



Department  
for Transport

# Consultation on introducing roadworthiness testing for fast tractors and other technical changes to vehicle testing legislation

September 2016

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# Foreword



Ensuring that Britain's roads remain among the safest in the world is front and centre of the Government's approach to regulating road transport. Safe transport saves lives. And safe vehicles are an essential part of achieving this goal. Identifying and fixing defective brakes, lighting or tyres can make the difference between life and death.

Britain first introduced the MOT testing regime over 50 years ago. But transport technologies and standards are constantly moving on and we have revised and improved arrangements many times over the decades. We need to ensure that our testing arrangements are as well designed as possible to continue to keep dangerous vehicles off the road.

We are here consulting on bringing "fast tractors" that are used for haulage into the scope of mandatory testing. Recent advances in tractor design has meant that a significant proportion of tractors have the capability to be driven at increasingly higher speeds. At the margins, and where they are legally entitled to travel at higher speeds, such tractors may become commercially viable for short haulage operations. And the use of tractors in this way may improve the productivity of certain business by having a single vehicle for on and off road operation.

However, if operating in the same way as other hauliers, and hence creating a similar road safety risk, it is reasonable that they should be subject to similar regulations, including those related to roadworthiness testing.

Throughout the proposals in this document, the Government has avoided placing unnecessary costs on businesses. We believe the proposals are sensible for keeping our roads safe for all users and strike the right balance.

This consultation seeks views on several areas where new legislation coming into force across the EU by May 2018 (as a result of Directive

2014/45) prompts changes in domestic legislation. On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in the future once the UK has left the EU.

Responses to this consultation will help inform our final proposals before we make changes to legislation and will also help us to refine the assessment of the impacts. I encourage you to reflect on the proposals set out here and to respond to the consultation questions in full.

A handwritten signature in black ink, appearing to read 'John Hayes', written over a horizontal line.

**JOHN HAYES MP**

**Minister of State for Transport**

# Executive summary

1. This document sets out the Government's proposals for making certain changes to the roadworthiness testing regime. These proposals have been prompted by the latest European Directive related to periodic roadworthiness testing for vehicles, 2014/45/EU ("the Directive"). We consider these sensible updates to existing legislation. The proposals in this consultation apply to Great Britain (as vehicle testing is a devolved matter in Northern Ireland). Northern Ireland will develop its own proposals for implementation of the Directive. There is a separate consultation being published in parallel, relating to changes to the testing provisions for vehicles of historical interest (also known as classic vehicles).
2. The most substantial change in the Directive is the introduction of mandatory testing of "fast tractors", i.e. those with a design speed greater than 40km/h, if they are used for commercial haulage. While we understand the current number of these vehicles is low, we are seeking views on how the market may develop in the future as it appears to have a significant growth potential.
3. In developing proposals for how we might apply roadworthiness testing to fast tractors, we have attempted to strike a balance between capturing those vehicles being used for haulage operations and those which rarely travel on the road, or only do so for short distances. On this basis, we are proposing that vehicles will come into scope of mandatory testing if they are used for haulage more than 15 miles from their base of operation. We propose that fast tractors used solely for agriculture do not come into the scope of testing. We expect the number of vehicles that will be affected to be initially low, and we are seeking views on how the market may develop in the future.
4. We are proposing to integrate fast tractors into the existing testing regime for large goods vehicles (LGVs), minimising the need for special arrangements to be put in place for them. In practice, this means that we expect these vehicles to be tested at those Authorised Testing Facilities (ATFs) which have the necessary facilities to accommodate them. As a result, test fees will be similar to those faced by LGV operators.

5. Other changes to legislation have been prompted by the Directive. In particular, it clarifies the definition of a “small island” in the context of exemptions from testing as having a population of 5,000 or less. There is merit in applying a clear population threshold, beyond which islands should no longer be presumed to be exempt. Our approach to testing on islands has been historically derived and has not been updated for many years, for example in the light of population changes. A particular anomaly is that large vans based on the Isle of Bute (with a population of around 6,500) are exempt from MOT testing, whilst other classes of vehicle on Bute are not exempt. We propose to remove this exemption. While we expect this to affect a very small number of vehicles, the impact on affected operators will be fully considered and appropriate arrangements put in place, to prevent them incurring undue additional costs.
6. The Directive enables us to exempt from testing very slow speed (below 25km/h) vehicles, an option that we propose to take up as a common sense measure. Although there are few vehicles affected by this, we consider it sensible to exempt them, owing to the significantly reduced road safety risk they pose. There are some updates to the testing method used for MOT and goods vehicle testing, which we do not consider to have substantial impact but will require minor legislative changes.
7. We are also using this consultation to ask questions on two additional matters which are unrelated to the Directive: the issue of vehicle “clocking” and charging for the clearance of vehicle prohibitions. Stakeholders’ responses will inform potential future work.

