# Response from the Independent Garage Association (IGA) regarding the Department for Transport's public consultation on the future of MOTs in Great Britain.

## Executive summary

The Department for Transport's consultation is presented in two parts. The first suggests changes to the introduction date of a vehicle's first MOT and the second asks for research into future MOT enhancements.

The IGA has serious concerns over the first section, which suggests increasing the date of a vehicle's first MOT from 3 to 4 years. This document explains the reasons for our anxieties in detail and provides the necessary data that has led to our apprehensions.

**To provide a very short summary: -**

- IGA members consistently report seeing vehicles fail their first MOT at 3 years due to dangerous defects and extremely high mileages.
- In 2022, **12.2%** of class 4 and **24.9%** of class 7 vehicles tested failed their first MOT at 3 years old. Delaying testing until a vehicle is 4 years old would have resulted in **311,797** unroadworthy cars and **30,197** unroadworthy goods vehicles being on our roads for a further 12 months. Furthermore, approximately **4.5%** of these failures were due to dangerous defects with tyres. *(1)*
- The problem is compounded in the fourth year. For example, in 2021, DVSA data indicated that **11.8%** of in-scope vehicles fail their MOT at their first 3 year test. The same data demonstrates that at the second (4 year) test, **13.1%** of vehicles fail their MOT. Current data available combining 2017/18 registered vehicles indicates an expected fail rate of **16.2%**. It is likely that, if the third year MOT test is removed, the fourth-year failure rate would increase significantly, in particular the dangerous defect failures.
- Electric vehicles are heavier than internal combustion engine cars and vans, and therefore are suffering similar shortcomings to suspension components at far lower mileages than their Internal Combustion Engine (ICE) counterparts.
- A recent Trust My Garage consumer survey indicates that **over 93%** of respondents believe that extending the period to the first MOT test would adversely affect road safety. More worryingly, **over 64%** of respondents also stated that they are unlikely or extremely unlikely to have their vehicles checked between MOT tests.

We therefore ask the UK Government to take careful consideration before making any changes to the MOT introduction year.



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However, we can see merit in many of the areas covered by the second part of the consultation, because vehicle technology is constantly evolving. In recent years we have seen rapid development in Advanced Driver Assistance Systems (ADAS), LED head lamps and the development of hybrid and electric vehicles. **Therefore, the MOT needs to keep pace.**

Furthermore, the concept of testing a car's roadworthiness has expanded to encompass vehicle emissions and effects on the environment. As a result, ICE vehicles' emission control systems have also moved on to include particulate filters and selective catalyst reduction systems, which today go mainly untested.

This document explains the importance of the UK aftermarket and who we are. It also lays out the evidence and shows the data which has led to our concerns. Additionally, it provides ideas and suggestions as to how the MOT can be improved to keep pace with the vehicle technology of today.

*(1) Sourced from public information request (2302-012760) via the DVSA, see table on page 6 below.*



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## The UK Aftermarket

The UK automotive aftermarket sector employs around 350,000 workers, in about 54,000 small businesses. The UK aftermarket sector is the fourth largest in Europe (and ninth largest in the world), contributing an estimated £12.2 billion to the UK economy each year.

## The Independent Garage Association (IGA)

The IGA is a member association of the Retail Motor Industry Federation (RMIF), which was founded in 1913 to act on behalf of the retail motor industry. We are the largest and most prominent trade body in the independent garage sector, representing the interests of over 35,000 independent garage businesses across the UK. We are the voice of our members and seek to represent and maintain the standards within our industry.

This document contains the views of the IGA regarding the Department for Transport's public consultation on the future of MOTs in Great Britain, which was launched on 18 January 2023.

In compiling this document, we have consulted with many experts from within the UK motor industry and focused on ensuring that the UK maintains its world-class road safety record. We have also paid attention to how some proposed changes to the current MOT could be damaging to our environment and how some could benefit it.

## Contents





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## Changes in vehicle technology

Since the MOT was introduced in 1960, and especially in recent years, there have been major developments in vehicle technology which have increased road safety by removing some of the decisions from the driver and restricting any overreactions. For example, a vehicle's Anti-lock Braking System (ABS) prevents the driver from locking the wheel during excessive braking, and the Dynamic Stability System prevents over-acceleration when exiting a bend. Therefore, technology has certainly improved road safety, but it's important to remember that it is the vehicle that is assisting the driver and subsequently the driver may have become dependent on those systems.

The MOT plays a very important role in ensuring a vehicle's structure, components and system operate to a set minimum standard, and it is right that new technologies contributing to road safety and environment protection are phased into the MOT testing system. We are therefore of the opinion that extending the period of time a vehicle can be used before its first MOT should remain unchanged while any changes to the scheme are rolled out, tested and analysed.

Today the percentage of Electric Vehicles (EVs) on our roads is increasing, with sales quadrupling over the last 3 years. EVs are typically heavier than ICE vehicles and we are seeing increased rates of tyre wear and suspension component failure during EVs' first MOTs. This means we are in uncharted waters when it comes to the durability of components and systems within this new evolution of motor vehicle and for this reason too, we feel extending the period of a car's first MOT is a risk to road safety that does not need to be taken.

2021 failure rates for vehicles first registered in 2018 show that both electric and hybrid vehicles fail at a higher rate than petrol vehicles.*(2)*

*(2) Sourced from garageindustrytrends.com*

## Effects on the environment

In addition to its impact on air quality, road transport accounts for 22% of total UK emissions of carbon dioxide ($CO_2$), a major contributor to climate change. The EU has agreements in place with motor manufacturers that aim to reduce average $CO_2$ emissions from new cars. Colour-coded labels, similar to those used on washing machines and fridges, are now displayed in car showrooms showing how much $CO_2$ new models emit per mile. However, as traffic levels are predicted to increase, road transport will continue to be a significant contributor to greenhouse gas emissions.

Should the period of the first MOT be extended, vehicles that would have failed their initial MOT due to their emissions being produced will continue to pollute the atmosphere at excessive levels until the proposed delayed first MOT.



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Air pollutants from transport include nitrogen oxides, particulates, carbon monoxide and hydrocarbons. All have a damaging impact on the health of local people, animals and vegetation. The UK has seen an improvement in air quality, but there continues to be areas that still fail to meet the health based national air quality objectives and European limit values – particularly for air particles and nitrogen dioxide.

DVSA data reveals that in 2022, 311,797 class 4 vehicles and 30,197 class 7 vehicles failed their first MOT, which equates to a failure rate of 37.1%. *(1)*

We are concerned as DVSA data shows that 11.03% of all MOT test failures are caused by vehicles failing the emission test. This amounts to approximately 30,884 vehicles that would be driving on the roads for 12 months with illegal emissions if the first test was to be moved to 4 years.

These figures relate purely to cars, so the number will be higher with the inclusion of vans, minibuses and LGVs.

A function of the MOT test is to notify vehicle owners of any preventative work that may be required by way advisories, such as limited tyre life remaining, leaks and emissions being close to permitted limits. The proportion of vehicles that are borderline could be repaired to ensure they reduce their emissions. If the first MOT test was to be delayed to 4 or even 5 years, this information will not be communicated to the vehicle owner, and the opportunity to have remedial work completed will be delayed for potentially 12 to 24 months. The missed opportunity to correct out of limit emissions has the potential to be far more damaging to the environment and public health than a short journey to have a vehicle MOT'd at three years of age, as is suggested in the consultation documents.

As well as harming the environment, the production of illegal emissions could be harmful to drivers' pockets. In some areas, authorised officers of the local authority can check that emissions from road vehicles comply with Construction and Use Regulations and issue fixed penalty notices to those failing the test.

There is an argument being put forward that vehicles being driven to MOT test centres increase the amount of pollution in the atmosphere and delaying the test by 12 months will reduce these emissions. This is based on a wholly unrealistic assumption that if a vehicle is not being driven to its first MOT, then it is not being driven at all. It is much more likely that a vehicle not requiring an MOT at 3 years would cover a far greater mileage than to and from a local test centre on any given day.

