

RoSPA Response to

“Introducing Road Worthiness Testing for Fast Tractors and Other Technical Changes to Vehicle Testing Legislation”

A Department for Transport Consultation Paper



Response to the “Introducing Roadworthiness Testing for Fast Tractors” Consultation Paper

Introduction

This is RoSPA’s response to the Department for Transport’s consultation paper, “Introducing Roadworthiness Testing for Fast Tractors and Other Technical Changes to Vehicle Testing Legislation”. It has been produced following consultation with RoSPA’s National Road Safety Committee.

The Government is proposing to make certain changes to the roadworthiness testing regime in Great Britain prompted by European Directive 2014/45/EU that relates to periodic roadworthiness testing for vehicles. The most substantial change is the introduction of mandatory testing of “fast tractors”, i.e. those with a design speed greater than 40km/h (25 mph), if they are used for commercial haulage. The proposals seek to strike a balance between capturing those vehicles being used for haulage operations but not those which rarely travel on the road, or only for short distances.

Other proposed changes will clarify the definition of a “small island” in the context of exemptions from testing, exempting very slow speed vehicles, below 25km/h (15.5 mph), and some updates to the testing method used for MOT and goods vehicle testing.

Fast Tractors

The Government proposes to subject fast tractors to mandatory roadworthiness testing if they are used for commercial haulage more than 15 miles from their base of operation. Fast tractors used solely for agriculture will not be subject to mandatory testing.

The Government believes that fast tractors are increasingly being used to replace lorries for some haulage operations, and when they are being used in the same way as lorries, and at similar speeds, they can pose similar types of road safety risks. Statistics show that when agricultural tractors are involved in accidents, they are five times more likely to have vehicle defects than all other vehicles.

Question 1

Do you have any views on the road safety risk posed by fast tractors used for commercial haulage?

RoSPA Response

RoSPA supports the proposal to subject fast tractors that are used for commercial haulage to mandatory roadworthiness testing. As the consultation paper notes when tractors are being used in the same way as lorries, and at similar speeds, they are likely to pose similar road safety risks as large goods vehicles. Therefore, RoSPA agrees that they should be subject to the same roadworthiness testing regimes.

However, we do not agree that this should only apply to such vehicles if they are used for haulage more than 15 miles from their base of operation. We believe 15 miles is too great a distance.

We understand and accept the reasoning that where these vehicles are only travelling very short distances (for example, from one field to another) they pose very low road safety risks, and so it is not reasonable to subject the owner to the costs of mandatory testing. However, in our view 15 miles is too far to be used as the criteria for when these vehicles become subject to mandatory testing, because such a distance allows a significant amount of interaction with other road users, with the consequent road safety risks.

RoSPA recommends that the distance set be much shorter.



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Question 2

Do you anticipate a growth in the number of fast tractors used for commercial haulage? Please provide supporting evidence.

RoSPA Response

RoSPA is not able to answer this question.

Question 3

Do you agree with the proposed approach to identifying vehicles in scope of the mandatory roadworthiness test? Are there any unintended impacts that we should be aware of? If not, please give your reasons.

RoSPA Response

RoSPA agrees that “commercial haulage” should be interpreted as meaning transport for hire and reward or own-account transport, or for other professional purposes, as this is consistent with other EU legislation. It also includes vehicles that are used mainly on public roads and excludes those that operate predominantly off-road but may sometimes use public roads for short distances, for example to move between different off-road sites. This is consistent with other parts of British law that regulate vehicles.

We agree that a vehicle that meets the criteria for the “agricultural machine” vehicle tax class should not be considered to be used mainly on the public road and so not subject to mandatory roadworthiness tests. We agree that operators of fast tractors that do not fall into the “agricultural machine” tax class should be required to declare whether their vehicle is used at any time for commercial haulage; and if such use exceeds the proposed radial distance for mandatory testing. However, periodic, checks should be conducted to ensure operators make accurate declarations.

Taking up maximum exemptions and minimum testing frequency

The Government propose to adopt the minimum testing frequency for fast tractors set in the European Directive, of four years after the date of first registration and every two years thereafter.

Question 4

Do you agree with the proposed approach to exemptions? If not, please give your reasons.

Question 5

Do you agree with the proposed testing frequency? If not, please give your reasons.

RoSPA Response

RoSPA does not agree that the Directive’s minimum testing frequency for fast tractors of four years after the date of first registration and then every two years should be adopted in Great Britain. We suggest that fast tractors that carry loads on the road should be subject to annual roadworthiness testing from 1 year old, in line with the rules for other large goods vehicles.



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Delivery of the testing regime

It is proposed that appropriately-trained Driver and Vehicle Standards Agency (DVSA) staff will conduct the tests at private Authorised Testing Facilities (ATFs). This would be an extension of the current model used for LGVs.