# How to respond

The consultation period began on 22 September 2016 and will run until 2 November 2016. Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found at [www.gov.uk/dft#consultations](http://www.gov.uk/dft#consultations) or you can contact Robert Leiper if you would like alternative formats (Braille, audio CD, etc).

Please complete the online response form or send consultation responses to:

Robert Leiper  
Department for Transport  
Freight, Operator Licensing and Roadworthiness  
Zone 3/28, Great Minster House  
33 Horseferry Road, London  
SW1P 4DR  
020 7944 4546

If you wish to respond via email, please send it to [roadworthinesstesting@dft.gsi.gov.uk](mailto:roadworthinesstesting@dft.gsi.gov.uk) with the subject line "2014/45/EU: response to fast tractor consultation".

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

## Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of

Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

# The New Roadworthiness Directive

1. On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in the future once the UK has left the EU.
2. The Directive relates to periodic vehicle roadworthiness testing and repeals the previous roadworthiness testing Directive 2009/40/EC. The Directive introduces for the first time a periodic testing regime for fast tractors<sup>1</sup> used mainly on the road for commercial haulage. This consultation is seeking views on proposals to make changes to legislation, prompted by the Directive. We are particularly keen to better understand the costs and benefits of any such changes.
3. The Directive does not significantly affect existing arrangements for MOT testing (for cars and vans) or annual roadworthiness testing (for lorries, buses and coaches). It triggers some changes to exemptions for certain heavy vehicles, which we have already consulted on in 2014. Alongside the present document we are publishing a consultation on how we propose to implement changes to exemptions for vehicles of historical interest (also known as classic vehicles).
4. The Directive is specific about certain elements of the testing, for example setting out the technical standards test sites and vehicle examiners must meet.<sup>2</sup> In this respect, there is limited national

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<sup>1</sup> In this consultation the term “fast tractors” is used to describe vehicles falling into category T5, which are tractors (of agricultural body type) with a design speed above 40km/h. The category T5 is elsewhere (167/2013/EU) designated by applying the suffix “b” to existing categories of tractor. For example T1 (tractor of usual dimensions) vehicles that can exceed 40km/h are described as T1b. Note that the T5 definition relates to design speed: not all tractors that are capable of exceeding 40km/h are permitted to do so in Great Britain under the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

<sup>2</sup> 2014/45/EU, Annexes I, III & IV

discretion. There are a number of areas in which Member States have discretion as to how the Directive will be implemented. This consultation mainly focuses on these aspects, where they have changed compared with the previous Directive. We are keen to engage a wide range of respondents, including fast tractor operators, manufacturers, dealers and engineers.

5. In addition to the proposals for fast tractors, we are also consulting here on several other technical changes to domestic legislation prompted by the Directive. We are also using this consultation as an opportunity to ask questions on the issues of vehicle “clocking” and charging for prohibition clearances, which are unrelated to the Directive.
6. The proposals in this document are applicable in Great Britain. They do not apply in Northern Ireland, as vehicle testing and hence the implementation of this Directive, is a devolved matter.

# Our proposals for roadworthiness testing of fast tractors and their impact

## Policy rationale

7. As set out in our Road Safety Statement<sup>3</sup> published in 2015, the Government will pursue a wide range of policies to help deliver its commitment to reducing the numbers of road users killed or seriously injured each year. Roadworthiness testing is a key component of the road safety regime. And it needs to keep up with changes in the design and usage of vehicles over time.
8. It is also with the objective of improving road safety that the Directive introduces mandatory roadworthiness testing for fast tractors used for commercial haulage. It appears that such vehicles are increasingly being used to replace lorries for some haulage operations. In Great Britain, some tractors that meet certain construction requirements can be operated above 40km/h, which is likely to make them economically viable for haulage within a certain range of operation. Testing of such vehicles recognises the principle that testing is most appropriate for vehicles that are not restricted to relatively slow speeds (i.e. most tractors used for agriculture) and where they are most comparable to vehicles already in testing (hence the “commercial haulage” criterion).
9. When tractors are being used in the same way as lorries, and at similar speeds, it is reasonable to assume that they can pose similar types of road safety risks. Although there are a number of serious tractor accidents each year, wider evidence on accidents when tractors are being used for (non-agricultural) haulage is limited. However, with respect to the far larger number of agricultural tractors, statistics show that when such vehicles are

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/487704/british\\_road\\_safety\\_statement\\_print.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/487704/british_road_safety_statement_print.pdf)

involved in accidents, they are five times more likely to have vehicle defects than all other vehicles.

