EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (TESTS) (AMENDMENT) (NO. 2) REGULATIONS 2012

2012 No. 2652

1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2 Purpose of the instrument

2.1 This instrument adds an exemption to regulation 6 of the Motor Vehicles (Tests) Regulations 1981 ("the 1981 Regulations") to exempt vehicles manufactured before 1st January 1960 from the requirement for a mandatory annual roadworthiness test ("MOT test").

3 Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4 Legislative Context

4.1 Section 47(1) of the Road Traffic Act 1988 Act makes it an offence for a person to use, or to cause or permit the use of, a vehicle to which section 47 applies where an test certificate has not been issued. However, Article 4(2) of Directive 2009/40/EC allows Member States to exempt vehicles that are hardly or never used on public highways, including vehicles manufactured before 1st January 1960 from having a MOT test. The Secretary of State has, using the power in section 47(5) to prescribe the classes of vehicle to which section 47(1) does not apply, added an exemption to regulation 6 of the Motor Vehicles (Tests) Regulations 1981. This exempts all classes of vehicle set out in regulation 5 of the 1981 Regulations that were manufactured before 1st January 1960.

5 Territorial Extent and Application

5.1 This instrument applies to Great Britain.

6 European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7 Policy background

- ***What is being done and why***

7.1 We are exempting vehicles manufactured before 1st January 1960 from the mandatory requirement for a MOT test. The Government believes that the exemption will reduce the regulatory burden on owners of historic vehicles. Many historic vehicles are driven very few miles each year and are considerably less likely to be involved in accidents.

7.2 Owing to resource constraints, plans to consolidate changes that have been made to the 1981 Regulations are on hold. Informal consolidations are available from a number of commercial sources.

8 Consultation outcome

8.1 The Department for Transport carried out a public consultation for three months starting on 3 November 2011, and received 447 responses. Almost three-quarters of the respondents supported reviewing the MOT test requirement for vehicles of historic interest. Over 80% of those who supported a review wanted an MOT test exemption for pre-1960 manufactured vehicles. As a result, the Department is exempting all pre-1960 manufactured vehicles from the MOT test.

9. Guidance

8.1 DVLA will issue communications to the Post Office to advise of the new procedures and the change. V112 (Declaration of exemption from MOT testing) will be amended to capture the change and vehicle owners will be notified of this change by the Post Office.

10. Impact

10.1 As this is a deregulatory measure, there will be no adverse impact on business, charities or voluntary bodies who operate vehicles that fall within the test regime.

10.2 The impact on the public sector is similar to that for businesses, charities or voluntary bodies.

10.3 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

10.4 The Department has screened these proposals for their likely impact on the different groups identified by equalities legislation and has determined that there are no differential impacts. An Equality Impact Assessment is not required.

10.5 The Department estimates that there will be a small impact on the environment as a result of these changes. This is due to the anticipated

increase in the number of pre-1960 manufactured vehicles being driven on the road once they are exempted from the MOT test.

10.6 We do not expect any impact on competition.

10.7 The changes are not expected to produce a disproportionate impact on small firms.

11. Regulating small business

11.1 This is a deregulatory measure which will affect private drivers. Small businesses will not be affected by this measure.

12. Monitoring & review

12.1 As this is a deregulatory measure which will not have any impact on business, there will not be a review after five years.

13. Contact

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