification which can avoid possible confusion over several matters relating to historic vehicles.

Clarification

The new MOT exemption arrangement is one of three entirely separate matters concerning historic vehicles, which thankfully will stay separate as none of them affect each other at all:

- **MOT exemption** – this was previously available to vehicles built before 1960 cut-off but from 20th May 2018 will be available to vehicles manufactured or first registered over 40 years ago and declared to be a VHI. Then it will be available on a rolling 40 year basis.
- **VED exemption** for vehicles with the “Historic” road tax class is available on a rolling 40 calendar year basis. This concession was introduced several years ago and has not changed. The relevant date is the vehicle “built” date. A vehicle is eligible for a NIL value VED whether or not a car is declared a VHI. In the first year of eligibility the concession is available from the 1st April.
- **Re-registration of a vehicle that has undergone substantial change.** The requirement to report changes to DVLA that affect the V5C and consider whether this is a radically altered vehicle. This is where the DVLA eight point rule comes from and it has no relevance to whether a vehicle is a VHI. This is an existing requirement not altered in any way.

EU Roadworthiness Testing Directive

As with all EU directives, a period is allowed for each individual EU nation to implement them under their own national law. The general principles of the EU Directive were actively supported by the UK Government on road safety grounds, and the DfT believe, with

some justification, that the UK system of MOT testing is robust and effective. Most of the content of the EU Directive has nothing to do with historic vehicles, but the DfT considers that the right to grant MOT exemption is limited by the precise permission in the EU Directive, and it must therefore limit the right to MOT exemption to those vehicles which meet the definition of a “vehicle of historic interest” in the Directive.

Vehicle of Historic Interest

A VHI is a vehicle considered to be of historical interest to Great Britain and which:

- was manufactured or registered for the first time at least 40 years previously.
- is of a type no longer in production.
- has been historically preserved or maintained in its original state and has not undergone **substantial changes** in the technical characteristics of its main components.

The use of a rolling 40 years as the time limit for the availability of MOT exemption was chosen generally to reflect the age of a vehicle when it becomes eligible for a change to the “Historic” road tax class and then the availability of VED exemption **but is not linked to it**. VED exemption is a separate procedure involving applying for a change to the “Historic” class for road tax at a Post Office and then applying for a NIL value VED either online or at a Post Office counter. Both procedures are administered by DVLA.

MOT exemption available to VHIs

The decision that the UK should exempt VHIs from MOT testing has been taken following a UK Government public consultation on “Roadworthiness testing for vehicles of historic interest” launched in September 2017 and an examination of accident statistics. In the view of the DfT an increased exemption beyond the current 1960 cut-off will not lead to a greater number of accidents. So the **UK Government decided that most vehicles over 40 years old (on a rolling basis) will be eligible for exemption from MOT testing from 20th May 2018** but until the owner takes the active step of declaring the vehicle a VHI it will still require MOT testing. Those vehicles that have been “substantially changed” will still require annual testing. The DfT has now published final **guidance** as to what constitutes “**substantial change**” in the context of old vehicles.

It's important to note this UK Government decision provides a right to an MOT exemption but there continues to be no prohibition whatsoever on an owner of an MOT exempt vehicle continuing to submit their vehicle for an annual MOT test. MOT testing will remain the responsibility of the Driver and Vehicle Standards Agency (DVSA). It's also important to note that roadworthiness testing has nothing to do with vehicle registration or vehicle licencing (VED).

Substantial Change

The MOT exemption regime will be administered by way of departmental guidance in a document known as “**DfT: Substantial Change Guidance**” (Guidance) which is not strictly part of UK law but is administrative in nature. What the Guidance does is to set out formally how DfT and its agencies, DVSA and DVLA, will administer the application of legislation. Much of the Guidance is the proposed regime for deciding whether a vehicle is a VHI. A vehicle built more than 40 years ago is a VHI unless it has, within the previous 30 years, undergone “substantial change”. The Guidance sets out the criteria to be considered in assessing what constitutes a substantial change, primarily by assessing what is not to be considered substantial.

The process of obtaining recognition as a VHI is one of **self-declaration by the keeper of the vehicle**. Each year when the keeper applies for licencing the vehicle for the next period, whether online or at a Post Office, which is required annually even for a vehicle which is entitled to the NIL rate VED, there will be a question on the application about the status of the vehicle as a VHI. Clearly if a vehicle that has been self-declared as a VHI subsequently undergoes a substantial change it will not continue to be a VHI and the keeper will not be able to declare it a VHI in the year following the change. The FBHVC firmly advises keepers not to wrongly declare a vehicle a VHI if it is known to have undergone substantial change within the previous 30 years.