**Q1 – do you have any views on the road safety risk posed by fast tractors used for commercial haulage?**

10. Part of the rationale for introducing roadworthiness testing at EU level for fast tractors is that there are indications that these vehicles are increasingly being used as an alternative to lorries. In Great Britain, available data indicates that there are at present only a small number of fast tractors that are not used exclusively for agriculture. To be clear, in the context at hand, we do not intend to apply roadworthiness testing to fast tractors used exclusively for agriculture. This is discussed in further detail below. Using vehicle tax records, we estimate that around 180 fast tractors are currently registered in the “General Haulage” tax class. We are asking for further information on the numbers and any expected change over time in order to better understand the costs and benefits of our proposed measure.

**Q2 – Do you anticipate a growth in the number of fast tractors used for commercial haulage? Please provide supporting evidence.**

11. According to the Road Vehicles (Construction and Use) Regulations 1986, operators of tractors are already legally obliged to ensure that their vehicles are roadworthy. The proposal here is to make fast tractors subject to mandatory roadworthiness testing. This will require changes to legislation and administrative provisions to be made to deliver the testing regime.
12. Note that the proposals for changing domestic legislation relate solely to requirements around periodic roadworthiness testing. They do not affect existing requirements for goods vehicle operators and drivers, such as operator licensing, drivers’ hours and driver licensing. Nor do they affect existing requirements relating to tractors used for haulage, such as permitted trailer types (balanced and not unbalanced) and speed limits.

**Identifying in-scope vehicles**

13. The Directive introduces roadworthiness testing for fast tractors that are used for commercial haulage. We interpret “commercial haulage” as the transport of goods or passengers for commercial

purposes, such as transport for hire and reward or own-account transport (e.g. transporting professional equipment), or for other professional purposes. We consider this interpretation to be consistent with other EU legislation. It excludes vehicles being used for private purposes (for example, for private collections) and vehicles that are not hauling a load.

14. The Directive applies to fast tractors, “the use of which mainly takes place on public roads” – another test to ensure proportionality of the measure. This is not further defined in the Directive; nor is it defined in our existing domestic legislation. We interpret it as intending to exclude those that operate predominantly at off-road sites but may sometimes use public roads for short distances, for example to move between different off-road sites. This is consistent with other parts of British law that regulate vehicles.<sup>4</sup>

#### *Fast tractors used for agriculture, horticulture and forestry*

15. Tractors are exempt from Vehicle Excise Duty if they are classed as “agricultural machines”, that is to say used exclusively for agriculture, horticulture or forestry. There is a published Memorandum of Agreement between relevant government departments and certain industry parties, which provides guidance on what work is considered to be agriculture, horticulture or forestry.<sup>5</sup> In relation to transportation, the vehicle tax exemption may apply to a vehicle that transports produce or livestock, where this activity is only incidental to the operation performed on the land. The onus is on the person transporting the load to demonstrate that this is the case.
16. We propose that a vehicle that meets the criteria for the “agricultural machine” vehicle tax class, should not be considered to be used mainly on the public road. As such, we propose that vehicles that are classed as “agricultural machines” will not be subject to the roadworthiness test.

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<sup>4</sup> For example, there is an exemption from operator licensing for vehicles that do not exceed 6 miles travel per week between premises owned by the same person. (Goods Vehicles (Licensing of Operators) Regulations 1995, Schedule 3, Part I.

<sup>5</sup> There are other criteria to be applied, such as the transportation of inputs, machinery and waste. See section 10 of this Excise Notice: <https://www.gov.uk/government/publications/excise-notice-75-fuel-for-road-vehicles/excise-notice-75-fuel-for-road-vehicles#excepted-vehicles>

## *Fast tractors used for non-agricultural haulage*

17. We propose to determine if they are mainly used on the public road in the following way. Fast tractors shall not be in scope if they undertake haulage on the public road within 15 miles of a premises occupied by the keeper or at which the keeper is employed to do haulage work, relating to that tractor. This radial distance measure has a precedent in an existing exemption for tractors (in the context of agricultural purposes) from Operator Licensing requirements,<sup>6</sup> and we consider it a reasonable approach in this context.
18. We envisage that operators of fast tractors that do not fall into the “agricultural machine” tax class will be required to declare whether their vehicle is subject to the testing regime. The declaration would require the operator to consider: if the vehicle is anticipated to be used at any time for commercial haulage; and if such use exceeds the proposed 15 miles radial distance.

**Q3 – Do you agree with the proposed approach to identifying vehicles in scope of the mandatory roadworthiness test? Are there any unintended impacts that we should be aware of? If not, please give your reasons.**

## **Taking up maximum exemptions and minimum testing frequency**

19. The Directive makes provision for Member States to choose to exempt certain types of vehicles from testing. We propose that general vehicle testing exemptions should be applied in full to fast tractors. We consider the exemption of greatest relevance to fast tractors is likely to be the one for vehicles used exclusively on small islands. However, we do not anticipate that this will materially reduce the already small number of vehicles that will be in scope.
20. The Directive specifies a minimum testing frequency for fast tractors, which is four years after the date of first registration and every two years thereafter. To help keep costs to affected businesses to a minimum, we propose make legislative provision to apply this minimum frequency. This will ensure that vehicles are periodically assessed to be roadworthy and we envisage that it will not place British businesses at a disadvantage, relative to their

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<sup>6</sup> Part II of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995.

counterparts in EU countries, which take up the minimum frequency. The proposed frequency ensures these vehicles are tested on a regular basis, which is a significant improvement on the status quo (i.e. no mandatory testing).