Question 6

Do you agree that a significant number of ATFs would be likely to accommodate fast tractor testing? If not, please give your reasons.

Question 7

Do you agree with the proposed approach to delivering the testing: DVSA staff testing vehicles at suitable ATFs? If not, please give your reasons and indicate your preferred approach.

RoSPA Response

RoSPA agrees that this is a sensible and practical approach.

Test Standard

The Government propose to base the test standards on the requirements that already apply to tractors that travel above 40km/h (25mph), which is higher than for tractors that travel below 40km/h. It includes requirements such as 50% braking efficiency, the fitment of anti-lock braking (ABS) and all-wheel suspension.

Question 8

Do you agree with the proposed approach to setting the test standard? If not, please give your reasons.

RoSPA Response

RoSPA agrees that this is a sensible and practical approach.

Assessing the Costs

Question 9

Please provide any information you have on the geographical distribution of fast tractors used for commercial haulage.

RoSPA Response

RoSPA is not able to supply this information.

Question 10

Please provide any information you have on whether and how often fast tractors used for commercial haulage already undergo (voluntary) roadworthiness testing.

RoSPA Response

RoSPA is not able to supply this information.



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Exemption for Small Islands

In Great Britain, some vehicles are exempt from mandatory testing when they are based, or used exclusively, on some small islands. The European Directive defines a "small island" as an island with fewer than 5,000 inhabitants and is not linked to the other parts of territory by road bridges or road tunnels. This definition was not included in previous EU roadworthiness Directives, and so two minor amendments would have to be made to Britain's domestic legislation.

A particular anomaly is that large vans based on the Isle of Bute (with a population of around 6,500) are exempt from MOT testing, whilst other classes of vehicle on Bute are not exempt. The Government proposes to remove this exemption.

Question 11

Do you envisage any difficulties with the proposal to modify the small islands exemption in the Motor Vehicles (Tests) Regulations 1981? If yes, please provide details.

Question 12

Do you have any comments on specific implementation issues for vehicle testing on Bute (for Class VII vehicles and heavy goods vehicles) including any evidence on the likely impact of this change?

RoSPA Response

RoSPA agrees with these proposals.

Exemption for low-speed vehicles

The European Directive applies to motor vehicles, which are defined as any power-driven vehicle on wheels, moved by its own means, with a maximum design speed exceeding 25 km/h (15.5 mph). British domestic legislation excludes motor vehicles with a design speed not greater than 20 mph which are constructed for the purpose of street cleansing or the collection or disposal of refuse or the contents of gullies.

The Government propose to amend British legislation to exempt from testing all motor vehicles with a design speed not exceeding 25 km/h (15.5 mph), regardless of the purpose for which they were constructed. They believe this would have minimal impact as some heavier street cleaning and refuse vehicles are already being tested due to their speed capability. However, the proposed change may remove certain vehicles, such as low-powered mopeds, from testing.

Question 13

Do you envisage any difficulties with the proposal to exempt from testing all vehicles with a design speed below 25 km/h (15.5 mph)? If yes, please provide details.

RoSPA Response

RoSPA supports the proposed amendment. It would reduce the speed at which some vehicles become subject to mandatory testing from 20mph to 15.5mph (25 km/h), and so should bring more vehicles into the scope of mandatory testing.



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Updating legislative provisions for technical testing requirements

The European Directive sets detailed minimum requirements of vehicle roadworthiness tests, which make some updates to the previous Directive that reflect developments in vehicle and testing technology. Meeting these new requirements means making some minor additions to the existing test of items to be inspected visually in British domestic legislation.

Question 14

Do you envisage any difficulties with implementing these changes to the legislation governing vehicle testing methods? If yes, please provide details.

RoSPA Response

RoSPA does not envisage any difficulties with this proposal.

Vehicle “clocking”

Vehicle “clocking” occurs where the odometer is tampered with to reduce the apparent mileage of the vehicle. The European Directive requires Member States to take action to prevent this by making the mileage information from the previous roadworthiness test available to the inspectors. In Britain, the previous mileage is recorded and made available to MOT test centres through the MOT IT system.

The offence of “clocking” a vehicle to intentionally mislead purchasers is a criminal offence under the Consumer Protection from Unfair Trading Regulations 2008 and the Fraud Act 2006. Local Trading Standards Services target enforcement at garages on a regular basis, leading to prosecutions. However, the manipulation itself is not illegal, only the subsequent sale of the vehicle.

Question 15

Do you consider that existing legislative provision is sufficient to tackle the issue of “clocking”? If not, please give your reasons.

RoSPA Response

RoSPA believes that tampering with a vehicle’s odometer to reduce the vehicle’s apparent mileage should be a criminal offence in itself, as well as selling a vehicle that has been ‘clocked’.

RoSPA thanks the Department for Transport for the opportunity to comment on the proposals. We have no objection to our response being reproduced or attributed.

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