



Extracts from the recent report from the Federation of British Historic Vehicle Clubs (FBHVC)

Several interesting matters were covered in the latest FBHVC report – their August Newsletter 2016.

Continuous Insurance Enforcement

From the correspondence we receive it seems that there may be some confusion regarding the operation of Continuous Insurance Enforcement (CIE). We are indebted to DVLA for this up to date explanation of how the system operates.

Uninsured vehicles are identified by comparing DVLA records against those held on the Motor Insurance Database (MID) and once they are identified, CIE places a strong emphasis on compliance (getting people to do what the law requires). There are two stages:

Insurance advisory letter issued by MIB

First the Motor Insurers' Bureau (MIB who are responsible for MID) sends them an **Insurance Advisory Letter (IAL)**. This letter is a warning and sets out the keepers options:

1. Insure the vehicle
2. Contact their insurer, if they have insurance to find out why there is no record on the MID.
3. If they are no longer the keeper, notify DVLA,
4. Make a SORN declaration.

In addition to these four options listed in the IAL there is also a possibility that the vehicle has been destroyed in which case that should similarly be informed to DVLA.

Enforcement action by DVLA

If the registered keeper does nothing, DVLA will take enforcement action and issue a **Fixed Penalty Notice (FPN)**. If the FPN is not paid, Court action is an option. However, the FPN gives customers the chance to dispute the FPN for reasons such as insurance being in place, the vehicle having been disposed of or a Statutory Off Road

Notification (SORN) having been declared for the vehicle.

Disputes are investigated by enforcement clerks to establish if there has been any error on the part of the insurer (failure to update the MID, or a MID entry with the incorrect registration number assigned) or a delay in processing a SORN or disposal notification within DVLA. Where it is established the keeper took action to ensure the vehicle is compliant with CIE prior to the FPN issue, the case is closed and the keeper will hear no more on the matter.

Do not ignore an Insurance Advisory Letter

The key point to remember is that the IAL is an important document and should you receive one it is necessary to take the appropriate action. It is easy to check free of charge if a vehicle is on the MID at <http://ownvehicle.askmid.com/> You should also ask your broker or insurer specifically about the MID. Confirmation that one is in fact insured is not enough, from our information it appears that one of the major historic vehicle insurers, not brokers, has an on-going problem keeping their MID entries up to date, so it could be worth checking your vehicle/s.

Black & white/silver number plates

An FBHVC member drew our attention to an MOT problem with black and white/silver registration plates. We reported correctly last year that the date up to which these plates were permitted had become linked to the historic tax class, that is, 40 years old. Thus **currently vehicles manufactured before 1st January 1976 are permitted to use black and white plates**. However this revision to the Regulations has not yet reached the MoT Testers Manual where the cut-off date is still quoted as 1st January 1973. DVSA have informed us that the manual will be revised ASAP but until it is the MOT status of vehicles manufactured between 1 January 1973 and 1st January 1976 which are fitted with black and white plates will have to be established on a case by case basis. It may unfortunately be necessary on occasion to explain this to an individual tester.

EU Legislation - after the Referendum

Before you read this, remember it is about legislation, and whatever your Leave or Remain view, keep calm! I think some explanation may be useful. Nothing has changed. There have as yet been no changes to legislation. The referendum is close in effect to a General Election; it

decides the policy the Government should follow. So the **United Kingdom is at present a member of the EU and subject to all its laws and regulations**. We have to 'resign' (presumably by invoking Article 50 of the Lisbon Treaty) and even then resignation will take time.

As yet we are at the **early stages of the establishment of Government policy on how to engineer withdrawal from the EU**. This could affect the areas of interest of the Federation; a decision to seek continued membership of the Single Market could mean a large proportion of laws remain unchanged. Alternatively, a decision to go for a less structured free trade regime would provide more freedom for the removal of EU laws.

What is certain is that traffic laws, and in particular those relating to historic vehicles, will have little or no influence on how these decisions are taken or what they are.

Things that do not need to change

Let's start with the things which do not need to change at all.

1. Registration system

First and most important is the registration system. It is national, set up and operated by the UK Government for Great Britain (England Wales and Scotland) and by the Government of Northern Ireland for Northern Ireland.

Both parts are largely operated by DVLA, though DV(NI) does the actual procedures in Northern Ireland. Thus the registration systems do not need to be changed on account of the referendum.

This includes V765, Age Related, Reconstructed Classics etc.

The Federation will, exactly as it already does, work with DVLA to obtain the best possible arrangements for historic vehicles that we can.

2. Low Emission Zones and Ultra Low Emission Zones

are already wholly devolved to local authorities. While over the coming years the sources of data which local authorities use to reach their decisions might change, it seems unlikely the science of either climate change or the effect on public health of diesel emissions will change so much that these local authorities will cease to wish gradually to impose constraints on motor traffic in urban areas. The Federation will continue to work, as it has successfully so far, to maximise the level of exemption which can be obtained for historic vehicles.