**Q4 – Do you agree with the proposed approach to exemptions? If not, please give your reasons.**

**Q5 – Do you agree with the proposed testing frequency? If not, please give your reasons.**

## **Delivery of the testing regime**

21. Key questions for us related to how the roadworthiness test should be delivered, specifically which parties should provide it and what governance arrangements they should come under.
22. We propose that appropriately-trained Driver and Vehicle Standards Agency (DVSA) staff will conduct the tests at private Authorised Testing Facilities (ATFs). This approach is an extension of the current model used for LGVs.
23. There are around 450 ATFs across Great Britain. It is believed that a sufficient number of existing ATFs will be able to accommodate tractors at no or minimal additional cost and would hence be expected to seek approval from DVSA to do so. Just as ATFs currently need to make clear if, for example, they accept dangerous goods vehicles or have dimension restrictions we propose that they will need to specify if they can accommodate tractors.

**Q6 – Do you agree that a significant number of ATFs would be likely to accommodate fast tractor testing? If not, please give your reasons.**

24. Test fees for vehicles already subject to mandatory roadworthiness tests are capped by legislation. We propose to follow this approach for the testing of fast tractors. We consider that the test fee should be set on a “cost-recovery” basis and that this principle would entail a test fee similar, if not identical to the LGV test fee. This is because the contents of the test, as specified by the Directive, is similar to the LGV test and is expected to be of similar duration (around one hour). The current LGV test fee per vehicle is up to £129. The fee includes the direct costs to DVSA of providing the vehicle testers and a portion to cover administration and enforcement of the testing

scheme. Vehicle operators also have to pay a “pit fee” for use of the ATF of £55 plus VAT.

25. We have considered an alternative approach of using an MOT-style delivery model, whereby DVSA authorises private test centres to conduct tests. Existing MOT centres are designed for smaller vehicles and are unlikely to be able to accommodate the dimensions of a large tractor. In addition MOT testers would not normally be familiar with this vehicle type. It would therefore be necessary for new test centres to be established and to gain authorisation. Given the very low numbers of vehicles that this measure is expected to affect, we do not consider that the market would deliver such an outcome as it would be very difficult for testers to recover the necessary setup costs.<sup>7</sup> As such, we consider that this approach would carry a high risk of insufficient provision of testing, particularly in certain parts of the country.
26. As a separate and unrelated policy to the Directive, the Government is considering further changes to the weight restrictions for agricultural tractors and trailers, following an initial increase in permitted weights in March 2015. Any further changes are likely to be conditional on relevant vehicles undergoing roadworthiness testing. Should this be taken forward, we will explore the scope for a combined testing regime for fast tractors mainly used on the public road, under discussion here, and tractors used for agriculture at heavier weights.

**Q7 – Do you agree with the proposed approach to delivering the testing: DVSA staff testing vehicles at suitable ATFs? If not, please give your reasons and indicate your preferred approach.**

## **Test standard**

27. We propose to base the test standards on the requirements in the Road Vehicles (Construction and Use) Regulations 1986 that already apply to tractors that travel above 40km/h (25mph).<sup>8</sup> The difference will be that for the first time they are tested at these

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<sup>7</sup> As set out in the Motoring Services Strategy, we are currently looking at whether some of the vehicle testing currently conducted by DVSA examiners could be performed by suitably qualified examiners in the private sector. However, we do not think that it is an appropriate solution for this small number of fast tractors.

<sup>8</sup> Note that these regulations themselves will be subject to minor amendments to align to the Directive. These changes are set out later in this consultation.

standards. This standard is higher than for tractors that travel below 40km/h (25mph). This includes requirements such as 50% braking efficiency, the fitment of anti-lock braking (ABS) and all-wheel suspension. We consider this higher standard to be appropriate, given that the vehicles being tested will be used for commercial haulage in a similar way to LGVs.

28. We consider it likely that only those vehicles that are legally entitled to travel above 40km/h, and hence can meet this standard, will be commercially viable for (non-agricultural) commercial haulage activities exceeding 15 miles. However, we are aware that – at least in theory – there would be a consequential impact on any operators of fast tractor models that do not meet this proposed test standard: they would be unable to operate beyond 15 miles radius for commercial haulage. We are keen to hear stakeholders' views on this matter.

