

## FBHVC reports

The Federation of British Historic Vehicle Clubs exists to uphold the freedom to use old vehicles on the road. It does this by representing the interests of owners of such vehicles to politicians, government officials, and legislators both in UK and (through membership of Fédération Internationale des Véhicules Anciens) in Europe. FBHVC is a company limited by guarantee, registered number 3842316, and was founded in 1988.

### UK LEGISLATION

#### DVLA

#### Correcting Registrations

Bob Owen – August 2015

The Newsletter is a little late this time, because we have delayed it so we can report properly on the issues arising from the letter, which many of you will already have seen and which is reproduced below. I am afraid I am going to go on at some length but I feel in view of all that has happened it is essential that you all understand where we are and how we have got to this position.

We have to start from some principles. I have had to read up on some archived papers fully to understand the whole situation, and here is what I have found. The record shows that the Federation first agreed to become involved in what became the V765 Scheme in 1990. We did so because the setting up of a formal scheme to enable vehicles to be reunited with their previous registrations was very much in the interest of our members, not only of prestige vehicles, but of all the rest as well. As the scheme developed it was expanded to permit vehicles which could not, for a variety of reasons, obtain a previously held registration, but were clearly historic, to be allocated a registration which generally reflected its antiquity. Authenticity was very important from the outset. It has always been clear that the Federation does not and will not support the representation of modern replicas, however well produced or true to the originals, as being actual historic vehicles. They are not.

I think I should quote verbatim from the last paragraph of an internal Federation note dated 30 April 1990 defining the basis of our involvement, because it is very relevant: 'the above [Federation involvement in the scheme] is necessary because ... problems could arise if registration numbers are issued in any way that is not absolutely above board and able to withstand any investigative scrutiny...'

I wish to make it clear to all members that the Federation's actions in the recent past have been totally in accord with our obligation to support this position, which we clearly undertook in 1990 on behalf of all, not just a section, of our members. Two circumstances would appear to have come together to create the position the Federation now finds itself in.

Firstly, the **DVLA decided to close its Local Offices** in the cause of efficient government and centralised its records, including records of V765 and age related registration applications. As a consequence it was able to work to ensure consistency in its approach to the subject of the allocation of historic registrations.

Secondly, a specific example came to the attention of DVLA which suggested that, in at least one case, a **registration had been issued based upon information which was not totally correct**. They examined their records and were of the view that there might possibly be a pattern concerning a single marque of vehicles. They were also of the view that the problem they thought they had identified was unlikely to be limited to a single marque. They thus involved the Federation through their usual channels. The Federation, at the direct request of DVLA, took two actions. Firstly it recommended an **FIA qualified scrutineer who examined one vehicle** in the presence of a representative of the club concerned with the marque. Secondly, we advised DVLA that, from a publicly available source, a **number of examples appeared on the face of it to be worthy of examination**.

The outcome of the inspection does not concern us here, nor did the Federation get involved further in any detail of any of these examples. The Federation takes the view that both of these actions were required of us in pursuance of the position of a 'guarantor', on behalf of the historic vehicle movement, of the V765 and related schemes. We are aware that there are those who disagree but our conscience on the matter is clear. We were briefed by DVLA that they had taken account of the examples which we had noted, and found a significant number more on their own account, and would be contacting the keepers of these vehicles. We don't know who these individuals are.

We are bound to note that, rather than work with us, the **marque club has taken steps to limit FBHVC involvement in the general question**. In view of the certainty that the DVLA investigation will expand to other marques this might be thought questionable from those who clearly have a sectional interest. DVLA has kept the Federation aware of the generality of its investigations and the course of action it was proposing to take, which, it will be recalled, was expected to affect owners of other marques and was therefore the proper business of the Federation. We have, perhaps unfortunately in the light of events, not kept our members as fully aware of our discussions with DVLA on this matter as we might have, in an attempt not to embarrass clubs which might be directly involved.

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At the end of June a **briefing note was widely circulated by the marque club warning of the DVLA letter**, which no one other than DVLA and the club had apparently at that time seen. The note summarised fairly accurately what we understand to be the policy approach of the DVLA. It also stated that DVLA would write to the keepers of all their vehicles. It did not include any detail of the letter. The note was addressed to 'Owners of ... and Historic Vehicles' which strongly suggests that the club had taken it upon itself to become the negotiator with DVLA on behalf of the entire historic movement. This possibility had most certainly not been discussed with the Federation despite the Federation's obvious involvement through its formal position in the schemes. Addressees were invited to seek confidential briefing from the club. According to at least one forum reporting on a briefing, **it was suggested that DVLA were planning to send the letter to the keepers of all historic vehicles as a method of creating a definition of historic vehicles for the purposes of the EU Roadworthiness Testing Directive. We must assume that the person briefing was reflecting a view expressed from within DVLA or DfT, but it most certainly did not represent any policy promulgated by either of them in any official way.** This suggestion, from wherever it emanated, has received very wide circulation and has caused a high level of concern among our members.

