

## Notes on the new MoT law or SVT – Statutory Vehicle Testing

All Morris Minors are classed as “historic vehicle’ for road tax purposes.

Under new laws being introduced on the 20th May 2018 any vehicle made before 1977 is MOT / SVT exempt if classed as a Vehicle of Historic Interest (VHI) (which is a different classification from ‘historic road tax’) and exemption has been requested. To class your vehicle as a VHI you need to show that there have been no substantial changes to the vehicle in the last 30 years. This is going to be a tick box submission at the time of renewing tax exempt status. If in any doubt do not claim exemption and get more advice.

However there are a few points that need to be made clear:

1. Keepers of VHIs exempt from periodic testing continue to be responsible for their vehicle’s roadworthiness.

The MOT is a road **safety** test. This covers brakes, play in the trunnions as well as areas of rust which threaten the integrity of the vehicle. Unless you have your own rigorous safety test that you use to check your own car, there is often no sure way of knowing that the car is safe without taking it to a professional. The vehicle’s keeper is responsible for safety.

The degradation in performance of brakes and other safety aspects is often a slow imperceptible decline. The danger is that you could be driving around in a car that is unsafe, but you would never know until it is too late. You may think that when your car veers to the left due to unbalanced brakes this is just a quirky characteristic. It is in fact dangerous and an MOT would draw your attention to the need to get this problem rectified.

Keepers of vehicles over 40 years old can voluntarily submit vehicles for testing.

2. The exemption only applies to those vehicles that have not had any permanent changes in the last 30 years (1988) to areas of safety or performance. The guidance is open to interpretation here. Some say that if you have had a brake servo, disc brakes or suspension upgrades fitted in the last 30 years your car still requires an MOT / SVT (though an engine upgrade using the same type of engine but with more power does not count as a substantial change). However, there is also an argument that as the key areas of these upgrades are using parts that were available within the 10 years after the cessation of production there is no need for an MOT. We are still not sure how this will be decided in practice. If in any doubt do not claim exemption. See government guidance below.
3. Any insurance claim in the event of an accident will need to show that your vehicle was safe to drive. Any mechanical investigation which shows this wasn’t the case may invalidate your claim. So though you are not required to have an MOT to make a successful claim it will be easier for insurance companies to dismiss claims if it is found that your car wouldn’t have passed safety standards commensurate with the age and use of the vehicle.
4. Pre 1960 vehicles which are currently exempt from the MOT may find that the new rules mean they will have to have an MOT if they have been substantially changed.

We recommend that if you use your Morris Minor on public roads you should have an MOT even if it can be classed as exempt. This allows for peace of mind for you and other road users. It also maintains ones awareness of the long term condition of your Morris Minor through advisories. E.G. rust, brake or suspension issues.

Please continue reading for the government's full guidance on exemptions.

<https://www.gov.uk/government/consultations/roadworthiness-testing-for-vehicles-of-historic-interest>

### **Vehicles of Historical Interest (VHI): Substantial Change Guidance**

Most vehicles manufactured or first registered over 40 years ago will, as of 20 May 2018, be exempt from periodic testing unless they have been substantially changed.

Large goods vehicles (i.e. goods vehicles with a maximum laden weight of more than 3.5 tonnes) and buses (i.e. vehicles with 8 or more seats) that are used commercially will not be exempted from periodic testing at 40 years.

A vehicle that has been substantially changed within the previous 30 years will have to be submitted for annual MoT testing. Whether a substantially changed vehicle requires re-registration is a separate process.

Keepers of VHIs exempt from periodic testing continue to be responsible for their vehicle's roadworthiness. Keepers of vehicles over 40 years old can voluntarily submit vehicles for testing.

Keepers of VHIs claiming an exemption from the MoT test should make a declaration when renewing their vehicle tax. The responsibility to ensure the declared vehicle is a VHI and meets the criteria, rests with the vehicle keeper as part of their due diligence. If a vehicle keeper is not sure of the status of a vehicle, they can consult a marque or historic vehicles expert, a list of whom will be available on the website of the Federation of British Historic Vehicle Clubs.

If a vehicle keeper cannot determine that the vehicle has not been substantially changed, they should not claim an exemption from the MoT test.

### **The criteria for substantial change**

A vehicle will be considered substantially changed if the technical characteristics of the main components have changed in the previous 30 years, unless the changes fall into specific categories.

These main components for vehicles, other than motorcycles<sup>2</sup>, are:

**Chassis** (replacements of the same pattern as the original are not considered a substantial change) or **Monocoque bodyshell** including any sub-frames (replacements of the same pattern as the original are not considered a substantial change);

**Axles and running gear** – alteration of the type and 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 to be, but not necessarily, the case that the current engine is not alternative original equipment.

The following are considered acceptable (not substantial) changes if they fall into these specific categories:

- changes that are made to preserve a vehicle, which in all cases must be when original type parts are no longer reasonably available;
- changes of a type, that can be demonstrated to have been made when vehicles of the type were in production or in general use (within ten years of the end of production);
- in respect of axles and running gear changes made to improve efficiency, safety or environmental performance;
- in respect of vehicles that have been commercial vehicles, changes which can be demonstrated were being made when they were used commercially.