**Q8 – Do you agree with the proposed approach to setting the test standard? If not, please give your reasons.**

## **Assessing the costs**

29. As explained above, part of the rationale for introducing roadworthiness testing at EU level for fast tractors is that there are indications that these vehicles are increasingly being used as an alternative to lorries. We do not have any direct evidence of this shift taking place in Great Britain, but we would like to understand respondents' views on this, specifically whether they foresee such a change in the future.
30. We have estimated the costs to operators of the proposed measures. Here, we summarise the estimated costs and put several questions to respondents to help us to refine these calculations. On the available evidence, we consider the proposals to be “low-cost”, that is to say that they are expected to cost businesses in aggregate less than £1m per year. As such we are not publishing an Impact Assessment at this stage. Respondents' input will help inform our final proposals and a final stage Impact Assessment.
31. As discussed above, we estimate that on a cost-recovery basis, the test fee including ATF fee is likely to be up to £184. We estimate that 30% of current ATFs would gain authorisation to accommodate the testing of fast tractors and we assume that these ATFs are

randomly located across the country. Assuming that the fast tractors are evenly distributed across the country, this leads to average travelling costs (time and fuel) to and from the test of £205. This leads to an average total cost per biennial test of £389.

**Q9 – Please provide any information you have on the geographical distribution of fast tractors used for commercial haulage.**

32. However, the incremental cost of the mandatory testing regime might in reality be lower than the above estimate for any vehicle operators who already (voluntarily) take their vehicles to a test site.

**Q10 – Please provide any information you have on whether and how often fast tractors used for commercial haulage already undergo (voluntary) roadworthiness testing.**

33. DVSA staff do not currently test these vehicles and an appropriate number will therefore need to be trained to do so. There will also be various initial costs for DVSA, for example authorising ATFs for these vehicles and setting up a vehicle testing database, to be used for enforcement purposes. While on-going costs of delivering the test will be recovered from vehicle operators, these one-off enabling costs will be funded by government.

# Our proposals for technical changes to vehicle testing legislation

34. The Directive includes modifications to various elements of the roadworthiness testing regime. This section of the consultation highlights these changes and seeks views on making equivalent changes to Great Britain legislation.
35. In addition to the modifications set out below we will need to review relevant primary and secondary legislation and make technical amendments to ensure that provisions remain valid when Directive 2009/40/EC is repealed and replaced by the Directive. We also intend to use the implementation of the Directive as an opportunity to make the equivalent technical amendments to implement Directives 2014/46/EU on the registration documents of vehicles and 2014/47/EU on the roadside inspections of vehicles.

## **Exemption for small islands**

36. In Great Britain, we exempt some vehicles from testing when they are based on or used exclusively on some small islands. For the purposes of exemptions, the Directive defines a “small island” as an island with fewer than 5,000 inhabitants which is not linked to the other parts of territory by road bridges or road tunnels. It defines a “sparsely populated area” as a predefined area with a population density of fewer than five persons per square kilometre. These terms were not defined in previous EU roadworthiness Directives and the additional clarity is a useful benchmark to ensure consistency. To fulfil the requirements of the Directive, two minor amendments would have to be made to our domestic legislation, which are set out in detail below.

### *Large Goods Vehicle testing (The Goods Vehicles (Plating and Testing) Regulations)*

37. The Goods Vehicles (Plating and Testing) Regulations 1988 (which govern LGV testing) exempts from the scope of testing “vehicles having a base or centre in any of the following islands, namely,

Arran, Bute, Great Cumbrae, Islay, Mull, Tiree or North Uist from which use of the vehicle on a journey is normally commenced.”<sup>9</sup> In addition, all vehicles are exempt from testing whilst they are using roads on islands (except for the Isle of Wight, the islands of Lewis, Mainland (Orkney), Mainland (Shetland) and Skye).<sup>10</sup>

38. In 2014 we consulted on amending these provisions to the effect of limiting the exemption to exclusive island use and no longer exempting vehicles used on Bute (whose population now exceeds 5,000).<sup>11</sup> We intend to issue a government response on this proposed amendment later alongside the response to this consultation.

#### *MOT testing (Motor Vehicles (Tests) Regulations)*

39. The Motor Vehicles (Tests) Regulations 1981 (which govern MOT testing for motor vehicles that are not goods vehicles) exempt from their scope “the use of a vehicle on any island in any area mainly surrounded by water, being an island or area from which motor vehicles, unless constructed for special purposes can at no time be conveniently driven to a road in any other part of Great Britain by reason of the absence of any bridge, tunnel, ford or other way suitable for the passage of such motor vehicle”. This exemption is subsequently qualified such that Classes I to VIA vehicles are required to be tested on the Isle of Wight, the islands of Arran, Bute, Great Cumbrae, Islay, Lewis, Mainland (Orkney), Mainland (Shetland), Mull, North Uist<sup>12</sup> and Skye, and Class VII vehicles are required to be tested on the Isle of Wight, the Islands of Lewis, Mainland (Orkney), Mainland (Shetland) and Skye.<sup>13</sup>
40. We are here consulting on changing this exemption to bring it into line with the 5,000 population threshold. The only island that will be affected, given current population levels, is the Isle of Bute, which

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<sup>9</sup> Schedule 2, Item 26.