On **3rd July** we finally received the text of the letter from DVLA. This was the same day as it was sent to the keepers of first marque investigated. The text is clearly designed to be capable of being sent to other marques. We will not speculate why, but we need to make absolutely clear that the Federation had no prior knowledge of either the general approach or the precise terms of the letter. We think this very unfortunate and will continue to try to establish how it came about.

On **9th July** we had a planned meeting with DVLA. Obviously the first item on the agenda was this letter. We made clear we were commenting having had no prior knowledge of, nor input into, its terms. We asked directly if there was any intent to send a letter in these terms to all keepers of historic vehicles. **DVLA assured us that there is no current intention in DVLA to send this letter to all keepers of historic vehicles.** In DVLA Policy's view the **letter was entirely focused on the sorting out of 'incorrect' registrations.** They did not identify any connection between this letter and the EU Roadworthiness Testing Directive.

As you will know, one of the ways the Federation looks after the interests of its members is that we are the body invited to have regular meetings to brief them on the development and applications of laws and relations with the All Party Parliamentary Historic Vehicles Group. We have just had our first meeting with APPHVG since the General Election. We discussed our concerns fully with the Group. We can assure our members that the Group were clear that sending a letter in these terms to anyone except the keepers of vehicles which might have been incorrectly registered would be to open up a great number of questions about the propriety the questions it implies and to create an immense problem in DVLA as to how it would deal with the many and varied responses which would be received. We know they will be taking the matter further on our behalf within Government.

Any attempt to create a new definition of vehicles of historic interest in the UK would clearly be a major issue on any such consultation and the Federation would expect to be fully involved in the planning of any exercise to do that. To date it has not been suggested to us.

Just to be very clear, the Federation is fundamentally opposed to the issue of such a letter to all keepers of historic vehicles, especially if it were to go to the keepers of vehicles which have always had their registration and have thus, right up to today, been subject simply to the usual obligations of roadworthiness and to keep DVLA advised of any changes which are needed to keep the V5C Registration Certificate correct.

We know that the concern of members about this alarm was that if the letter were to have been sent, it could have resulted in many cherished vehicles, which had over the years been perfectly legally reconstructed, restored, reconstructed and improved suddenly being retrospectively deemed unworthy or at worst illegal and banned from the roads. And this might have happened on grounds established by DVLA of which no one has any knowledge. Be assured the Federation would be out there leading the fight against any such proposal.

As we mentioned, one of the suggestions was that this was connected with the EU Roadworthiness Testing Directive. For this to be the case, it would have to be included within the overall work on Roadworthiness Testing, which we know is being progressed in the Department for Transport. The entire proposals on the application of a changed Roadworthiness Testing regime to apply the Directive will have to be the subject of a full formal consultation, in which the Federation, and indeed any other interested body, will be fully entitled to participate. So any implication there may have been, or that members may have formed, that the Federation is not involved in the overall question of 'incorrect' registrations, or that it has not been doing all in its power to protect the rights of all of its members, is simply incorrect.

### UK LEGISLATION

#### A DVLA Problem

Bob Owen, August 2015

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Ian writes at length in his pages on the detailed aspects of **evidence for V765 and age related registrations and its interpretation in DVLA**. But I wish to say something more general. Sometimes it is only after a little while that one realises there might be a problem. And I think that time has come.

The Federation absolutely understands why DVLA have felt a need to tighten up their procedures and ensure consistent approaches following the shutting of the Local Offices and the other much publicised problems I have referred to above. But I know several members, especially those used to approaching DVLA to obtain registrations for their members' vehicles in a completely honest and open manner, are becoming distressed at not being quite clear what they are supposed to do, whether what they have always done will still be acceptable and, worse, whether DVLA trusts them anymore. And we have not always been able to advise them as clearly as we would like.

This has most certainly arisen from changes being produced in a piecemeal manner and not always promulgated in DVLA paperwork in as clear a manner as members of the public dealing with Government have the right to expect. We have taken this up with the All Party Parliamentary Historic Vehicles Group and we will shortly be approaching the people we deal with in DVLA to ask that we work together to get everything put onto a clear and unambiguous basis. The Federation really wants to work with DVLA to get the best and fairest possible responses for our members and we feel this will be the way to do so.