The **VHI requirement refers to technical standards, not originality**. This applies to all components so permits the gradual like for like replacement of components of all types, including chassis or monocoque, which many historic vehicles have to have simply in order to remain roadworthy. In the listing of components, the absence of specific reference to transmission is deliberate as it is recognised that almost every gearbox change will have been made for efficiency, safety or environmental performance.

Criteria for substantial change

The Guidance says "a vehicle will be considered substantially changed if the technical characteristics of the main components have been changed in the previous 30 years, unless they fall into specific categories". The main components are:

- **Chassis or monocoque bodyshell** – replacements of the same pattern as the original are not considered a substantial change.
- **Axles or running gear** – alteration of the type or method of suspension or steering constitute a substantial change.
- **Engine** – alternative engine size of the same basic engine are not considered a substantial change. If the number of cylinders in an engine is different from the original, it is likely but not necessarily the case the current engine is not alternative original equipment.

But the following are considered acceptable (not substantial) changes if they fall into these specific categories:

- Changes made to preserve a vehicle, which in all cases must be when original type parts are no longer reasonably available.
- Changes made of a type that can be demonstrated to have been made when the vehicles of the type were in production or in general use (within 10 years of the end of production).
- Changes made to axles and running gear made to improve efficiency, safety and environmental performance.

There is an interesting sweeper clause covering "reconstructed classic vehicles as defined by DVLA guidance" saying "if the vehicle has been taxed as a "historic vehicle" (built more than 40 years ago) and has not been modified during the previous 30 years, it can be considered a VHI". But a bold text rider adds "this guidance is only intended to determine the testing position of a substantially changed vehicle, not its registration."

The Guidance refers to "marque or historic vehicle experts" and that a list will be published on the FBHVC website so vehicle owners wishing to discuss their car for a declaration may choose to contact the appropriate nominee from this list.

What is the situation with an MGBV8 Conversion?

If the car is over 40 years old, taxed as a "historic vehicle" in the "Historic" road tax class noted on its V5C and it has not been modified in the last 30 years, it would appear to be eligible as a VHI and from 20th May 2018 if so declared by the owner would not need an MOT. However, if the car has been modified within the last 30

years then the owner will need to check whether the car has been "substantially changed" within the last 30 years against the criteria in the Guidance summarised above. By definition a V8 conversion will have had a replacement V8 engine and, if that change has been made in the last 30 years, then it could be argued by the owner that engine changes of that type were "made when vehicles of the type were in production or in general use (within 10 years of the end of production) as Ken Costello and others were of course making such changes." On that basis it would appear to meet second category of acceptable change above. It could also be argued that the V8 engine was in fact alternative original equipment for the MGB.

Other MGBV8 modifications

Several other modifications to both MGBs and also to Factory MGBGTV8s are power steering, front suspension and IRS upgrades from Hoyle and Frontline, and replacement gearboxes. Although Hoyle upgrades were not first available until 2000 a change could, like the other examples, be a change that could be considered as meeting the third acceptable change category above on the basis it was a change made to improve efficiency, safety and environmental performance.

Concerns over not having a regular MOT test or inspection

Many classic car enthusiasts have expressed concern over not having a car over 40 years old regularly tested. The discipline of preparing a car for an annual test and then its close examination by an experienced MOT tester can uncover issues and areas of concern which might easily be missed even by a careful owner. Whether the car is tested or not, keepers of VHIs exempt from periodic testing continue to be responsible for the roadworthiness of their car both as a legal requirement but usually also as a motor insurance condition too. Our TABS promotion – "test and be safer" - supports those concerns. The FBHVC is compiling a list of testers fellow classic car enthusiasts report as good at testing their cars – see the FBHVC website for details.

Useful documents:

FBHVC News 1018-1 with an update on Roadworthiness Testing which explains the UK Government's approach to the implementation of the EU Roadworthiness Testing Directive and

DfT: Substantial Change Guidance (revised document) and

Flowchart for a VHI declaration with reference to the DfT: Substantial Change Guidance and MOT exemption

See our "More" webpage at www.v8register.net/more.htm