<sup>10</sup> Regulation 44 (2).

<sup>11</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/386447/HGV\\_Periodic\\_Testing\\_and\\_Inspections\\_Exemptions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/386447/HGV_Periodic_Testing_and_Inspections_Exemptions.pdf)

<sup>12</sup> By virtue of their road connection to North Uist, vehicles of Classes I to VIA on Benbecula and South Uist are not exempt from testing.

<sup>13</sup> Regulation 6 (3).

has around 6,500 inhabitants.<sup>14</sup> Vehicle Classes I-VIA are already subject to testing on Bute. The change will bring Class VII vehicles (goods vehicles between 3 and 3.5 tonnes) into the scope of testing. However, this only affects Class VII which are used exclusively on Bute: any that travel to the mainland are already required to be tested. As such, it is highly probable that the vehicles in scope are few in number and we anticipate that the total cost would be small.

41. Following this consultation, we intend to issue a single government response on the approach to delivering testing on Bute. This will enable us to consider the changes holistically, for both types of affected vehicles (LGVs and Class VIIs). To inform the analysis, we are here asking for evidence of the likely impacts of these changes. We are also keen to understand respondents' views on how vehicle testing should be implemented on Bute, and in particular any specific issues that the locality may pose.

**Q11 – Do you envisage any difficulties with the proposal to modify the small islands exemption in the Motor Vehicles (Tests) Regulations 1981? If yes, please provide details.**

**Q12 – Do you have any comments on specific implementation issues for vehicle testing on Bute (for Class VII vehicles and heavy goods vehicles) including any evidence on the likely impact of this change?**

## **Exemption for low-speed vehicles**

42. The Directive applies to motor vehicles, defined as any power-driven vehicle on wheels, which is moved by its own means, with a maximum design speed exceeding 25 km/h (15.5 mph). In existing domestic legislation we specifically exclude motor vehicles with a design speed not greater than 20mph,<sup>15</sup> which are constructed for the purpose of street cleansing or the collection or disposal of refuse or the contents of gullies.

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<sup>14</sup> Although the populations of Arran, Great Cumbrae, Mull, Islay and North Uist are currently below 5,000, we do not propose to remove the requirement for testing of Classes I-VIA on these islands. There is existing provision for these classes of vehicle on these islands and we do not consider there is good reason to alter current arrangements.

<sup>15</sup> Regulation 6 (xxi) (b) of The Motor Vehicles (Tests) Regulations 1981.

43. We propose an amendment to domestic legislation, which would exempt from testing, all motor vehicles with a design speed not exceeding 25 km/h (15.5 mph), regardless of their constructed-for purpose. The impact of this change is likely to be minimal. Some heavier street cleaning and refuse vehicles are already being tested due to their speed. In addition, the proposed change may remove certain vehicles from testing, such as low-powered mopeds.

**Q13 – Do you envisage any difficulties with the proposal to exempt from testing all vehicles with a design speed below 25 km/h (15.5 mph)? If yes, please provide details.**

## Updating legislative provisions for technical testing requirements

44. Annex I of the Directive sets out the detailed minimum requirements of vehicle roadworthiness tests. It makes some updates to the previous Directive, broadly reflecting developments in vehicle and testing technology and the regulatory environment. In practice, most changes are minor additions to the existing test of items to be inspected visually. To fulfil the requirements of the Directive, some changes need to be made to our domestic legislative provisions for testing vehicles. These changes are set out in the following table.

Directive 2014/45 Annex I - Item number	Description	Regulations to change/add to
1.1.4.	Low pressure warning gauge or indicator. Test by functional check. Fail if malfunctioning or defective.	The Motor Vehicles (Tests) Regulations 1981 ("MVTR")
1.2 / 1.2.2	Service braking performance and efficiency for draw bar trailers first used on or after 01/01/2016.	The Goods Vehicles (Plating and Testing) Regulations 1988 ("P&T") Schedule 1
3. / 3.2	Visibility / Condition of Glass. Test by visual inspection. Fail if cracked or in unacceptable condition.	MVTR and P&T
4. / 4.1.6.	Lamps, Reflectors and Electrical Equipment / Headlamp cleaning device (where mandatory). Test by visual inspection and operation. Fail if device not operating.	The Road Vehicles Lighting Regulations 1989 ("RVLR")
4.2	Daytime running lamps, reversing lamps and front fog lamps.	RVLR

