

Roadworthiness

Definition of MOT Exempt Vehicles

The Federation has received further information which allows us to clarify one area of the information we provided in the last issue.

The DfT Guidance concentrates of course on the Substantial Change aspects of the exemptions. It is however misleading in its very brief outline of which vehicles are entitled to become Vehicles of Historic Interest (VHIs) if they are not substantially changed. I inadvertently allowed myself to repeat the errors. One of our members however, having his own doubts, has managed, through his MP, to obtain the only official announcement from DfT that I can find as to the actual detail.

I am using that as the basis for what I now understand to be the actual position on all aspects, which is quite complex.

1. Motorcycles, cars and light commercial vehicles built more than forty years ago are all (with the few exceptions listed in the Guidance) entitled to be declared as VHIs and thus exempt from the MOT test.
2. All buses and coaches, whether or not they are in commercial use, built before 1960 are entitled to be declared as VHIs and thus exempt from the MOT test.
3. Buses and coaches not in commercial use built more than forty years ago are entitled to be declared as VHIs and thus exempt from the MOT test.

4. Buses and coaches built more than forty years ago, but in commercial use, are not entitled to exemption from the MOT test.
5. Heavy Goods Vehicles built before 1960 and not in commercial use are entitled to be declared as VHIs and thus exempt from the MOT test so long as they do not travel laden or towing a laden trailer.
6. Heavy Goods Vehicles (HGVs) built after 1960, whether or not they are in the 'historic' taxation class, are not entitled to any exemption from the MOT test.

I realise that some of those of our members who preserve historic HGVs will be disappointed at this outcome. All the Federation can say is that this decision was set out in the DfT's Consultation response and was not thereafter subject to any further influence by the Federation or anyone else.

The concern must be that the 1960 date is not a rolling one and that the age at which preserved HGVs still have to be tested will therefore increase year by year. The Federation will keep this matter under review, particularly with relation to the number of test stations which can carry out this testing, and their geographical locations. The Federation will continue to make the case that the Government should not require that any vehicle be tested unless it is practically able to offer the owner of that vehicle a test within a reasonable geographical distance of the place the vehicle is usually kept.

Initial Procedure

The Guidance creates an administrative issue. As set out in paragraph 14 of the Article which appeared in issue 1 (and in the Addendum), declaration as a VHI is to be made at the time of re-licensing.

It is deemed by DfT to be administratively too complex to permit the required declaration to be made prior to the re-licensing date. This gives rise to three distinct administrative issues, which in each case could result in the keeper of a legally exempt vehicle apparently being at risk of wrongful enforcement action.

- (a) A pre-1960 vehicle is currently exempt from the MOT. It would appear not to be so from 20 May unless it is also a VHI. But the keeper cannot make a declaration as a VHI until the next re-licensing date,
- (b) A post-1960 vehicle in the 'historic' class will from 20 May be entitled to exemption if it is a VHI, but the existing due date for an MOT test may arise prior to the next re-licensing date for that vehicle, which is the first date for making a declaration as a VHI, and
- (c) As DVLA uses calendar year of manufacture and as the rolling forward of VED exemption occurs only in April of the relevant year, to define eligibility for the 'historic' class, there can be a substantial lag (in some cases of over twelve months) in the DVLA process between a vehicle being forty years old, and therefore entitled to MOT exemption if a VHI, and the date upon which the vehicle qualifies for the 'historic' class, entitling its keeper to make a declaration as a VHI.

Following discussion with a representative of DVSA, a process has been identified whereby the keepers of vehicles qualifying as VHIs, who are under the law entitled to be exempt, will not be obliged to take what would legally be a voluntary MOT test just to escape possible enforcement based upon the DVLA record.

- The DVLA record currently shows every pre-1960 vehicle as being exempt from the MOT.
- The DVLA record will pick up, by reference to the date of first registration, when **any** vehicle which might qualify (i.e. not an HGV or a bus or coach in commercial use) becomes over 40 years old.
- The record will then show that vehicle as MOT exempt.
- If at the time of next licence renewal a declaration as a VHI is not made, the requirement for an MOT will reappear on the DVLA record.
- The DVLA record is and will continue to be updated bi-monthly to the police.
- The police will therefore treat every vehicle over forty years old as MOT exempt unless and until the record shows it is NOT exempt.

DfT have to date said they do not intend to promulgate the existence of this procedure, but there seems no reason why the Federation should not make our members aware that the keeper of a qualifying vehicle over forty years old is not, from 20 May, at risk of prosecution for failure to take an MOT until the next re-licensing date. However, the Federation would obviously advise that if the keeper of a vehicle considers that he will not be able to make the required declaration that the vehicle is a VHI he ought to have a valid MOT certificate, at the latest before the re-licensing date for the vehicle arises.

Clarification item
included in the FBHVC
Newsletter released
on 26th April 2018.