Government data suggests that 53% of commuters use their cars to get to and from their place of work and 25% of drivers commute a distance in excess of 10 miles in each direction. There will therefore be no reduction in emissions and conversely there will be an increase, as vehicles will more than likely be driven to work during the time when they would have been stationary at the MOT station.



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## Effects of 4-1-1 on road safety

Looking at Class 4 vehicles tested in 2021/2022 as a comparison, DVSA data lists a number of 31.6 million MOT tests conducted. Of those, 7.3 million class 4s failed their MOT, and alarmingly the data shows that 2.48 million did so as a result of a dangerous defect. Using just this example it is clear to see the importance of the MOT and why making any changes to the frequency or the delay period before a vehicle's first test must be considered very carefully.

Changing the frequency of the test in 2021/2022 would have resulted in 2.48 million cars being on the road for a full year with a dangerous defect. Perhaps a good number of those defects could have been picked up during a routine service, but you must ask the question: why were they not? Therefore, we believe there is a good road safety argument for not changing the frequency of a vehicle's first and subsequent MOTs.

As for extending the age of a vehicle before it is introduced to the MOT from 3 to 4 years, it is very easy to argue that new cars very seldomly fail their first MOT, so therefore it would have little effect on road safety. However, those who work in the industry know that some vehicles will have travelled 30 to 40 thousand miles per year and have over 100 thousand miles on the clock when being presented for their first MOT. Many of these high mileage vehicles are company cars and will have been serviced, but our industry is constantly surprised by the number that have not been serviced and the number that fail their MOT because of tyres, brakes and faulty lighting.

The following table shows data on class 4 and 7 vehicles at their first MOT (3 years old). As you can see, the percentage of fails is consistently around 12% for class 4 and 24% for class 7 vehicles. Delaying testing until a vehicle is 4 years old would have resulted in over 2.5 million cars and over 121 thousand unroadworthy LCVs being on our roads for a further 12 months.

Furthermore, approximately 4.5% of these failures were due to dangerous defects with tyres.

*Sourced from public information request (2302-012760) via the DVSA*

| Year | Class | Tests | Fails | % Fails | Lamps, reflectors and electrical equipment | % Lamps, reflectors and electrical equipment | Visibility | % Visibility | Dangerous DefectsTyres | % Tyres |
|---|---|---|---|---|---|---|---|---|---|---|
| 2020 | 4 | 2,623,818 | 344,439 | 13.1% | 90,625 | 3.5% | 85,509 | 3.3% | 125,393 | 4.8% |
| 2020 | 7 | 95,239 | 23,339 | 24.5% | 12,097 | 12.7% | 4,745 | 5.0% | 4,239 | 4.5% |
| 2021 | 4 | 2,620,525 | 324,572 | 12.4% | 87,383 | 3.3% | 86,211 | 3.3% | 115,562 | 4.4% |
| 2021 | 7 | 112,907 | 26,555 | 23.5% | 13,945 | 12.4% | 5,896 | 5.2% | 5,033 | 4.5% |
| 2022 | 4 | 2,548,825 | 311,797 | 12.2% | 83,421 | 3.3% | 76,454 | 3.0% | 114,616 | 4.5% |
| 2022 | 7 | 121,319 | 30,197 | 24.9% | 15,249 | 12.6% | 7,193 | 5.9% | 5,626 | 4.6% |



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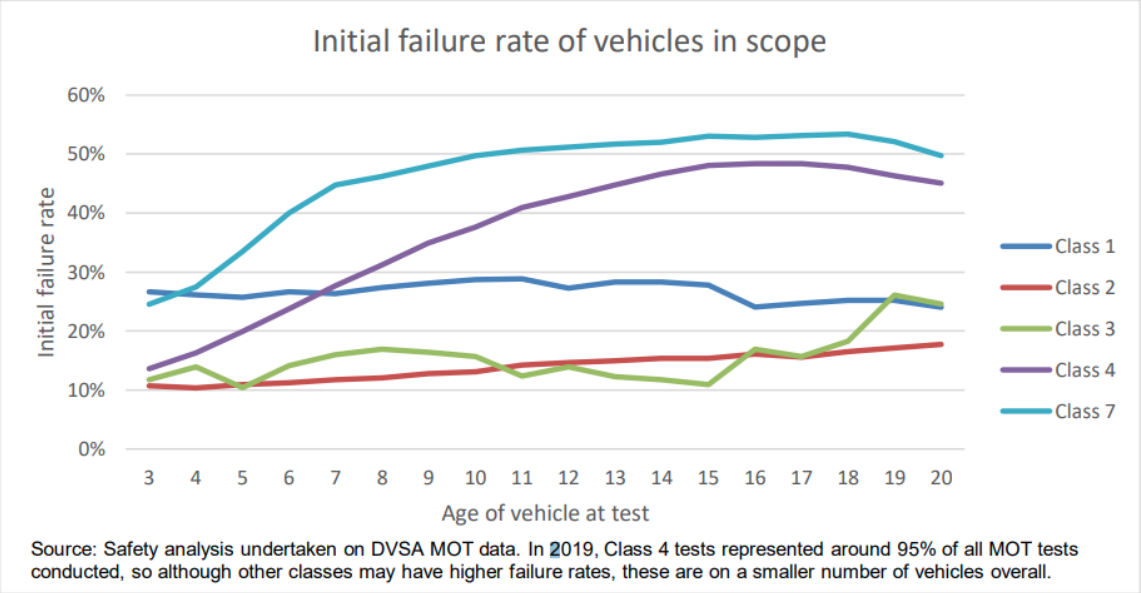
Any reduction in testing frequency will lead to an increase in unrepaired vehicle defects.

The impact assessment shows “Chart 3: Failure rate by vehicle age”:

***Chart 3: Failure rate by vehicle age[31]***




Source: Safety analysis undertaken on DVSA MOT data. In 2019, Class 4 tests represented around 95% of all MOT tests conducted, so although other classes may have higher failure rates, these are on a smaller number of vehicles overall.

This shows that more vehicles fail the MOT at year 4 than year 3. It is accepted in the impact assessment that there would be a higher fail rate at year 4 should Option 1 be taken. Table A7 within the impact assessment document, copied below, refers to class 4 vehicles, with the assumptions made and the likely failure rates should 4-1-1 or 5-1-1 be adopted. This shows an estimated calculation and prediction of how customers would act and how defects could compound and remain on vehicles used on the highway between year 3 (when they would have been tested) and at year 4 or 5.

As can be seen, the likelihood (based on figures up to 2019) is that the year 4 failure rate would increase significantly, possibly up to 30%. A median figure of 25% is much more likely, and would represent a major road safety risk if 25% of 4 year old vehicles having their first mandated inspection did not meet the requirement to pass an MOT.

***Table A7: Estimated initial failure rates by age of vehicle and option, Class 4***

| Age of vehicle, years (2019) | Option 0 (3-1-1-1) | Option 1 (4-1-1-1) | Option 2 (5-1-1-1) |
|---|---|---|---|
| | Initial failure rate | Initial failure rate | Initial failure rate |
| 3 | 13.6% | | |
| 4 | 16.3% | **19.8 – 30%** | |
| 5 | 20.0% | 20.0% | **27.4 - 49.9%** |
| 6 | 23.8% | 23.8% | 23.8% |
| 7 | 27.7% | 27.7% | 27.7% |



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This would appear to contradict the statement made in the consultation impact assessment, page 8: -

*"…There is expected to be only a marginal increase in vehicles being used in an unroadworthy condition from this measure given the marginal increase in the initial MOT period, and hence the current requirement to test vehicles at 3 years old is considered to be burdensome and not reflecting the risks expected from these vehicles."*

The justification noted for that would be the smaller increase in overall fail rates for all years and classes in scope, from 31.9% to between 32.2% and 33.2%. However, this statement mentions the increase in the initial MOT period and as such it would be more relevant and factual to refer to the significant increase in fail rates and unroadworthy vehicles in use, which the figures in Table A7 above show.

We would not consider this increase to be "marginal."