3. **Matters affected by EU law**

Generally, things which are affected by EU law may or may not change. Where EU law currently covers a matter which will still need control in the UK, relevant UK laws may not be changed. As there will be an immense pressure on the Civil Service, and particularly on Parliamentary draughtsmen, to change those laws which really do have to be changed, matters which are seen as fairly suitable for adoption without change will inevitably have a low priority.

4. **Vehicle standards**

They are partially affected by EU law. This will almost certainly effect the operations at least of DVSA over the coming period. We do not know how and it is pointless to speculate. The Federation will meet with challenges in this area which affect historic vehicles as they arise.

5. **Chemicals**

They remain wholly subject to the provisions of REACH. It is to be expected that the substance of these Regulations will remain in place though procedures would probably change. Redrafting is probably an unnecessary effort, as the need to control dangerous chemicals is such that they would only have to be replaced by something similar. It is possible that the introduction of new substances might be slowed in respect of the UK, and the Federation will be keeping a clear eye on any developments which could affect the keeping, sale maintenance or repair of historic vehicles, just as we have when it was an EU matter.

6. **Exporting and importing vehicles to and from the EU**

We know that many of you have over the years been involved in the export of vehicles into, and import of vehicles from, the EU. Almost certainly the formalities will change and become more extensive. But again we do not know and it is pointless to speculate.

7. **Periodic roadworthiness testing**

The area which you will all be aware is currently being affected by EU legislation is Periodic Roadworthiness Testing. The Directives concerning this subject remain currently in force. The UK Government has been considering how exactly to incorporate the 2014 Directive into the laws of the United Kingdom. The directive was not seen as particularly

contentious, so it may be that the Department for Transport will continue to work to adopt its terms into the laws of the United Kingdom. Or they may not. We do not know. The Federation has got itself ready to deal with the consultation we were expecting to be issued earlier this year, should it appear. But again, it may not. We will attempt to find out.

I trust these ramblings make things clearer as to the present position and the immediate future. If they do not, please do contact me on legislation@fbhvc.co.uk and I will try to explain more clearly any issue on which you feel unclear.

FIVA

The Federation was fully engaged through FIVA in EU matters right up to the date of the referendum, with the UK taking a particularly active part, for instance, in the discussions regarding control of firearms.

The following items on EU affairs are the most recent in the series of matters on which we have regularly advised you. They bring you up-to-date on the business of the EU regarding historic vehicles, right up to the date of the referendum.

European Parliament Historic Vehicle Group meeting

The EPHV Group met on 1st June. The main item on the agenda was the availability and access to vehicle data and data protection. Members showed great interest in the Belgian Federation's data system and its use to help retrieve stolen vehicles, and questioned whether action was possible to address the fact that data availability and access varies greatly between Member States. The meeting also presented an opportunity for FIVA to provide the members an update on other current issues including the European Commission's work to draft guidance for Low Emission Zones (see previous EU issue updates). The Group members agreed that they will write to Commissioner Bulc to urge early publication of the chapter about 'exemptions' which is expected to note that historic vehicles can be exempted from LEZs. The Group will then also use all opportunities to promote the Guidance to Member State authorities.

FIVA's Legislation Commission has already asked ANFs to contact their MEPs who are members of the EP Internal Market Committee to encourage them to support the relevant amendments. The action will need to be repeated prior to the Committee's July vote. FIVA's Legislation

Commission will contact ANFs at the appropriate time.

Diesel vehicles in cities

EP Committee study calls for a ban on diesel vehicles in cities to meet pollution limits. A study commissioned by the European Parliament's Environment Committee has concluded that Member States that are failing to comply with EU air pollution limits should consider banning diesel cars in cities, or at least reduce the number of diesel vehicles.

The research showed that in 2014 two thirds of Member States had breached limits for pollutants such as nitrogen dioxide (NO₂) and particulate matter (smaller PM_{2.5} and larger PM₁₀) set in the EU Ambient Air Quality Directive. The study also predicted that full compliance with the Directive across all EU member States will not happen until 2030; that NO₂ remains a particular problem as 18 countries – including France, Germany, Italy and the UK are still above the 2010 limits; and that a complete ban on diesel vehicles in inner-city areas – as well as greater support for public transport – is now required for failing Member States to comply with the Directive. But the report also acknowledged that banning diesel vehicles would require a 'huge effort' from policymakers as they would need to reverse tax policies developed during the years of diesel promotion.

Also of note was that the report identified a number of different causes for pollution across Eastern European hotspots. For example, in Krakow, Poland, and Plovdiv, Bulgaria, traffic pollution was not the only reason these cities breached limits for PM₁₀ as pollution from domestic heating was also responsible.

FBHVC website is at: <http://fbhvc.co.uk/>