4. / 4.2.1.	Lamps, Reflectors and Electrical Equipment / Daytime running lamps, reversing lamps and front fog lamps, condition and operation. Test by visual inspection and operation. Fail if defective light source or lens or not securely attached and very serious risk of falling off.	MVTR and P&T
6. / 6.1.4	Chassis and chassis attachments / Bumpers, lateral protection and rear underrun devices. Test by visual inspection. Fail if looseness or damage likely to cause injury when grazed or contacted, parts likely to fall off, device obviously not in compliance with the requirements.	MVTR for Classes 4, 5 & 7
6 / 6.1.5	Chassis and Chassis Attachments / Spare wheel and carrier condition and security	MVTR for classes 4, 5 & 7
6. / 6.1.7	Chassis and Chassis Attachments / Transmission. Test by visual inspection. Fail if loose or missing securing bolts, excessive wear in shaft bearings, risk of loosening or cracking, excessive wear in universal joints or transmission chains/belts, deteriorated flexible couplings, damaged or bent shaft, bearing housing fractured or insecure, dust cover missing or fractured, illegal power modification.	MVTR for Classes 4, 5 & 7
6. / 6.2.1	Cab and bodywork / Condition. Test by visual inspection. Fail if loose or damaged or part likely to cause injury or fall off, insecure body pillar, stability impaired, permitting entry of engine or exhaust fumes or unsafe modification.	MVTR for Classes 4, 5 & 7
6. / 6.2.6	Cab and bodywork / Other seats. Test by visual inspection. Fail if defective or insecure or not fitted in accordance with requirements.	MVTR for Classes 4, 5 & 7
6. / 6.2.7	Driving controls. Test by visual inspection and by operation. Fail if any control necessary for safe operation of vehicle is not functioning correctly.	MVTR for Classes 4, 5 & 7
6. / 6.2.8	Cab steps. Test by visual inspection. Fail if step or step rung insecure, in a condition likely to cause injury to users.	MVTR for Classes 4, 5 & 7
6. / 6.2.9	Cab and bodywork / Other interior and exterior fittings and equipment. Test by visual inspection.	MVTR for Classes 4, 5 & 7

	Fail if defective, not in accordance with requirements, likely to cause injuries or safe operation affective, leaking hydraulic equipment – excessive loss of hazardous material.	
7.8	Speedometer. Test by visual inspection, or operation during road test or by electronic means. Fail if not working, not in accordance with the requirements.	MVTR for Classes 4 & 7
8. / 8.2.1.1	Nuisance / Exhaust Emissions / Exhaust emission control equipment. Test by visual inspection. Fail if emission control equipment fitted by manufacturer is missing, modified or defective, or if leaks which would affect emissions measurements.	MVTR and P&T
8. / 8.2.2.2	Compression ignition emissions Opacity (pre 1980 vehicles are exempted). Test by opacity. Fail if opacity exceeds the level recorded on the manufacturer's plate on the vehicle. Where this information is not available or requirements do not allow the use of reference values, for naturally aspirated engines: 2.5 m <sup>-1</sup> , for turbo-charged engines: 3.0 m <sup>-1</sup> , or for vehicles identified in type approval requirements or first registered or put into service for the first time after the date specified in requirements: 1.5 m <sup>-1</sup> or 0,7 m <sup>-1</sup>	Regulation 61A of The Road Vehicles (Construction and Use) Regulations 1986 ("C&U") to include 0.7m <sup>-1</sup> and the use of manufacturers plate values for smoke emissions
9. / 9.1.1 9. / 9.1.1 9. / 9.1.2 9. / 9.1.2 9. / 9.4.1 9. / 9.4.2 9. / 9.6 9. / 9.7	Supplementary tests for passenger-carrying vehicles categories: M2 and M3 / Entrance and exit doors / Emergency exits / Seats / Passenger seats (including seats for accompanying personnel) All by visual inspection. Reasons for failure defective or deteriorated condition, or dangerous.	Amend MVTR for Class 5

45. For ease of use and efficiency we are intending to add European vehicle categories to the existing classification of vehicles provided for in The Motor Vehicles (Tests) Regulations 1981<sup>16</sup> and The Goods Vehicles (Plating and Testing) Regulations 1988. This will

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<sup>16</sup> Regulation 5

not have an impact on the existing categories and will allow both to be used.