It is relevant to consider that the MOT standard is a minimum roadworthiness standard on that day only, and not predicting future use. The statistics above mean that 25% of relatively new vehicles at 4 years old would have been driving on the highway and to the test station without meeting that minimum standard, let alone a good well-maintained standard, if the 4-1-1 change was implemented.

There is also mention made in the consultation document that: -

*"…. we use behavioural assumptions on the likelihood of individuals identifying and seeking a repair to their vehicle without the prompt of their first MOT. If we remove the requirement to have an MOT at 3 years and as a result motorists do not get repairs done, more vehicles will have defects."*

Consideration is given to the percentage of vehicle owners who would not seek a repair to their vehicles without the prompt of an MOT.

The evidence is already apparent with the fail rate of vehicles at statutory test of all ages, which shows a high proportion of owners do not adequately maintain their vehicles (approximately one third). A move to change the first MOT to 4 or five years will only serve to compound this figure.

Further evidence from our recent Trust My Garage consumer survey shows this is not the case, and 34.5% of respondents indicate they are unlikely to have their vehicles checked between MOT tests.

There is a statement made in the Consultation Document, page 7:

*"…. In recent years, the rate of failure at the first MOT testing has been falling, (which is shown in Chart 1 below). Vehicles are generally better built than they were in the past."*



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However, the information obtained from the DVSA, via an FOI request, gives the latest data which contradicts the above statement, and shows that between years 2021/2022 the combined overall number of class 4 & 7 vehicles failing their first MOT has increased.

The current MOT Testing Station (MTS) data (for January 2023) shows that the overall fail rate average for the scheme in relation to cars and light goods vehicles is currently higher than that shown in Chart 1 of the consultation documents.

The consultation refers to falling failure rates, but what does not appear to have been factored into the data is the effect of the extended period between MOTs as a result of the "COVID Exemption" to the MOT in 2020. It would appear that the majority of data used in the impact assessment is only up to 2019, so misses out the real time effect of increasing the time between vehicle tests, which surely should have been considered.

What can be seen from the most recent data set for MOT Testing Data, published on gov.uk on 5 January 2023, is that whilst some fail rates have decreased, others have increased. This may be considered normal cyclical variation, and does not indicate that fail rates will continue to decrease. As referenced below, dangerous fail rates for tyres, one of the major influences on road safety, has not decreased.

We certainly agree that vehicle manufacturing standards have improved and vehicles are more reliable. However, we cannot see any concrete evidence offered in the consultation document or impact analysis that relates to durability improvements of safety related components.

If the latest MOT MTS data (January 2023) is considered, the five largest categories of failure relate to items that are likely to affect vehicles of any age due to wear and tear.

| **Failures by category** | |
|---|---|
| Body, chassis, structure | 14.10% |
| Brakes | 24.70% |
| Buses and coaches supplementary tests | 0% |
| Identification of the vehicle | 1.40% |
| Lamps, reflectors and electrical equipment | 45.70% |
| Noise, emissions and leaks | 11.20% |
| Road Wheels | 1.30% |
| Seat belt installation check | 0% |
| Seat belts and supplementary restraint systems | 4.00% |
| Speedometer and speed limiter | 0% |
| Steering | 7.10% |
| Suspension | 31.30% |
| Tyres | 21.80% |
| Visibility | 21.70% |



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As can be seen from the highlighted points above, a significant proportion of failures relate to items that can be easily checked by the owner/driver of a vehicle, yet vehicles are being presented for MOT with these defects evident.

Furthermore, the percentage of vehicles failing MOT due to dangerous defects continues to remain fairly constant. For example, dangerous defects relating to tyres shown in the data from 2018 to date average 5.07 percent, showing only minimal variations from quarter to quarter.

https://www.gov.uk/government/statistical-data-sets/mot-testing-data-for-great-britain

Anecdotally, our members are reporting higher than average suspension component failure on EVs, seemingly due to their higher vehicle mass.

Furthermore, information is starting to come to light showing that tyres on EVs have an increased wear rate when compared to their ICE vehicles counterparts. EVs are generally much heavier than their petrol or diesel equivalents, and the instant torque of an EV causes additional wear on tyres. Tyres designed especially for EVs are more expensive than regular tyres, and it is likely that they may be replaced with standard tyres when needed (quite legally) to reduce costs. This will potentially further increase wear rate.

A very interesting report was published by The Swedish National Road and Transport Research Institute (VTI) relating to “Users’ experience of tyre wear on electric vehicles a survey and interview study.”

https://www.researchgate.net/publication/361643677_Users'_experiences_of_tyre_wear_on_electric_vehicles_A_survey_and_interview_study

The document presents a range of answers, some stating less wear, but by far a higher percentage commenting on increased tyre wear in their EV compared to previous wear experienced in their ICE vehicle.

We have added a brief section below.

*“The consultation document page 9/37 Table 4 - Vehicle Defects as Contributory Factors to Collisions in Cars in 2019 STATS19, show tyres being illegal, defective or underinflated contributed to over half of the fatal occurrences and 41.2% of all serious occurrences, and as such the importance of tyres cannot be underestimated and any reduction of testing with the inevitable consequence of an increase of vehicle use with defective tyres is unacceptable for safety and moral reasons.”*

It is noted in page 7/37 of the Consultation Document that: -

*“…. The 2016 consultation presented an estimate of the possible safety impacts of changing the date of the first MOT test from 3 to 4 years. This was based on 2011*



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*Transport Research Laboratory (TRL) 3 analysis adjusted to 2015 casualty levels. DfT has now carried out an updated analysis to assess the relationship between the number of MOT failures for cars and the frequency of collisions caused by vehicle defects. We have recreated the original approach undertaken by TRL to validate against their estimates and have since updated key input data around more recent MOT failure rates and collisions to assess the effects of changing the date of the first MOT under the proposals."*

As the consultation document notes, the original approach undertaken by TRL has been recreated with updated key data for this consultation. What is difficult to determine though is whether the conclusions of the TRL report in 2011 are still the same, as they pointed to uncertainties on the results of that report. If the approach has remained the same but with just different inputs, would it not be the case that the caveats noted in the TRL report conclusions would still be appropriate now.

In the conclusion of the TRL report in 2011, section 7, page 45 it is stated (and highlighted in bold in the report): -

*"… However, it must be stressed that these are estimates only and further work would be required before a genuine quantification of the scale of these adverse road safety impacts will be known."*

There are also numerous notes that the report was compiled with uncertainties, for example in the Executive Summary, page iv: -

*"…. There is uncertainty with respect to the number of accidents which occur in the UK where vehicle defects are contributory, this is because no recent studies have been undertaken to investigate these issues."*

*"…. Reducing the frequency of testing for newer vehicles is likely to have adverse road safety consequences……"*

## Impact on garages

***Financial:***

The DfT Consultation document calculates that there will be a reduction of income to the MOT testing sector of the garage industry of circa £56.3 - £123.6 million for an initial year. To divide this reduction in income across the 23,400 MOT testing stations in the UK would not paint an accurate picture of the situation.

The one-year interruption caused by the 4-1-1 MOT testing model may appear to be inconsequential, but this will not be the case for a substantial number of independent garages.



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At point of implementation, as older vehicles hit the 40 year old threshold and are no longer required to have an MOT, and others reach an age where they are no longer viable or reliable modes of transport and are taken out of service, there will be no new business added to the car parc for the initial year. This is highly likely to result in a measurable dip in business for the 23,400 testing stations.

The business model of garages with an MOT testing bias is significantly under threat. These garages typically have invested in equipment enabling them to be efficient in the delivery of MOT testing, making this a business focus.

For this type of garage, diversification may be essential to survive in order to mitigate against lost income and qualified members of staff. This will not be a simple transition. Incorrect skillsets within some of the most highly paid members of their technical staff will take some time to remedy. A lack of trading history in other business areas is likely to take some time to establish and then build up. New equipment is likely to be required to accommodate business other than MOT testing.

The risks are likely to be manifest on multiple fronts:

- Some businesses may take the decision to close, reducing the choice for consumers needing an MOT test in certain localities.

