

The UK's Department for Transport has released the long-awaited definition of a Vehicle of Historic Interest (VHI), which will define the classics that will be exempt for taking an MOT test.

Crucially, it also defines how modified classic vehicles should be dealt with.

The basic outcome is that most vehicles manufactured or first registered over 40 years ago will (from 20 May 2018) be exempt from needing an MOT – but owners will still be able to have their vehicles MOT'd if they wish to, and they won't be forced to register their vehicles as a VHI (Vehicle of Historic Interest).

Vehicles that were modified in period – including specials – will be allowed to be registered as VHIs, and will therefore be exempt from the need for an MoT as well.

Vehicles that have been modified in the last 30 years will not be eligible to be registered as a VHI, but will simply need to be MOT'd each year, as they are currently. This is a rolling 30-year date, to protect classics that are currently being modified, or that may be modified in the future.

However, modifications that improve 'the efficiency, safety, preservation or environmental performance' of a vehicle, such as uprated brakes or electronic ignition, will not prevent the vehicle from being granted VHI status.

There were widespread fears that modified vehicles in particular were to be legislated off the road, but this has not been the case.

This is largely thanks to the work done by the Federation of British Historic Vehicle Clubs with the Department for Transport – a statement from the Federation says that, 'The FBHVC wishes to express its

appreciation of the open and collaborative manner in which the DfT approached these discussions.'

Feeling relieved? Then enjoy our Top 10 of classics that will be exempt from the MoT.

### **Important points from the FBHVC**

- The process is one of self-declaration.
- Owners will only be required to declare their vehicle to be a VHI if they wish to be exempted from an annual MoT Test.
- All vehicles will still be able to be tested if their owners wish.
- The criteria are generic and permit changes made, less than 30 years prior to the declaration, which improve efficiency, safety, preservation or environmental performance.
- Those vehicles registered on a Q plate, as kits or built up classics are not entitled to be declared as VHIs until 40 years after they were registered.
- For motorcycles only the criteria of Q plates, kits and built-up classics prevent declaration as a VHI.
- The Guidance refers to 'a marque or historic vehicle experts'. A list will be published on the **website of the Federation of British Historic Vehicle Clubs** by 30 April 2018. Vehicle owners wishing to confirm if they may declare their vehicle as a VHI, may choose to contact the appropriate nominee from this list.

The new legislation will come into effect from 20 May 2018.

### **Department for Transport's guidance on Vehicles of Historical Interest (VHI)**

These are the notes, in full, released by the Department for Transport:

- 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 (ie goods vehicles with a maximum laden weight of more than 3.5 tonnes) and buses (ie vehicles with eight 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, 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.

**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 trailer.

### **Which old, large vehicles do not require testing from 20 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 20 May 2018 unless they have been substantially changed.
- Buses that are not public service vehicles over 40 years old are exempt from 20<sup>th</sup> 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 3.5 tonnes are exempt from a metered check in the test.