In addition if a vehicle (including a motorcycle):

- has been issued with a registration number with a 'Q' prefix; or
- is a kit car assembled from components from different makes and model of vehicle; 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 and will not be exempt from MOT testing.

However if any of the four above types of vehicle is taxed as an "historic vehicle" and has not been modified during the previous 30 years, it can be considered as a VHI.

This guidance is only intended to determine the testing position of a substantially changed vehicle, not its registration.

### **How to declare a vehicle for the 40 year MOT exemption**

Vehicle keepers are required to ensure that their vehicles are taxed when used on a public road. From 20 May 2018, at the point of taxing a vehicle, the vehicle keeper can declare their vehicle exempt from MOT if it was constructed more than 40 years ago.

When declaring an exemption, you will be required to confirm that it has not been substantially changed (as defined in this guidance). This process will be applied to pre-1960 registered vehicles, as well as newer vehicles in the historic vehicle tax class.

If the vehicle does not have an MOT and you wish to continue using it on the public roads, you will have either to undergo an MOT or, if you wish exemption from the MOT, to declare that the vehicle is a VHI.

If the vehicle has a current MOT certificate but you anticipate that on expiry of that certificate you will wish exemption from future MOTs you will at the time of relicensing be required to declare that the vehicle is a VHI.

### **How to tax your vehicle in the historic vehicle tax class**

Where vehicle keepers first apply for the historic vehicle tax class, it must be done at a Post Office. If you are declaring that your vehicle is exempt from MOT, you will need to complete a V112 declaration form, taking into consideration the substantially changed guidelines, (as defined above). Further re-licensing applications, including making subsequent declarations that the vehicle does not require an MOT, can be completed online.

Further advice on taxing in the historic vehicle tax class can be found via the following link:

<https://www.gov.uk/historic-vehicles>

### **Advice (not part of the Guidance)**

### **What do I need to do if I am responsible for a vehicle aged more than 40 years old and first registered in or after 1960?**

From 20 May 2018 most of these vehicles will not need a valid MOT certificate to be used on public roads. You still need to keep the vehicle in a roadworthy condition and can voluntarily have a test. We recommend continued regular maintenance and checks of the vehicle.

You need to check whether the vehicle has been substantially altered in the last 30 years, checking against the criteria (in the guidance above). If it has been altered substantially a valid MOT certificate will continue to be required. If you are unsure check, for example from an expert on historic vehicles (list referenced in the guidance). If you buy a vehicle, we also recommend checking with the previous owner if you can.

The registration number of a vehicle should not be used to determine if the vehicle is a VHI as it may not reflect the vehicle's age (cherished transfers, reconstructed classic vehicles etc.) The registration certificate (V5C) is more authoritative, but there are specific cases for example related to imported vehicles where in some cases the age of the vehicle would not have been captured at point of registration.

If your vehicle does not have a current MOT certificate and is exempt from needing an MOT test you will need to declare this each time when you apply for Vehicle Excise Duty.

For large vehicles, see also the later sections.

### **What do I need to do if I am responsible for a vehicle first registered before 1960?**

These vehicles are currently exempt from the requirement for a valid MOT certificate to be used on public roads. Most, but not all, will continue to be exempt. You still need to keep the vehicle in a roadworthy condition and can voluntarily have a test. We recommend continued regular maintenance and checks of the vehicle.

You need to check whether the vehicle has been substantially altered within the last 30 years checking against the criteria (in the guidance notes). If it has been substantially changed, an MOT certificate will be required for its use on public roads from 20th May 2018, even if the vehicle has previously not required an MOT. If your vehicle does not have a current MOT test certificate and is exempt from needing an MOT test you will need to declare this each time when you apply for Vehicle Excise Duty.

If you are responsible for a large goods vehicle (more than 3.5 tonnes) or a public service vehicle (with 8 or more passenger seats) used commercially, you will require a valid test certificate if the vehicle has been substantially changed in the last 30 years or if, in the case of a goods vehicle, it is used when laden or towing a laden trailer.

### **Which old, large vehicles do not require testing from 20th May 2018?**

Buses and other public service vehicles with 8 or more seats that are used commercially are exempt if they are pre-1960 vehicles. This is still the case from 20th May 2018 unless they have been substantially changed.

Buses that are not public service vehicles over 40 years old are exempt from 20th May 2018 if they meet the new definition of "vehicle of historical interest".

Large goods vehicles (of more than 3.5 tonnes) are exempt from testing, if first used before 1960 and used unladen, but provided (with effect from 20th May 2018) they have not have been substantially changed.

A small number of pre-1960 large goods vehicles will require goods vehicle tests. If they have never been tested, owners will need to apply for a first test using a VTG1 application form. This includes contact details for DVSA, which can be used in the event of practical problems, for example concerns about testability and finding a test centre.

Some separate exemptions from testing in full or parts of the test are relevant to some old, large goods vehicles. For example steam powered vehicles are exempt from testing. Another example is in respect of the petrol driven historic lorries, all spark ignition (petrol) vehicles over 3.5tonnes are exempt from a metered check in the test