- Diversification may drive garages to move away from MOT testing to more lucrative income streams. Anecdotally, this is already happening within some garage businesses, particularly within the franchised dealer network. Again, this would impact on choice for the consumer.

- The redistribution of resources is likely to be more prevalent within the larger business focussed operations where members of the team have a business strategy role. Arguably these larger operations are instrumental in delivering choice to the consumer (e.g., Kwik Fit, Halfords, larger independents, etc).

It may be fair to say that the effects of this change will be temporary, but there is significant potential for those effects to be much further reaching than the initial period of change.

***Effects to booking rhythm and other maintenance bookings:***

It is a valid concern to consider whether general maintenance will suffer as a result of implementation of the 4-1-1 MOT testing model or indeed any other frequency change. Anecdotally, there is a strong connection with consumers linking their annual maintenance service to having an MOT carried out on their car, as is evidenced by our Trust My Garage consumer survey.



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It is again possible that this will be a temporary adjustment while the garage industry and consumers alike find an efficient solution to bringing maintenance schedules into line. Even currently there is a challenge in consumers 'remembering' to get their first MOT done at 3 years.

This is likely to be an increased issue as a result of the following:

- Not all consumers sign up to the DVSA reminder service.
- There will be no previous year MOT recorded with their chosen repairer to trigger a garage-based reminder.
- If a car's third-year maintenance service is delayed or missed, this could have an impact on defects that are currently picked up at their year 3 MOT by being partially delayed in having defects detected at best, or at worst being delayed until year 4 where the defect could quite conceivably escalate to a dangerous state.

The above not only relates to components visually inspected for the minimum standard required for the MOT test, but also relates to the components that are inspected more thoroughly via dismantling during routine maintenance.

While reminders to conduct scheduled maintenance are likely to have some positive influence, anecdotally, the significant proportion of the public that is required to pay for their own maintenance and repair work see this expenditure as a distress or optional purchase. This is likely to negatively influence consumers' decisions to conduct any non-mandatory inspection or maintenance work, particularly in this time of economic challenge on the family purse.

***Routine Service amendments to mitigate against the effects of MOT changes:***

A suggestion is made that garages could amend routine maintenance to incorporate additional checks to mitigate against the omission of the third year first MOT test (This suggestion could be extrapolated further if the 4-2-2 MOT test model is implemented).

This suggestion does not address how this could be funded.

Routine maintenance is a highly competitive business area where, in many cases, the consumer choice is based heavily on cost. A variety of methods are used by garages to pitch prices for this type of work, ranging from the less formal method of good engineering practice and comparison with local competition, through to a more formal method of following a manufacturer's Service Schedule. Across the range of methods there would be a great deal of pressure on some garages if they were put in a position where they were 'obliged' to introduce time consuming additional unpaid activities into a routine service.

Conversely, in a commercial environment, it is extremely likely any additional costs will be passed on to the consumer, thus negating any potential saving of moving the first MOT to 4 years.



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***New equipment investment (including removal of 'grandfather rights'):***

The suggested requirements to incorporate new test areas within the MOT relating to exhaust emission testing and rescind flexibilities afforded to any garage operating under 'grandfather rights', thereby imposing the need to invest heavily in new equipment or adjustments to premises to continue MOT testing, has a mixed effect, both positive and negative.

The need to move to a more environmentally responsible position within the motoring world is not in debate here and should be considered as a given.

However, the proposal for changes to the MOT test not only incorporates environmentally driven change but also looks at introducing measures to arguably make governing the delivery of MOT testing more reliable from a desk-based perspective, which imposes additional cost burdens upon MOT stations.

Implementing all of these changes simultaneously, however virtuous the changes may seem, is likely to have significant ramifications to the garage industry. This is particularly the case during a time where there are very significant cost increases to all forms of overheads, and income limitations are being felt as a consequence of the 'cost-of-living crisis'. Any changes being considered to the MOT test frequency itself have the potential to destabilise the MOT testing sector and put jobs at risk.

The implementation of the changes to equipment requirements and possibly modifications to premises, along with the impact to income, may be the perfect storm for MOT testing stations. This situation is highly likely to cause both owner operators and managed, strategic business operators alike to look hard at the economics of operating an MOT station.

In this instance it may fuel the growth of MOT biased operations but is still likely to reduce choice for consumers overall, as the costs of upgrading equipment and redeveloping premises that don't meet current regulations are two issues that are likely to cause garages to drop out of the scheme.

It is also conceivable that some sites operating under 'grandfather rights' are not physically able to meet the requirements of current MOT testing station regulations and so will be forced to stop testing. These are likely to be rural sites that effectively provide a 'community service' and could have a significant impact on local communities if forced to stop testing.

The consultation also asks for consideration around noise monitoring equipment for modified cars. Anecdotally, this must be a tiny proportion of tested vehicles. Is there supporting evidence to show that this is a large or growing problem? If so, we suggest that this topic be the subject of a separate consultation once more evidence is available.



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Imposing equipment requirements for safety related or environmentally related inspections could be rationalised and understood by the garage industry, however equipment that is rarely used will be more challenging to justify based on economic viability.

***Incorporating vehicle dismantling into MOT testing:***

In principle this idea has merit.

There are likely to be instances where closer inspection could have avoided premature catastrophic failure of safety related or environmentally impacting components, and this is a change to the MOT scheme that should be given close consideration.

However, using the current model and mindset, MOT testing stations would be obliged to carry out this work at an effective labour rate at less than the normal charge out rate (in some instances, substantially less).

Under these conditions it is likely that testers will be under pressure (not necessarily spoken) to complete this work in the shortest time possible. This is highly likely to lead to breakages to items such as undertray fixings, leading to client disharmony, additional costs for the consumer and potentially driving corner cutting, thus negatively impacting the quality of the current system.

There needs to be clarity here on liability, as well as an obligation on the consumer to ensure that parts incorporated within the disassembly process are maintained in such a way as to be readily removed using 'normal' hand tools, powered or otherwise.

***Additional administrative burden:***

Within the consultation, some matters are incorporated that will have an administrative impact on MOT testing stations. Introducing a level of matching numbers checking, mileage checking and, unless fully automated, up-to-date manufacturers' recall checking.

There will also be an impact here from time to time on the garage sector, more so with owner operator type businesses. These types of checks are valid and appropriate, but consideration should be given to the fact that from time-to-time vehicle numbers (registration number and VIN) won't match for a variety of reasons.

This is likely to cause a significant level of disruption to the smaller garage operator who builds his reputation on customer service. In this case the option to dismiss the test if things don't match up is not an option. Some garage operators will feel obliged to soak up the business impact of trying to 'help' this customer through the problem.

The MOT test needs to have the facility to proceed with the test and fail the vehicle on this item, allowing the full picture of the vehicle to be drawn at the time of the test.

***Quality matters (including training):***

There is no doubt that the quality of the MOT test should be a principal consideration.



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It is noted from the numbers published that in 2021, less than 1% of testers and garages were removed from the MOT testing scheme.

Measures to improve or even maintain good quality within the MOT testing scheme should be proportionate.

The relationship between DVSA and the garage sector is largely open and cordial. This should be protected to ensure progression and development within the test scheme as time and technology move on.

Introducing an Ofsted type publication of performance may undermine this progressive relationship. Close communication, open dialogue and zero tolerance towards those that flaunt the rules is likely to have a more positive and collaborative effect, with garages buying into future changes.

Expanding the scope of the MOT Test Scheme to incorporate consumer comfort/ facility standards might appear to be a considered method of 'cleaning up' the image of MOT stations, however the reach and range of this scope needs to consider that there is a place and a price point for all different types of garages conducting MOTs.

Adding financial burden outside of quality testing may force some good garages out of the scheme, as the financial burden to meet the requirements prove too heavy or, due to premises restriction, impossible to implement.

***4-2-2 MOT Testing model:***

The 4-2-2 MOT testing model has ramifications that are far wider reaching in a variety of ways.

The 50% reduction in MOT testing revenue will have a profound impact on all MOT testing stations, as well as the wider automotive sector that supports consumers with vehicle repairs related to MOT requirements. As previously mentioned, diversification may not be viable because of the trading history, lack of skillsets and lack of equipment.

