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Date: 15th August 2006
Our Ref: **F0000432**

Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your e-mail of 2nd and my subsequent acknowledgement of 4th August 2006 concerning the use of farm type vehicles on the roads of Britain. My colleagues have provided answers to the questions you raised, and they are answered below in the same order as raised.

Q1) Whilst I appreciate that it makes sense for criteria for GV plating and testing to relate to tests that were made on a relevant prototype vehicle type, does the legislation, instructions or policy governing this testing require that this be so? In other words is any plating and testing procedure required by law or policy to relate to Type Approval?

A1) No. However there is a link. The Goods Vehicles (Plating and Testing) Regulations 1988 require compliance with certain regulations contained in the Road Vehicles (Construction and Use) Regulations. These regulations refer to certain EC Directives, the most relevant being the EC Braking Directive. This is the same directive that provides the standards required for a new vehicle which is subject to Type Approval, hence the connection.

Q2) Please consider that where a motor vehicle or trailer can be shown to require to be plated and tested but due to it not being subject to type approval, cannot be so, would it be appropriate to suggest such vehicles should not be used in circumstances where their use is not subject to exemption? In other words, if the vehicle is not type approved, or cannot be tested because of some other reason based on VOSA policy or the law related to testing, would it be appropriate to suggest such vehicles should only be used in circumstances where they are subject to an exemption?

A2) No. If a vehicle does not comply with the EC Brake Directive it cannot be issued with a plating certificate allowing the vehicle to be used as a goods vehicle.

However, it cannot be assumed that a vehicle exempt from the requirements of the Goods Vehicles (Plating and Testing) Regulations is likewise exempt from the EC Brake Directive requirements. This will depend on the vehicle category and the use to which it is being put.

Q3) If it is shown that as a result of the law on testing criteria or VOSA policy, a vehicle cannot be subjected to the plating and testing procedure AND it cannot be shown to mean that such vehicles should only be used in circumstances where an exemption is appropriate, would it be possible to provide written easily accessible guidance to the public, police and other enforcers sufficient to enable enforcement action to be obviated?

A3) The requirements appertaining to a goods vehicle are fairly well documented by VOSA in respect of a goods vehicle and are supported by the various regulations. The requirements appertaining to an agricultural vehicle and the use of such vehicles is available from the industry bodies representing the agricultural industry. It would not be possible to provide such guidance in simplified form for vehicles that are effectively designed for use as an "agricultural vehicle" but where the owner would like to use the vehicle for other purposes such that it falls into an alternative category. Much depends on the vehicle specification and the use to which it is being put.

Q4) Is there a plating and testing procedure in place for agricultural tractors (EU definition) that since 2005 have been subject to type approval?

A4) No. "plating and testing" is a term relating to the application of the "Plating and Testing Regulations" that are only relevant to a "Goods Vehicle" and not to an "Agricultural Tractor".

If you have any queries about the information you have received, please contact me, and I will be happy to assist you. My contact details are given at the head of this letter.

If you are unhappy with the information supplied, you may ask for an internal review. To request an internal review, please write to:

VOSA Corporate Office,
Berkeley House,
Croydon Street,
Bristol,
BS5 0DA

or email vosa.corporateoffice@vosa.gsi.gov.uk

giving the reasons for your dissatisfaction. It will help us if you quote the reference number for your case.

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You can write to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

If you have any queries about this letter, please contact us, quoting reference **F0000432**

Yours sincerely

VOSA Information Access