



PRESS RELEASE

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Brussels Agrees on Roadworthiness Testing

The EU institutions have reached agreement on the final form of the Roadworthiness Testing legislation. This agreement was reached on 18 December 2013, though at the time of writing the final text had not been published. In a statement issued on 15 January, by the Federation of British Historic Vehicle Clubs, the lobbying group dedicated to preserving highway access rights for historic vehicle owners, the organisation pledged to make the details available to all its members as soon as they become available on the Federation website.

Formal adoption is scheduled for April and the UK will then have a total of 48 months (i.e. until April 2018) to incorporate it into national legislation. That does not of course mean that it will take them that long, but it sets out the longest possible timetable.

Despite the absence of a full draft, two very important things have emerged. Firstly the legislation will be in the form of a Directive and not as feared, a Regulation. This means that the UK, and of course all other states, will be able to incorporate the Directive's requirements into their laws in the way which best suits their existing legislation, institutions, procedures and processes. Officials at the FBHVC have cautiously welcomed this development as UK Government is known to be sympathetic to the interests of historic vehicle owners, and have been receptive to the representations of the Federation during the consultative process which has preceded this agreement.

The second thing we know is the terms of the crucial definition of a 'vehicle of historic interest'. We understand the agreement reached in Brussels has adopted the definition as:

'Any vehicle which is considered to be historic by the Member State of registration or one of its appointed authorising bodies and which fulfils all the following conditions:

- *it was manufactured or registered for the first time at least 30 years ago;*
- *its specific type, as defined in national or EU law, is no longer in production;*
- *it is historically preserved and maintained in its original state and has not sustained substantial changes in the technical characteristics of its main components.'*

It is those vehicles deemed to fulfil these criteria that EU governments will not have to test. It is in fact up to national Governments whether they do indeed exempt these vehicles from testing. In discussions the Department for Transport (DfT) has been at pains to point out that the exemption is a right they have, not a duty with which they must comply.

Indeed there is clearly a body of opinion in DfT that there might be a need for even vehicles of historic interest to have some sort of periodic safety test if they are to use the public highway.

It is no secret that the Federation would have preferred the definition to have been simply age related. It certainly argued the case, but lost. Some other countries had genuine reasons why a purely age based definition would simply not have been acceptable. The task now is to work with our national Government to ensure the most favourable outcome to the interpretation of the legislation, an interpretation that has become possible by the adoption of the Directive rather than the more prescriptive Regulation format.

Federation of British Historic Vehicle Clubs Limited,

Registered Office: Stonewold, Berrick Salome, Wallingford, OX10 6JR . Telephone & Facsimile 01865 400845 . E mail: secretary@fbhvc.co.uk . Web www.fbhvc.co.uk
Registered in England No: 3842316 . VAT Registration Number GB 636 7886 83



The key phrase in the definition of a vehicle of historic interest which DfT will have to decide how they interpret is the third one:

'It is historically preserved and maintained in its original state and has not sustained substantial changes in the technical characteristics of its main components.'

It is already clear that in setting out their own rules DfT will probably want safety to be a factor in how exemptions will be achieved, and this will inevitably involve some complexity, not least because safety can be a subjective matter.

DfT don't have any preconceptions about how this could be achieved, and will be considering everything from self-certification onwards. They do actively want to achieve the most cost-effective outcome, for everyone including the owners of historic vehicles.

All that said, it seems inevitable that there will indeed be some historic vehicles which simply cannot be exempted, and the aim of the Federation will be to ensure that as testing becomes more modern and automated, it still remains possible to test those older vehicles.

There has been some comment that the choice of a Directive means the MoT can stay as it is. This might be a premature view.

It is in the nature of the technical, as distinct from the drafting, aspects of the Directive that they will be the least capable of being massaged to fit existing rules while still meeting the requirement of the Directive. The Annexes in earlier drafts were definitely aimed primarily at the current (i.e. modern) vehicle population, and would have required significant adaptation to allow for 'manual' testing of old and specialist vehicles. The Federation has not seen the final form of the technical Annexes to the text agreed, so does not know how prescriptive they might be, or indeed whether they were amended at all in these final discussions.

It remains to be seen how DfT wishes to deal with the Annexes, and there might need to be extensive discussion with them to ensure that, as far as possible, none of this results in vehicles being unable to use the roads.

The Federation has pledged to continue to push for the interests of its 550 member clubs to be fully taken into account as the UK adoption of the Directive proceeds, and has dedicated its resources to monitor, advise and, where necessary, consult its members as issues arise.

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For further information contact Geoff Lancaster, communications director, on 07860 562659.