The impact of this model of testing frequency on the garage industry will be felt for a significant period of time. We may never reach a 100% increase in the number of vehicles on UK roads before the constraints of environmental concern impacts this profoundly.

Garages of all types are likely to question the viability of allocating resources to MOT testing. To a lesser or greater degree this is highly likely to impact on consumer choice and reduce competition, as certain garage businesses alter their focus away from MOT testing.

Similarly to the 4-1-1 discussion, it is possible that the number of MOT 'specialist' garages will increase, whilst garages that carry out a limited number of MOTs, especially in more rural areas, will diminish, causing more limitations to consumer choice.



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***Costs & Fees and the MOT Price Cap:***

The MOT price cap is a system that has been in operation for some considerable time. It is understood by the industry and allows for flexibility where localised downward price pressure can be allowed for if necessary.

This subject is emotive and there are two points of view that stand out. One point of view believes that the MOT should be a fixed price with all MOT stations obliged to charge the same. The other view is firm in the belief that the price cap brings flexibility and should endure as the method used to set the price of an MOT.

Both have merit in their own way, but if we are to work with the capped method then the capped value should be increased proportionately to reflect the significant proposed increase in investment required to continue as an MOT testing station.

Operating an MOT station under the system of a guideline price is not ideal. In effect there is only a subtle difference as many MOT stations will feel that they are not in a position to charge above the local 'going rate'. Charging significantly above the guideline is likely to attract the attention of garages that don't rely on MOT testing within their business model. It is also likely to be messy, leading to consumer dissatisfaction and confusion. The current capped system acts like a guide in that even discounted MOTs don't fall too far from the capped rate at an average of £45, according to information found within the consultation document.

If the current MOT Cost Cap system is to be retained, it should be index linked in line with inflation and set so as to give MOT stations confidence for their future sustainability, along with a return on investment. This also gives consumers clear guidance and businesses flexibility to respond to competition and market forces.

***Longer Term:***

The idea of conducting MOTs according to the mileage covered by a vehicle is flawed.

This scenario would be likely to result in the types of vehicle failures noted during and immediately after the COVID-19 lockdowns, e.g. seized handbrakes and brake callipers, corroded brake discs and seized brake pads, demonstrating that low mileage vehicles are as susceptible to failure items as higher mileage cars, but for different reasons.

There is likely to be merit in high mileage cars being tested more often, however there is no information within the consultation documents as to how a mileage-based MOT regime would or could be operated.

This would reflect the system that has been in place for many years in relation to routine maintenance. Letting MOTs extend beyond 12 months because a car hasn't covered many miles would see vehicles being used on the road with component degradation caused by lack of use.



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Regarding Advanced Driver Assistance Systems (ADAS) and self-driving systems that enable the car to make autonomous driving corrections through to fully automated vehicle guidance (in time), it is right and proper that these systems should be tested to ensure they operate correctly.

Due to the nature and sophistication, not to mention the variety of these systems, there are a number of challenges that would need to be overcome. The calibration of this type of system can vary, with some being extremely labour intensive, and others requiring investment in equipment to test and calibrate.

As we are seeing the age of vehicles in the UK car parc increase, many older vehicles not fitted with ADAS systems will not have the requirement to have these systems tested. This has the potential to require a tiered pricing structure, based on the technology within the vehicle being tested.

Should a tiered system be considered, the ADAS systems tested within each category would need to be clearly defined to avoid any confusion for both consumers and test stations alike.

## Impact on Government departments

Table 1 below shows the vehicles that are in scope of the proposed change and the maximum current fees for MOT tests (in practice, MOT testers often charge less than the maximum). Part of this fee (£2.05) is paid to the DVSA when a vehicle passes an MOT as a “slot fee” which supports DVSA’s operation and enforcement of the MOT system.

At a time when the whole country is under financial pressure, including Government departments, it seems illogical to introduce a system that reduces the income to an enforcement agency that play such an import role in keeping our roads safe. The DVSA plays a vital role in ensuring standards within the MOT station network are maintained to a level which provides both confidence and consistency across the network.

| **Table 1: MOT test fees Class** | **Type of vehicle** | **Fee** |
|---|---|---|
| **1 & 2** | Motorcycles | £29.65 |
| Motorcycles with sidecar (class 1 engine size up to 200 cm3) | | £37.80 |
| **3** | 3 wheeled vehicles (up to 450kg unladen weight) | £37.80 |
| **4** | Cars (up to 8 passenger seats) and 3 wheeled vehicles (up to450kg unladen weight) | £54.85 |



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| | | |
|---|---|---|
| 3 wheeled vehicles (over 450kg unladen weight) | | £54.85 |
| Quads (max unladen weight 400kg – for goods vehicles 550 kg and max net power of 15w) | | £54.85 |
| Dual purpose vehicles | | £54.85 |
| Private hire vehicles and PSVs (up to 8 seats) | | £54.85 |
| Goods vehicles up to 3,000kg (Design Gross Weight) | | £54.85 |
| **7** | Goods vehicles over 3,000kg up to 3,500 kg (Design Gross Weight) | £58.60 |

Most of DVSA's income comes from the MOT slot fee.

According to the consultation, Option 1 (MOT at year 4) would reduce the income from slot fees by £53.1 to £56.1 million over ten years. This figure does not include the cost of changing IT systems or the actual hours it will take staff to inform the public of such changes.

Such a reduction in income will pay a toll and may affect the volume of enforcement officers out on our roads. If so, this could reduce the DVSA enforcement capabilities at a time when vehicles are potentially becoming older before their first MOT test.

According to Government reports[(a)], air pollution is the largest environmental risk to public health in the UK.

The annual mortality of human-made air pollution in the UK is roughly equivalent to between 28,000 and 36,000 deaths every year. It is estimated that between 2017 and 2025 the total cost to the NHS and social care system of air pollutants (fine particulate matter and nitrogen dioxide), for which there is more robust evidence for an association, will be £1.6 billion.

(a) https://www.gov.uk/government/publications/air-pollution-applying-all-our-health/air-pollution-applying-all-our-health

In addition to the direct cost of lost revenue to DVSA, there is the unquantifiable cost to public health and the NHS relating to health conditions associated with vehicle exhaust emissions and particulate matter.

Allowing new vehicles to be used for an additional year without an emissions check could further impact air quality and therefore public health.



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***Public awareness and vehicle servicing:***

In our view, if there was a change to the date of the first MOT, any saving to the consumer may have the potential to be negated by increased repair costs from wear and tear items not being identified early enough, thus leading to higher repair bills in the long term.

**Option 1 (First MOT at year 4)**

The target vehicle parc for the proposed change in Option 1 would provide no benefit to motorists running their vehicles on a budget. A large proportion of 3-year-old vehicles are either leased vehicles or company owned, and as such the cost burden of the MOT at 3 years has little or no impact on the private consumer.

The consultation document accepts there will be additional accidents causing death, serious and other injuries. These additional accidents will come with a financial cost, the majority of which will be borne by insurance companies. In turn, they are likely to increase their premiums to the consumer to compensate, further negating any cost savings.

The current fail rate at year 3 suggests that not all owners/drivers are maintaining their vehicles to the minimum standard required by UK law. Another concern is that year 3 is the point at which many lease contracts end and these vehicles pass on to their second owners, many of whom choose to buy these older vehicles due to the cost benefit against a new vehicle.

Currently these vehicles are MOT tested prior to or at the point of sale, thus any potential issues would be identified and normally rectified by the retailer. Moving the first MOT to year 4 would remove the need for the retailer to MOT the vehicle, passing on any unidentified defects to the new unsuspecting consumer and leaving them potentially facing higher repair costs.

**Option 2 (MOT at year 5)**

As with Option 1, potential costs savings to the consumer are likely to be outweighed by higher repair bills come the time of the first MOT.

In both cases, even with low mileage vehicles, this has the potential to result in dangerous defects going unnoticed and this risk increases significantly with higher mileage and LCV vehicles.

