



MoT Exemption explained

Prior to 20th May 2018, cars first registered or built before 1960 were exempt from needing an MoT, but this is now extended to vehicles first registered or built more than 40 years previously, **provided that they qualify as a Vehicle of Historic Interest (VHI)**; this 40 year period rolls forward, so more vehicles become exempt on a daily basis. This does not require any action on the part of the owner, it is a matter of law in the same way that the exemption for pre-1960 vehicles was. When the time comes to re-license the vehicle, the DVLA will require either an MoT or evidence that the vehicle is exempt, and that evidence has to be provided by the keeper completing a form V112 and **declaring** it exempt as a category 'r' vehicle, as defined in the notes on the back of the form V112. Expert help may be sought over this, but the responsibility for making a declaration remains that of the keeper alone. There are no plans for the keeper's declaration to be verified by examination of the vehicle.

Important clarifications

It is important to recognise that this exemption stands on its own, it does not depend on the vehicle having been transferred into the Historic class for VED (road tax) purposes, and likewise transfer to the Historic class does not depend on MoT exemption. A vehicle may be in the Historic class, but still require an MoT if it is not a VHI. When this exemption was first being discussed, there was a suggestion that the DVLA's rule on radically altered vehicles ("the eight point rule") might be used for this purpose, that was not adopted, and it therefore has no relevance to VHIs.

What is a Vehicle of Historic Interest?

A VHI is a vehicle that:

- 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 change in the technical characteristics of its main components.

The first two criteria are clear enough, but **the phrase "substantial change" requires explanation**. The DfT has given its opinion in the form of a document reasonably entitled DfT: Substantial Change Guidance. This states that "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". It is worth noting here that components do not have to be original, they have to have the same technical characteristics. The main components are considered to be:

- Chassis or monocoque bodyshell including any subframes – replacements to the same pattern as the original are not considered a substantial change.
- Axles and running gear – alteration of the type or method of suspension or steering constitutes a substantial change.
- Engine – alternative cubic capacities of the same basic engine and alternative original equipment engines 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 that the current engine is not alternative original equipment.

What is not mentioned is significant, the transmission is a case in point, it is not mentioned so is not considered a main component in this context.

On the other hand, **some changes will not be considered substantial**, whatever components they affect, 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 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 or environmental performance.

If a vehicle has been issued with a registration number with a "Q" prefix, **or** is a kit car assembled from components from different makes and models of vehicles, **or** is a reconstructed classic vehicle as defined by DVLA guidance, **or** is a kit conversion, where a kit of new parts is added to an existing vehicle, **or** old parts are added to a kit of a manufactured body, chassis or monocoque bodyshell, changing the general appearance of the vehicle, **it will be considered to have been substantially changed**. In such a case it will not be exempt from MoT testing, unless that is the vehicle is taxed as an historic vehicle and has not



been modified during the previous 30 years, when it can be considered a VHI. **This is an exception to the general rule set out earlier that MoT exemption and Historic tax class are separate matters.**

Note that the guidance on substantial change given by the DfT is only intended to determine the testing position of a substantially changed vehicle, not its registration position, for example as possibly a radically altered vehicle which has a very different set of rules.

To evidence exemption from MoT testing the keeper of a vehicle must make a declaration that it is a VHI when renewing their vehicle tax. This is done by completing a V112 declaration form, available online, and applies as much to pre-1960 vehicles that were previously automatically exempt as it does to newer vehicles. The responsibility to ensure that the vehicle meets the criteria for a VHI rests with the keeper of the vehicle. If they cannot determine that the vehicle has not been substantially changed, they should not claim it as a VHI. To assist them, a list of marque and historic vehicle experts is available on the website of the Federation of British Historic Vehicle Clubs (FBHVC). The guidance on substantial change has been considerably influenced by input from FBHVC.

It is important to appreciate that DVLA will keep no record that a vehicle has been declared a VHI and MoT exemption claimed, and the same declaration will need to be made each time the vehicle is re-licensed. If substantial change has been made to the vehicle, then it is not a VHI and the declaration cannot be made. There is of course **no compulsion to declare a vehicle to be a VHI and if the keeper is content to continue to have an annual MoT test, then they can continue to do so, whether or not the vehicle could be exempted.**

Wise precaution

As DVLA keep no record that a vehicle has been declared exempt, police cannot confirm that is the case when they see a vehicle on the road. FBHVC were informed that police were told to assume a car was exempt unless there was evidence otherwise, but there have been press reports to the contrary, and FBHVC have sought assurances from the National Police Chiefs Council. It might be **worthwhile to keep the V112 form, stamped at the Post Office, or a screen grab if submitted online, and a copy letter from DfT, available from FBHVC, in the vehicle.**

Continuing to have an MoT test or similar test or inspection?

As mentioned, it is open to an owner to keep having their car MoT tested even though it is exempt, but is this advisable or not? **Certainly an annual test of some sort is a good idea,** faults can progress slowly so that even the most conscientious and knowledgeable owner may not be aware of them, but a tester coming new to the vehicle will pick them up. There are however disadvantages to an actual MoT test. Bear in mind that the aim of the DfT in creating the MoT exemption was not to oblige owners, but the need to simplify and modernise roadworthiness testing procedures by removing from the testing regime numbers of older vehicles designed to different standards from more modern vehicles. Different standards and exemptions were listed in the tester's handbook, but these will be going and in addition automated test methods being introduced may actually damage older vehicles. If submitting a 40 year old vehicle for an MoT test it would therefore be advisable to speak to the tester beforehand to clarify the testing standards to be applied.

Responsibility for the roadworthiness of a vehicle

All vehicle keepers, whether the vehicle has or could be exempted and whether or not it has an MoT certificate, are of course responsible for the roadworthiness of their vehicle, and commit an offence if it is driven on the road when it is not roadworthy. In addition, motor insurance policies will have conditions requiring the insured to maintain the vehicle in a roadworthy condition.

See our separate information note on VED Exemption.

Further information is available on a dedicated micro website covering MoT exemption and VED exemption at: <http://www.buyinganmg.com/exemptions.htm>