Introduction to Newsletter Addendum - June 2018

The implementation of the Roadworthiness Directive on 20th May 2018 continues to raise many questions for our members and for that reason we have decided to take an exceptional step of publishing an Addendum to the various articles we have published so far.

This information supersedes all previous advice the Federation may have given including that in Issue 3 of the Newsletter. We must stress that all previous advice was provided in good faith based upon information supplied to us by the Department for Transport (DfT) and its Agencies. The Federation apologises if any members have been misled by advice previously provided.

The advice given here describes the process as it has now been clarified by the Driver and Vehicle Licensing Agency (DVLA) which manages the exemption process on behalf of DfT. The Federation offers no opinion as to whether the process described precisely follows the law as set out in the relevant Regulations.

Nor has the Federation undertaken any comparison of the process with the various forms of Guidance which have been made available to the public via either the gov.uk website or by the DfT directly.

David Whale
Chairman
June 2018

Changed MOT/GVT Exemption regime

Principles of exemption within the vehicle licensing system

- The Regulations provide the exemption (forty years old and not substantially changed within the last thirty years) for cars vans and motorcycles. That is a matter of law and does not of itself require any action.

- The regulations are more complex for other classes of vehicles, as the Federation has made clear in past Newsletters. The Federation remains unclear as to whether and to what extent the online licensing system will take account of these complexities.

- The definition of "vehicles of historic interest" contained in the Regulations is not carried through into the licensing system.

- The system also does not depend upon the vehicle being in the Historic taxation class.

- DVLA has chosen not to check vehicle status until at least the next available date for relicensing of the vehicle.

- The system is based upon the DVLA database showing a vehicle as having been registered at least forty years ago. That database assumes the vehicle to be exempt. The Federation of course recognises that a vehicle may not have been registered immediately after it was built and a mechanism has been established to ensure such vehicle can enter the "historic" taxation class. There is currently no mechanism of which the Federation is aware by which this anomaly can be dealt with in this system.

- Conversely, a vehicle can become eligible for MOT exemption some months before meeting the historic taxation class exemption requirement

- Confirmation by an applicant as to whether a vehicle is correctly identified as exempt, as described below, does not feed into any database and DVLA has no intention of creating such a database.

- The confirmation provides only a mechanism for proceeding with relicensing of a vehicle if the MOT is not still "valid".

- Conversely if the vehicle has a valid MOT (even if it is a "voluntary" MOT) a confirmation or otherwise need not and indeed cannot be made.

Licensing System Operation

At a Post Office

- If a vehicle registered over forty years previously which does not have an MOT is being presented for relicensing at a Post Office, a V112 (or V112G as the case may be) must be shown to the Post Office clerk before relicensing may progress. The Post Office clerk will simply look at the signed Form, confirm that fact on their system and return it to the keeper.

- If the vehicle has a valid MOT, even if voluntary, no V112/V112G will be required.

- This process will be repeated at each annual relicensing.

Online

- If a vehicle registered over forty years previously which does not have a valid MOT, is being presented for relicensing, a page headed "Check Vehicle details; MOT/GVT Exemption test certificate declaration" will appear.

  This page says that DVLA records show the vehicle is over forty years old and thus may be exempt from testing and that the record assumes the vehicle has not been substantially changed. This page then enables the ticking of one of two boxes; these declare either that

  - the record is "correct". i. e the vehicle is not substantially changed and thus exempt, or

  - "incorrect", i.e. is substantially changed and thus not exempt.

- The applicant then selects "continue".

- If the applicant has selected "correct" licensing will continue towards completion.

- In the unlikely event of the applicant selecting "incorrect" in respect of a vehicle with no MOT, a new page requiring the applicant to go to a Post Office with an MOT will appear and licensing will not proceed.

- If a vehicle is being presented for relicensing online has a valid MOT (even if it is voluntary), the process will complete without the page containing the declaration appearing. The page cannot be voluntarily accessed if the vehicle has an MOT, whenever that MOT expires.

- This process will be repeated at each annual relicensing.

Enforcement

- The Federation has been advised by DfT that the database upon which the police undertake MOT enforcement will show a right of exemption at forty years after registration. The police will not, to our knowledge, have visibility of the confirmation process and thus will not be aware whether a vehicle over forty years old does require an MOT because it is substantially changed within the rules.

- While the Federation has no reason to believe that members should be concerned on this account, the Federation should make it clear that it has no information regarding how and whether there is guidance to police officers regarding enforcement of the actual Regulations, or the validity of the actions of keepers in either providing a signed V112 (or V112G) or checking the online declaration box.

- For the avoidance of doubt, the obligation not to use an unroadworthy vehicle on the road is unaffected by this process.