The DfT's argument that modern cars are reliable is correct, however, reliability must not be confused with degradation. A vehicle of low mileage has the same potential to be as unroadworthy as a high mileage vehicle, but for different reasons.

Key safety critical items such as tyres and brakes still wear, in some cases more so than older cars. The fail rate of modern cars at first test is circa 14%, unsurprisingly



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mainly on tyres, brakes, lights and suspension, and 1,759 casualties were caused by vehicle defects in 2021.

For the garages that currently undertake MOTs, the potential loss of income is virtually unquantifiable as, in addition to the MOT income, any remedial work required will be lost in year one of the change. This impact will also affect subsequent years due to the compounding effect and the finite capacity of any given garage business.

For the consumer, the year 4 repair requirements could result in lengthy leads times for repairs and MOT.

## Call for evidence on future enhancements to the MOT test.

### *Adding additional test areas*

### Emissions

The consultation suggests we should be measuring the emissions of NOx and particulates, which currently go untested. Non-testing of Diesel Particulate Filters (DPFs) risks poor public health and further damage to our environment. It would therefore be environmentally advantageous to carry out checks on the performance of the DPF during an MOT test.

However, the cost burden to garages needs to be considered. In order to test correctly, the business will need to purchase DPF testing equipment including any ancillary equipment. To ensure that the cost factor to businesses is kept to a minimum, we advocate that this requirement should be introduced in the same way that Diesel Smoke Meters were introduced, allowing MOT stations to phase the cost into the business at a time that best meets their individual business plan.

Among the air pollutants that petrol and diesel engines emit are oxides of Nitrogen-NO and NO2, generally abbreviated as NOx. Nitrogen oxides have harmful direct effects on human health and indirect effects through the damage they do to agricultural crops and the environment. In 2015, manufacturers were found to be deliberately manipulating the performance of diesel cars' emission control systems so as to 'defeat' vehicle tests that are supposed to certify that a car meets the emission standards.

It is evidently difficult but also imperative that nitrogen oxide emissions are tested to provide a figure on the dangerous pollution emitted into the atmosphere. One of the ways this can be achieved is by incorporating legislation into the MOT test procedure.

A precedent that can be used is the European Union's Real Driving Emissions (RDE) test procedure for measuring vehicle emissions. Emissions are tested whilst the vehicle is being driven on public roads open to traffic, including provisions to cover a broad range of driving conditions. The test could include RDE trips that include urban, rural and motorway driving.

But this is not the most practical way of testing for excessive NOx emissions during an MOT, as it would extend the time required to complete the test which would need to be reflected in the cost of the MOT to the consumer.

Tail pipe testing of NOx is possible, but NOx is emitted whilst the vehicle is under load conditions, which in the past has included the use of a rolling road. However, recent tests by CITA have shown that it has become possible to detect high emissions of NOx at the tail pipe whilst the vehicle is off load, but under acceleration.

Therefore, we feel that further research into tailpipe off load testing of NOx should be conducted before considering the introduction of NOx testing into the UK MOT.

## Noise Pollution

According to the World Health Organisation, noise is only second to air pollution in the impact it has on health and the environment. Vehicle noise has been flagged as a major physiological stressor on roughly equal footing with exposure to second-hand smoke and radon. Therefore, the testing of noise emissions should be considered and is currently tested in some EU member states, but we should ask just how important it is and how many loud vehicles are on our roads. We feel that because leaking exhaust systems are currently detected via excessive oxygen (O2) emissions or by visual examination, introducing such a test is probably unnecessary.

However, it would pick up modified exhaust systems that are normally used on tuned engines and on a few motorcycles. Furthermore, with certain local authorities starting to conduct roadside metered noise testing and the possibility of national checks on noise, it would be expected by the consumer that the MOT should identify any noise output that may lead to fines or prosecution.

It is desirable, and will increase conformity across VTS's, to have any vehicle noise test conducted in an objective manner rather than a subjective manner if reasonably possible.

## Vehicle Mismatches:

We agree that the current strategy of testing "what is front of the tester", whether it matches the DVLA registration details or not, can occasionally be problematic and can legitimise certain vehicles where details have been deliberately changed.

A change to this approach would be positive, as long as it can be done without causing delays to the testing process. The number of times this problem occurs is most likely quite minimum but, if improved, it would greatly increase the integrity of the database.

It should not be a function of the VTS to resolve the identification dispute, but they should be applying a clear refusal to test due to the fact the registration number, VIN number, make, model or colour does not match the MOT database or alternatively, complete the test but issue a fail on a number mismatch basis.



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For these reasons there would need to be a clear procedure for the VTS and good advice to the customer on settling any disputes with the DVLA, or in certain circumstances the DVSA.

Purging the database would be beneficial and improve the efficiency of the test.

## Vehicle Disassembly:

It would be desirable to gain access to visually check components that currently cannot be seen due to fixed covers. However, under the current regulations (MOT Testing Guide Appendix 4) it would appear that the VTS would be liable for any damage to the vehicle during test.

It is inevitable that in removing undertrays and other panels to gain access to inspect items that some fixings or panels may break. Whilst it would be presumed that the tester will take reasonable care to prevent this, these breakages may still occur, and there will be a cost involved in materials and time to rectify.

It would not be fair or reasonable to expect the VTS to cover this cost, so the only option would be to pass this charge onto the presenter of the vehicle.

It may be the case that by removing a panel and because of a breakage, a panel may not be able to be refitted if the parts required for repair are not available. In certain circumstances this may mean the vehicle cannot be driven until repaired, with consequential cost to be borne for alternative transportation.

If this plan was implemented, to ensure conformity across different test stations there would need to be a clear list of which components need to be removed so access can be gained in order to be visually inspected.

It is also inevitable that some models may need special tools over and above standard hand tools available in a garage to remove certain panels and covers. This would limit the number of test stations available to the consumer to allow them to have an MOT test.

Another factor would be the removal of certain undertrays needed to fully inspect testable items. Removal of these undertrays may not be feasible using currently approved testing bay and MOT platform ramps. The vehicle therefore would need to be removed from the test bay to another part of the workshop, which is equipped with a suitable ramp (two post for example). Items inspected whilst on the non-approved ramp (currently an offence) would need to be reassembled and moved back to the MOT facility for remainder of test.

As well as causing logistical and technical difficulties, this may also massively increase the test time on certain vehicles, which would need to be factored into the cost for the consumer.



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## Safety Recalls:

The proposal to include safety recalls within the MOT undoubtedly has merit, however there are a number of challenges to overcome before this can be practicably applied. For example, the consultation document states: -

*"… data is not always up to date and is incomplete."*

We feel that until we can be certain that re-call data is complete and provides the ability to fully confirm that a particular vehicle has an outstanding safety recall that has not been rectified, safety recalls should not be added to the MOT test.

Furthermore, safety recalls currently fall under the terms of the vehicle manufacturer's (VM) warranty obligations. We have grave concerns that, due to the present challenges with independent operators accessing the data for safety recalls and the limited number of vehicle manufacturer approved repair facilities, introducing safety recalls at the present time has the potential to create a huge bottle neck. It would also seriously disadvantage consumers and may well reduce competition due to the perceived monopoly of VMs' authorised repairer networks.

The knock-on effect for independent operators is the potential for extreme customer dissatisfaction, due to them not having the authorisation to undertake any safety recall work required. The potential for consumer detriment at the present time is significant, and there would need to be a mechanism introduced to enable independent operators to identify any safety recalls required and act upon them, ensuring prompt vehicle turnaround to maintain customer mobility.

## Services to Motorists:

A question was posed in the consultation document on the publishing of the results of quality checks conducted by the DVSA on a test station. We have no issue with such publication; however, this should only happen after any appeals process has been finalised.

We cannot see a way to publish this information on DVSA site review audits that would be beneficial to the consumer or be fair and proportionate to the test station.

It is our experience that there are often items noted by DVSA VEs that relate to their own perceived standards rather than those defined in the Inspection Manual or Testing Guide. There is not currently any means for the VTS to challenge the results of a site inspection unless a full disciplinary process is invoked.

