



Q35 *In your view should the exemption for historic vehicles be reviewed in the future?*

The Department of Transport ('the Department') will be aware from previous consultations that the Federation of British Historic Vehicle Clubs (FBHVC) is the umbrella body for the historic vehicle movement in Britain. It represents over 500 member clubs in the UK. These organisations together represent in total over a quarter of a million owners of and enthusiasts for historic vehicles of all types including motor cars, motorcycles through to lorries, buses and steam traction engines. These vehicles retired from their original purposes, represent a major part of the UK's mobile heritage legacy.

It is also a matter of record that the FBHVC worked closely with the department on the consultation on and implementation of the original exemption from MOT for pre-1960 vehicles in 2012 and again the current exemption in 2018 and in particular in the drafting of "Vehicles of Historical Interest (VHI): Substantial Change Guidance" ('the Guidance').

The FBHVC notes that the specific question in the consultation survey relating to MOT testing for HVs is:

*"In your view should the exemption for historic vehicles be reviewed **in the future?**"*

However it notes that in the body of the consultation, you seek views on whether:

"[T]he guidance on this issue should be reviewed or updated".

The FBHVC has assumed that this is a reference to the Substantial Change Guidance. Therefore the FBHVC's response is divided in two. Firstly it responds to the invitation to provide feedback on whether the exemption itself needs to be reviewed. Secondly it provides its view on whether the guidance itself needs consideration.

NEED FOR REVIEW

The FBHVC firstly recalls why it was necessary to legislate for the broadened exemption in 2018 namely the implementation of EU Directive 2014/45. It then notes in the Government Response to the Consultation in 2017 that of the four potential options (including do nothing), the option chosen was to exempt all vehicles over the age of 40 years other than HGVs and PSVs. The FBHVC observes that in essence the decision was a risk based one. The Department assessment, based on available DVSA accident data, was that *"the element of risk arising from taking vehicles over 40 years old out of the testing regime [was] small."*

Noting that not all respondents to the 2017 consultation favoured a change, the FBHVC observes that those opposing an exemption raised issues such as the less robust construction of older vehicles and worries that some owners might not maintain them



properly. However in proposing an exemption, the Department took into account the following positive factors:

1. Cars of [40 years old and over] are usually maintained in good condition;
2. They are used on few occasions, usually on short trips and requiring a full MOT was unreasonable;
3. The modern MOT was no longer relevant to cars over 40 years old, or garages could not test them adequately; and
4. It would harmonise the MOT exemption date with the date for Vehicle Excise Duty.

The Federation further notes from the later Statutory Instrument Impact Assessment document of 15 August 2017, that only a light touch post implementation review was deemed appropriate after 5 years which should be largely confined to comparing current and pre-implementation MOT and accident data together with feedback such as this from the FBHVC.

The FBHVC's submission is that all the factors set out above still pertain and a formal review is unnecessary:

1. The anecdotal evidence from car clubs, who liaise with the Federation regularly and provide their in house journals and magazines to the Federation, is that the vast majority of their members take pride in their historic vehicles, look after them well, many maintained to *concoirs* standard. The last FBHVC National Historic Vehicle Survey ('National Survey') for 2020/21, estimated that of the 683,967 estimated historic vehicle owners, the average owner spent £4223 per annum on his vehicle.
2. The National Survey confirms that historic vehicles continue to cover small mileages. The average miles per annum is 1200 and the average number of times per annum an historic vehicle is used is 16, with 0.2% of all miles travelled on UK roads accounted for by historic vehicles.
3. The focus of the modern MOT, the diagnostic equipment and the training and experience of testing staff is increasingly detached from historic vehicles.
4. This outcome stands and is of considerable utility.

The FBHVC does not have access to the data available to the DVSA in relation to accidents. However, it is not aware from anecdotal evidence from the insurance sector of increased premium rates or requirements for "voluntary" MOTs which would indicate concern over risk. In those circumstances, it considers that the conclusion of the department in 2018 that the risk arising from historic vehicle being outside the testing regime is small, remains sound.

The FBHVC recognises that there are trade representatives and others who retain concerns that some vehicles are not maintained properly. However that was the case when the exemption was originally granted. The FBHVC considers that the arguments, evidence and assumptions in 2018 for granting the exemption, have been borne out and the continuation of the status quo is justified.



In broader policy terms, it is noted that the aim behind this Departmental consultation on MOT reform is to reduce costs and the regulatory burden on a wider category of motorists. The FBHVC would observe that if a move to reinstate MOTs for historic vehicles was contemplated in the absence of robust and cogent evidence that this was a necessary response whilst relaxing the burden for other vehicles, such a move would be unreasonable and inappropriate. Given that according to our National Survey, the average age of an owner of an historic vehicle is 63, such an increase in the burden would appear to be even more disproportionate and unfair.

Whilst taking this position, the FBHVC recognises that the rolling exemption provisions mean that today's vehicles will in turn become historic and accepts that a future review of MOT exemption for these technically more sophisticated vehicles may be needed again only if based on robust evidence.

SUBSTANTIAL MODIFICATION

The definition and self-certification of "a substantial modification" was subject to some deep reservations within the historic vehicle community when the 2017 exemption consultation took place. However the FBHVC considers that the manner in which the Guidance has been implemented and enforced has been proportionate and unobtrusive. Save only for misunderstandings as confirmed by police authorities soon after the legislative provisions came into force, there have been few problems.

That being the case, the FBHVC would not advocate any major change to the Guidance save in one respect. It would wish consideration of an amendment to the guidance on "Engines" to clarify the position in respect of historic vehicles converted to electric propulsion. The FBHVC accepts that owners are free to do what they wish with their historic vehicles whilst preferring that vehicles are preserved to their original specification, but has concerns that some converted vehicles may be avoiding testing notwithstanding significant physical changes to their power unit and performance.

From a safety perspective, the FBHVC notes that with electric conversions weight is increased substantially with the addition of battery packs which may require structural reinforcement, suspension and brake modifications. Wheels and tyres also need to be looked at to ensure that they can cope with the additional loads and cornering forces. These substantial changes may also affect the crash worthiness of a converted vehicle with a substantial energy source potentially exposed to damage in an accident.

The current Guidance is not definitive on whether an electric conversion of the motive does amount to a substantial modification and there is evidence that many of those having made, making or contemplating a conversion of their historic vehicle to electric power do not find the Guidance clear and unambiguous on the point. The FBHVC submits that consideration should be given to clarification of the issue.



SUMMARY

In summary, the FBHVC does not consider that a review of MOT requirements for historic vehicles is currently required, but accepts that the position may need to be reviewed in a few years' time and if data becomes available suggesting that a review is required. We also consider that the conversion of an internal combustion engine vehicle to electric propulsion, even as a hybrid, should always be considered such a substantial modification that an MoT test is required.