**Q14 – Do you envisage any difficulties with implementing these changes to the legislation governing vehicle testing methods? If yes, please provide details.**

# Vehicle “clocking”

46. Odometer manipulation, also referred to as vehicle “clocking”, occurs where the odometer is tampered with in order to reduce the apparent mileage of the vehicle. The Directive requires Member States to take action to prevent this. Specifically, the mileage information included in the previous roadworthiness test should be made available to the inspectors, as soon as it is available electronically. Additionally, in proven cases of manipulation, it should be punishable by effective, proportionate, dissuasive and non-discriminatory penalties.
47. We currently record and make previous mileages available to MOT test centres through the MOT IT system. The offence of “clocking” a vehicle for the purposes of intentionally misleading purchasers in a sale is criminalised under the Consumer Protection from Unfair Trading Regulations 2008 and the Fraud Act 2006. Local Trading Standards Services target enforcement at garages on a regular basis, leading to prosecutions.
48. We are aware of some recent concerns in the media that the manipulation itself is not illegal, only the subsequent sale of the vehicle. We are keen to understand respondents’ views on this matter.

**Q15 – Do you consider that existing legislative provision is sufficient to tackle the issue of “clocking”? If not, please give your reasons.**

# Potential changes to charging for clearance from prohibitions

49. This issue is unrelated to requirements of the Directive. The Road Traffic Act 1988 enables the charging for prohibition clearance from domestic vehicles where deficiencies have been found. It does not specify where the inspection is carried out, requiring simply that the vehicle be confirmed “fit for service” by the clearance officer. By contrast, the Road Traffic Act (Foreign Vehicles) 1972 allows for charging for a clearance inspection only where this is conducted at an Authorised Testing Facility. As such, there exists a discrepancy, insofar as we are not able to charge foreign vehicles in the same way as domestic vehicles, meaning that they are subject to a less onerous regime.
50. We are considering aligning the Road Traffic Act (Foreign Vehicles) 1972 with the Road Traffic Act 1988, to enable the charging of foreign vehicles for roadside clearance.<sup>17</sup>
51. Separately, both domestic and foreign vehicles that have less severe prohibition deficiencies are allowed to continue on their journey for up to 10 days. These vehicles can obtain a prohibition clearance by means of a document check by a DVSA back-office function. However, the current legislation does not enable charging for this form of clearance for any vehicles.
52. We are considering amending the relevant legislation to enable charging for back-office administration costs associated with this form of clearance, for both domestic and foreign vehicles.
53. We are developing the details of these potential changes and implementation would most likely be separate to the proposed implementation of the Directive as set out in this consultation. We may write to interested parties to seek views on this. Please indicate if you have a particular interest in this issue.

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<sup>17</sup> Directive 2014/47/EU provides that Member States may impose the payment of a “reasonable and proportionate” fee where deficiencies have been found following a more detailed roadside inspection.

**Q16 – Are you interested in receiving communications about the potential changes to prohibition charging described in this document?**

# Consultation questions

Q1 – Do you have any views on the road safety risk posed by fast tractors used for commercial haulage?

Q2 – Do you anticipate a growth in the number of fast tractors used for commercial haulage? Please provide supporting evidence.

Q3 – Do you agree with the proposed approach to identifying vehicles in scope of the mandatory roadworthiness test? Are there any unintended impacts that we should be aware of? If not, please give your reasons.

Q4 – Do you agree with the proposed approach to exemptions? If not, please give your reasons.

Q5 – Do you agree with the proposed testing frequency? If not, please give your reasons.

Q6 – Do you agree that a significant number of ATFs would be likely to accommodate fast tractor testing? If not, please give your reasons.

Q7 – Do you agree with the proposed approach to delivering the testing: DVSA staff testing vehicles at suitable ATFs? If not, please give your reasons and indicate your preferred approach.

Q8 – Do you agree with the proposed approach to setting the test standard? If not, please give your reasons.

Q9 – Please provide any information you have on the geographical distribution of fast tractors used for commercial haulage.

Q10 – Please provide any information you have on whether and how often fast tractors used for commercial haulage already undergo (voluntary) roadworthiness testing.

Q11 – Do you envisage any difficulties with the proposal to modify the small islands exemption in the Motor Vehicles (Tests) Regulations 1981? If yes, please provide details.

Q12 – Do you have any comments on specific implementation issues for vehicle testing on Bute (for Class VII vehicles and heavy goods vehicles) including any evidence on the likely impact of this change?

Q13 – Do you envisage any difficulties with the proposal to exempt from testing all vehicles with a design speed below 25 km/h (15.5 mph)? If yes, please provide details.

Q14 – Do you envisage any difficulties with implementing these changes to the legislation governing vehicle testing methods? If yes, please provide details.

Q15 – Do you consider that existing legislative provision is sufficient to tackle the issue of “clocking”? If not, please give your reasons.

Q16 – Are you interested in receiving communications about the potential changes to prohibition charging described in this document?

# What will happen next?

A summary of responses, including the next steps, will be published within three months of the consultation closing on [www.gov.uk](http://www.gov.uk). Paper copies will be available on request.

# Annex A - Consultation principles

The consultation is being conducted in line with the Government's key consultation principles. Further information is available on the Better Regulation Executive website at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

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Please do not send consultation responses to this address.