As any adverse published information distributed could seriously affect the business financially, it is vital that it is not subjective and only deals with published requirements.

There is already a system in place that, should any items be noted as seriously deficient by the VE, they can pursue a disciplinary action using the tried and trusted



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procedure in place and as mentioned above. If this results in a proven case that meets the criteria for cessation, this could then be published.

What would be advantageous is to publish and promote MOT stations that achieve overall standards, including customer service, more prominently. This would help drive MOT stations to go the extra mile in their overall offering.

The Testing Guide Section D, Authorised Examiner Responsibilities, General, already states: -

"…. AEs are advised to be members, or become members, of a Chartered Trading Standards Institute (CTSI) approved code of practice. Details of approved codes can be found on the TSI website,"

Previously, VOSA staff (prior to 2015) would use a published scoring mechanism for risk at test stations, of which one question was whether the VTS was a member of an approved CTSI code of practice.

Recent changes to DVSA risk scoring mean this objective scoring system is no longer used by DVSA VEs, but rather a subjective system which is not published.

As the audit process of the CTSI scheme includes many customer service areas and these are independently audited, using these again would give the consumer a definable view of those garages that are "good" and have voluntarily subjected themselves to scrutiny, passed a defined standard, and are committed to maintaining this standard.

Publishing the Garage Risk Rating would be extremely problematic, as this generally risk rates MOT stations whose test data differs from a set of national averages and is therefore not necessarily a true reflection of the working practices of the station in question.

The "Manage Your MOT Centre Guidance" published by DVSA on gov.uk addresses this by stating: -

"…. If you have a high-risk rating, it does not automatically mean anything's wrong with your testing standard. You should check your processes and systems are working correctly and make changes if they are not."

As such, publishing this information may not be advantageous to the consumer and could also cause determent to test stations for factors that may be outside their control and not directly related to testing standards.

***Revoking Incorrect Test Passes by DVSA:***

The question is raised in the consultation document as to whether there should be a facility for DVSA to revoke a test pass result if they reinspect a vehicle and detect that that it has had an incorrect pass.



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The consultation document does not stipulate whether this is the result of an appeal examination, or a vehicle examined immediately after issue without the vehicle leaving the test bay.

If this did relate to an appeal examination this could be anything up to 28 days later or 3 months for corrosion issues. We do not feel that changing the original test result would be appropriate in this circumstance as it may well be that the vehicle was correctly tested at that point of time, as certain defects can appear after the original test or be influenced by external factors.

Changing the result that is available for all to see could be used in a legal case against the VTS, as this would be used as evidence that the test was not conducted correctly, even though at the point of time in which the tester made the decision it was correct.

What may be appropriate, and is a tool that DVSA already have available to them, is to issue a prohibition on a vehicle preventing further use on the road until another MOT has been obtained and the vehicle meets the correct standard. This could then be recorded on the MOT history.

We have been previously advised by DVSA that they do not like to put prohibitions on vehicles voluntarily submitted by a customer for appeal, even if unsafe at that point in time, as this may disadvantage the customer.

Our view is that any decision made should be based on road safety and that if the VE has identified an unroadworthy vehicle, it should be incumbent on them to prevent the use of the vehicle on the road until it can be seen to meet the required MOT standard.

***Reminders:***

In relation to MOT reminders that encourage consumers to get their vehicle tested, we feel that has significant merit and supports consumers and garages businesses alike. Many garages have their own system in place to contact their customers, which provides a good customer service experience and aids customer loyalty. Additionally, the DVSA system is also available should the customer require a non-commercial reminder.

Given that there are existing reminder systems in place for the consumer, we feel that this can only be improved by better enforcing of the requirement to have a current MOT for those vehicles that need one.

One solution to help ensure consumers get their MOT done on time would be to mandate the DVSA's reminder system to all registered keepers, rather than having this as an opt-in service.

***Grandfather Rights and Connected Brake Testers:***

There is mention that DVSA consider connected brake testers as a tool to help combat fraud and mention that a more "aggressive roll out" could be used across all tests



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stations, rather than the current system that only mandates this upgrade to a new station or change of ownership.

Whilst we agree that fraud needs to be detected and eradicated from the scheme, it should also be appreciated that fraudulent activity only occurs at a very small number of testing stations.

Mandating equipment upgrades for all test stations to connected equipment would require a significant capital outlay, which for some low volume test stations would be unviable.

A far greater effect on reducing fraudulent issues could be obtained at a far lower cost by enhancing the requirement for a static or recorded imaging of vehicles whist on site, or the introduction of the number plate recognition/photo vehicle identification system that has recently been trialled in some stations.

***Period of Cessation:***

There needs to be visible deterrents to make it clear to those deliberately conducting fraudulent activity that there are real consequences and a high possibility that this fraud will be detected. The current 5-year ban should be seen as the minimum but with the existing rules relating to “lack of repute” listed in The MOT Testing Guide Appendix 7 applied to any entity wishing to reapply again after their prescribed cessation ends.

In relation to the length of ban and whether the testing authority also gets removed from the premises, we feel that in certain circumstances this may be appropriate.

However, in instances where the AE entity or the AEPs were not directly involved in fraudulent activity carried out by an employee, perhaps with deception to avoid detection, this would not be appropriate.

Longer sanctions against the tester committing the offence and increased criminal prosecution of testers would help. These very serious cases should have a real deterrent due to the very real harm that can be caused by their actions.

***Better Testing of Items Already in MOT:***

One way to improve road safety would be to look at better ways of implementing the checks we already have in our MOT. It could be seen that we are currently testing to meet a testing requirement or rule rather than doing the best for road safety. There are anomalies in our test that may be considered inexplicable if viewed in isolation.

See the example below: -

- A 7-seater vehicle requires tyres checking to the 1.6mm minimum rule, however an 8-seater vehicle has tyres checked under the 1 mm rule.

This seems contradictory.

## Further Considerations

### Case for change

Progress is inevitable and necessary, however as stated in the consultation document, the MOT test provides 'a basic level of assurance'. As such, reducing the level of confidence in that basic level of assurance would seem counter intuitive.

The MOT exemption implemented during the COVID-19 pandemic resulted in our members seeing vehicles that were at best unroadworthy, and at worst dangerous, when they were presented for MOT 6 months later than originally scheduled.

Since the introduction of the MOT in the 1960s there have indeed been major advances in vehicle manufacturing. In the 1960s & 1970s vehicles suffered extensively from corrosion, which thankfully is not the same issue now as it was then.

The new technology in modern cars does, for some systems, alert the driver to some but by no means all vehicle system faults. It is not uncommon for our members to have vehicles presented to them for both service and MOT with a warning light displayed and when the vehicle data is interrogated, it shows that the vehicle had been in use for several month with the warning light on. As mentioned earlier, it is electronic vehicle systems that have improved road safety, so it is very undesirable for faults in such systems go undetected.

We are aware that Northern Ireland operate a different MOT system to Great Britain, in terms of time from first registration to first MOT. The delivery of the MOT system is also different and fundamentally broken according to recent reports; as we are no longer within the European Union, the periodic testing routine in Europe should not influence how the UK takes care of its road users' safety.

As the consultation document reminds us: -

*'The Department for Transport consulted in 2016 on extending the date of the first MOT test from 3 to 4 years but decided not to make the change at that time'.*

However, the consultation document states: -

'*One of the reasons why the department decided in 2017 not to proceed with changes to the date of the first MOT test was the age of some of the evidence base, especially in relation to the safety implications of the change.'*

It is our understanding that this was rightly based on the risk associated to the motoring and general public from defective or dangerous vehicles.

It should also be borne in mind that, while alternatively fuelled vehicles sales are on the rise, petrol and diesel fuelled vehicles continue to make up the vast majority of new car sales, meaning there is an ongoing risk, and will be for some time, to the environment if ICE vehicles remain unchecked for an additional 12 months.



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The consultation document makes mention that *'fewer vehicles are failing MOT tests'* and '*there have been general reductions in the number of casualties in collisions involving cars',* however it then makes the almost countering statement that there has been only '*minor decreases in the proportion of collisions where vehicle defects are a factor'*.

