



POSITION STATEMENT

17 November 2021
For immediate release

FBHVC position statement on the Future of Transport Regulatory Review

The FBHVC (Federation of British Historic Vehicle Clubs) has been in dialogue with the Department for Transport regarding the recently released proposals within the DfT's Future of Transport Regulatory Review. In particular, there were concerns raised by the historic vehicle community around the implied intent of the review to make it an offence to modify, remove or reduce the effectiveness of an existing vehicle system.

The preliminary view of the Legislation Committee of the Federation (FBHVC) was that the consultation proposals that the DfT have put forward should be viewed in the context of a number of expected future developments in transport and any future legislation will be applicable to "tomorrow's vehicles". The Federation noted that the consultation document uses phrases that suggest it is forward looking in terms of regulation with phrases such as:

"[a] modern framework for tomorrow's vehicles"

and

"[w]e anticipate a greater range of new and innovative road vehicle designs and associated technologies. We propose a flexible, proportionate and responsive approach to allow safe, secure and environmentally friendly vehicles to come to market. These vehicles need to be registered for use on our roads without undue delay."

The Federation noted also the reference to the Law Commission 3-year review and the fact that this new consultation "compliments" their work in relation to legal frameworks for automated vehicle deployment. All this is suggestive that the new legal provisions are directed at the next generation of vehicles rather than those of the past. Thanks to the efforts of the Federation, new vehicle design, maintenance, equipment and inspection standards do not generally apply to earlier generations of vehicles.

The principle accepted within government and reflected in the Construction and Use Regulations and Road Vehicle Lighting Regulations is that a vehicle need only conform to the regulatory standards of its time to remain on the road. Subsequent standards are not applicable to it. In addition, where contemporary regulations did not specify a design or build standard, the law has not barred modifications to for example ignition, brakes and suspension in older vehicles to improve safety, reliability and efficiency. Thus, the main aim of the Federation's response to the consultation was to ensure that the above principle was maintained and there was to be no retrospective application of any new provisions.

However, concerns were raised by a number of elements within the historic vehicle community around anti-tampering proposals in the consultation, in particular:

"We [the DfT] will create new offences for tampering with a system, part or component of a vehicle intended or adapted to be used on the road. This will enable us to address existing gaps in the legislation, ensuring cleaner and safer vehicles. We will also create new offences for tampering with non-road mobile machinery and for advertising "tampering" services or products."

Concern was expressed by some that this may outlaw modifications conducted on historic vehicles and damage the many businesses either manufacturers or installers who rely on this trade.

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As a benefit of the long-standing working relationship between FBHVC and DfT, the Federation received an early invitation to respond directly to the DfT ahead of the formal Consultation. The Federation used this opportunity to ask for confirmation that the principle of no retrospective effect would be maintained and to address the concerns over anti tampering proposals. The Federation therefore sought assurances from the DfT on the following points:

- a. The DfT would follow the existing long policy principle that the revised regulations will not have retrospective effect.
- b. They would specifically not apply tampering provisions retrospectively, but confine them exclusively to “tomorrow’s” vehicles.
- c. They would consider a specific exemption provision in the regulations allied to the definition of historic vehicles.

The Federation has received a detailed written response from the DfT, who have given assurances that they do not intend their proposals to prevent legitimate motorsport activities, prevent restoration, repairs or legitimate improvements to vehicles, such as classic cars or motorbikes or to negatively impact businesses involved in these activities. These assurances are reflected in the recent issue of an updated consultation paper on the DfT website.

They also confirmed older vehicles will not be expected to comply with new type approval standards. The type of activities they want to take more effective action against include tampering activities that prevent a vehicle’s emissions system from operating correctly and as vehicles become increasingly automated, to prevent alterations to a vehicle’s integral software and sensing technologies which create safety and security risks. A badly modified “autonomous vehicle” for example, has the potential to kill its occupants and other road users.

The prompt action by the Federation as a formal stakeholder, has produced a preliminary response from the DfT that will offer reassurance to those who have expressed concerns about potentially damaging legislation.

Clearly, any subsequent draft legislative proposals will have to be examined carefully. As a formal stakeholder, the Federation will be engaged in consultations on any future proposed legislation. It will also be providing a full response to the Consultation to ensure that initial undertakings are maintained throughout the process.

For media enquiries, please contact:

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About the FBHVC:

The Federation of British Historic Vehicle Clubs exists to uphold the freedom to use historic vehicles on the road. It does this by representing the interests of owners of such vehicles to politicians, government officials, and legislators both in the UK and (through the Federation Internationale des Vehicules Anciens) in Europe. There are over 500 subscriber organisations representing a total membership of over 250,000 in addition to individual and trade supporters. All our directors operate in a voluntary capacity supported by our secretary.

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