The figure quoted of 2.6 million tests on 3-year-old cars in 2021 omits details relating to motorcycles, but more importantly to light goods vehicles that typically cover much higher mileages.

From government data in 2018 there were 2.34 million new cars registered that would have become eligible for their first MOT in 2021. Taking into account the above figures, this would mean 11.1% of vehicles failed at first presentation. That equates to over a quarter of a million unroadworthy vehicles, whose owners knew their vehicle would be tested. This figure would likely increase if there was no incentive of an impending MOT test for an additional 12 months.

Further to the above failure rates at first MOT, it is more important to review the failure rates for vehicles at 4 years of age. Limited data is available for vehicle age at time of MOT. The data that is available indicates that the current failure rate at a vehicle's second MOT is around 13%. This figure is likely to be compounded if there is no MOT at three years, and this is likely to show a failure rate close the average overall fail rate of around 30% for all vehicles in scope.

What should also be considered is that the vast majority of failure items are issues around tyres, lighting and the view of the road, all of which require no technical knowledge to identify and would be apparent on any routine inspection, but vehicles are still being presented for MOT with such faults.

It is clear from the DVSA published failure statistics that vehicles owners/users are not maintaining their vehicles and, as mentioned in the consultation documents, many vehicle owners/users tend to have their vehicles serviced at the same time as having it MOT tested. Anecdotal evidence from our members suggest that this is done on the assumption that any faults will be identified and corrected during the service, in the hope that the vehicle will then have no fail items or advisories when the MOT is carried out.

Removing the need for an MOT test at 3 years is likely to lead to the annual service of these vehicles being put off until around the time the first MOT is required. This is likely to result in safety related faults not being identified and the vehicle being driven in an unroadworthy condition.

**Cost benefit of changing the date of 1st MOT**

As stated in the consultation document, 78% of households currently own more than one car or van. However, with an aging car parc, the vast majority of these vehicles are over 3 years of age. This means their owners will not benefit from the proposal to



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move a vehicle's first MOT to 4 years of age, and therefore will not reduce the regulative or financial burden of an MOT for most vehicle owners.

We agree that legislation should be proportionate to the perceived problem or risk, however in the case of the MOT, there is overwhelming evidence that maintaining the current MOT schedule in Great Britain helps maintain our road safety record and thus the safety of the motoring public.

Smart motorways assume that modern vehicles break down less frequently, hence the absence of a hard shoulder. This game of Russian Roulette on vehicle safety and reliability has the potential to put lives at risk, if the extended gap to the first MOT adversely effects the safety and reliability of vehicles.

The consultation document, in reference to the impact on garage income, makes the nonsensical statement of: -

*'…for newer cars this may be mitigated by the fact that many newer cars are serviced, and the MOT carried out by dealerships rather than by MOT garages.'*

This implies that the loss of servicing and MOT income is somehow less important to a dealership business than to an independent operator, where in fact, both have the potential to impact jobs and livelihoods of people employed in those businesses.

**Longer term**

There is a clear correlation between vehicle mileage and wear and tear on vehicle components and the fail rate at MOT, therefore it seems logical to consider an MOT regime based on miles covered by a vehicle. However, currently there is no failsafe method of identifying a vehicle's mileage unless it is either serviced, MOT tested or sold.

Introducing mileage-based MOT frequency is also likely to encourage 'clocking', the winding back of a vehicle's mileage. Whilst in modern cars this can be technically difficult, basing the MOT on its mileage is likely to open up a window of opportunity for the criminally minded. This increases the potential for more unsafe vehicles on our roads, and detriments any consumer buying a vehicle that is misrepresenting the actual miles it has covered.

It is right that new vehicle technologies, such as ADAS, should be considered for inclusion within the periodic testing routine, as there is a clear risk that drivers will become reliant on such systems and any malfunction or out of calibration issues are likely to render them ineffective.

From an automotive aftermarket position, the challenge is twofold; the first is access to the data required to check these systems, and the second is the high cost of the equipment required to test and re-calibrate the system components.



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In addition to the above, there is an inconsistent approach by vehicle manufactures regarding calibration methods, some of which are very labour intensive and require the vehicle to be driven in order to dynamically recalibrate the system.

To ensure that MOT capacity is not restricted to VMs' authorised repairer networks, the VMs will need provide access to technical information for independent operators for both operating specifications of these systems and the process of re-calibration.

A significant challenge that will need to be overcome is identifying the technology that is functioning within specific vehicles. 'Standard fit' ADAS technology can be difficult to identify visually, meaning it can be necessary to 'interrogate' the vehicle systems in order to identify the level of ADAS fitted.

More recently, VMs are moving to subscription activation of vehicle systems, meaning that a vehicle may leave the factory with systems fitted but not activated. The activation of vehicle functions can then be turned on or off, dependent upon a suitable subscription being paid.

Again, for periodic testing purposes, this would need a single interface device compliant across all vehicles, so as to avoid the high investments associated with VM specific equipment.

**Self-driving vehicles**

There is much talk around self-driving vehicles, not least in the insurance sector around liability. The high technology systems needed for self-driving vehicles can be complex, so in order to ensure the safe functioning of these systems, access to technical data is essential.

Including the operation of these systems within the periodic testing regime, at some point in the future, will be vital. We recommend this should be subject to a prolonged period of consultation, with consideration given to the equipment required and the time element involved to test their performance and serviceability.

Self-driving vehicles are those that are capable of driving themselves, in at least some circumstances, without the need for a driver to monitor or control the vehicle. Some self-driving vehicles may need a driver some of the time because they can only drive themselves on a motorway, others may never need a driver. The development and deployment of these vehicles has implications for a range of vehicle safety measures, including the MOT. Questions about responsibility for safety and roadworthiness must be considered, in particular for vehicles that never have a driver.

In January 2022, the Law Commission of England & Wales and the Scottish Law Commission ("the Law Commissions") concluded a multi-year review of the law relating to self-driving vehicles and made a series of recommendations to government. The review recommended that new legal entities should be created to support the clear and fair division of responsibilities for driving and other vehicle related issues. The government's response to the recommendations was published in August 20221.

The department is developing a regulatory framework for self-driving vehicles based on the recommendations of the Law Commissions.

The government proposes to create new legal entities including: The authorised self-driving entity (ASDE), which will be responsible for the safe behaviour of a self-driving vehicle when it is driving itself throughout its lifetime, and the no-user-in-charge operator (NUiCO), which will be responsible for non-driving tasks such as insurance, roadworthiness and securing loads for vehicles that require no driver. Where the vehicle retains a driver some of the time, these non-driving tasks will be picked up by this individual, as is the case today.

Until such time as new legislation is passed, registered keepers and/or operators of self-driving vehicles will be responsible for their roadworthiness and MOTs. Once regulations enable the creation of new legal entities, these responsibilities will apply to the driver or the NUiCO.

The Law Commissions concluded that 'existing roadworthiness offences should continue to apply to the [driver or NUiCO]' but highlighted the importance of regulation, allowing these offences to apply to the ASDE at a later date.

Development of more sophisticated self-driving vehicles and more effective self-diagnostic systems may also enable a degree of 'self-testing'. As this 'self-testing' capability develops, it may become increasingly difficult for the driver, or an operator of the vehicle, to bear responsibility for the vehicle's roadworthiness. The ASDE might have a better understanding of the vehicle's roadworthiness, such that it is simpler and safer to hold the ASDE responsible.

However, this 'self-testing' functionality may be limited to certain systems. It is difficult to see how a vehicle's tyre tread could be assessed reliably by an on-board system without human involvement. Even once self-testing becomes a reality, it may not be appropriate to transfer full responsibility for roadworthiness to the ASDE.

The Centre for Connected and Autonomous Vehicles (CCAV) CAVPASS programme is examining these issues, alongside others related to the safety and cyber security of vehicles with self-driving features. A better understanding of the likely future scenarios will improve future legislation. This may impact how and in what way we should test these vehicles and who is accountable for this. We would be highly interested in views on this.