

FBHVC: Legislation & other news

UK LEGISLATION *by David Hurley* **Paint**

At the time of writing, it is not known how DEFRA will react to the recommendation made by the British Coatings Federation, and supported by FBHVC, that vehicle refinishing products such as cellulose should be considered as 'special finishes'. FBHVC's response to the recent consultation on establishing a licensing scheme for the continued sale of non-compliant

products (such as cellulose) closed with this support for the BCF position:

We urge that serious consideration is given to the point ... made by the British Coatings Federation that classifying historic vehicle re-finishing products as 'special finishes' within the meaning of paragraph 2 (e) of Schedule 1 of SI 2005/2773 would obviate the need to implement a licensing scheme for non-compliant products in respect of historic vehicles ... We believe

such classification can be justified on the basis that the products are designed for 'use as topcoats in situations where special properties are required', in this instance the special property being to provide the correct appearance for an historic vehicle.

London Low Emission Zone

The first stage in the implementation of the London LEZ comes in to force shortly after the publication of

this newsletter. It only applies to diesel-engined commercial vehicles made after 1972 (in other words no private cars, no petrol-engined vehicles and no pre-1973 vehicles are affected). The zone is roughly, but not exactly, the area within the M25, and the M25 itself is not included.

The first stage of implementation relates to goods vehicles with maximum permitted mass exceeding 12 tonnes: these will become liable to a charge of £200 per day to enter the zone unless they comply with the relevant emission standards. In July, the scheme will extend to smaller goods vehicles with maximum mass over 3.5 tonnes and commercial passenger vehicles with maximum mass over 5 tonnes. These will also be subject to the same £200 daily charge if they do not meet the relevant standard. In October 2010, lighter goods and commercial passenger vehicles will come into the scheme, albeit with lesser charges of £100 a day. When this occurs, several groups of vehicle that may be considered by their owners as private cars may become chargeable, most notably Land Rovers that were originally registered as 'utility' vehicles, but also camper vans and mini-buses.

The exact boundary of the zone can be checked at www.tfl.gov.uk where there is also a facility to check whether a particular vehicle is liable to charge or not.

Emissions related congestion charge

There had been no new announcement about this proposal at the time of writing.

Private Hire Vehicles

The Road Safety Act of 2006 laid the ground for the introduction of several new measures, continuous insurance (mentioned in issues 2 and 4 for 2007) being one example that has yet to come in to effect. A commencement order bringing measures relating to Private Hire Vehicles was approved at the end of last year, and sections 53 and 54 of the Act come into force at the end of January and end of March respectively. Section 53 applies to England and Wales, 54 has specialist application to London. On the face of it, these sections do no more than close loopholes in existing legislation relating to private hire and have no impact on historic vehicles, but there are implications for those who hire out chauffeured historic cars.

A private hire vehicle is defined in section 80 of the Local Government (Miscellaneous Provisions) Act 1976 as *a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a*

hackney carriage or public service vehicle or a London cab or a tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers. This long standing piece of legislation doesn't differentiate between old and new vehicles, but there were exemptions that, amongst other things, took cars with drivers on hire for more than a week at a time out of the provisions as well as exempting those cars and drivers hired solely for weddings and funerals.

In advising local authorities of the impending tightening up as a result of the measures in the Road Safety Act of 2006, the Department for Transport said: *From the date of commencement, any vehicle which falls within the definition of 'private hire vehicle' in the Local Government (Miscellaneous Provisions) Act 1976 must be licensed by the council in which the person who arranges the bookings is located (known in the legislation as the 'controlled district'). Any person who drives a licensed PHV must hold a PHV driver's licence and any person who arranges hirings using a licensed PHV must hold a PHV operator licence. The only exemptions from licensing will be for vehicles used solely for weddings and funerals.*

That effectively means that hiring yourself and your limousine to a holidaying family for a tour of the local district is illegal unless both you and the limousine are licensed – and the indications are that local authorities tend to have a policy of licensing only new or nearly new vehicles. We are looking further into this.

EU LEGISLATION

(Extracts from FIVA's regular update provided by its lobbying service, EPPA)

European Commission decides against requiring use of daytime running lights

In 2006, the European Commission announced its intention to draft a proposal for a Directive which would require all vehicles to use daytime running lights and consulted to find the most appropriate way to do so. However the Commission has decided not to go ahead and will only continue discussions at EU and UN level with the objective that all *new* vehicles should be equipped with dedicated daytime running lights. The decision was a result of EC concerns that the safety of vulnerable road users, including motorcyclists, may not benefit from dipped-beam DRL use.

Passenger Car Taxation Directive

In late November, the EU Member States

held a discussion on the EC's proposal on passenger car taxation. The proposal would require Member States gradually to replace car registration taxes with annual circulation taxes and to link 25% of the tax paid on cars to emissions by 2008, rising to 50% by 2010. However, Member States are still unable to agree a common approach – and the Directive needs to be adopted with a unanimous vote. FIVA has maintained dialogue with the department responsible so that the Commission understands that historic vehicles are taxed differently to 'passenger cars' in most member states and to ensure that there is no intention that the proposal will affect the existing historic vehicle tax structures.

German Parliament exempts historic vehicles from urban vehicle restrictions

The German Parliament has adopted a law which allows historic cars unrestricted access to low-emission zones of urban areas. The decision was introduced as an amendment to the regulation on low-emission vehicle labelling recognising that historic vehicles are not used enough to have an impact on the overall PM emissions footprint of a city. FIVA will use this positive development to help other administrations/decision makers recognise that historic vehicles should not be disproportionately impacted by environmental laws designed to improve air quality.

EC proposes new noise limits on tyres

The European Commission is consulting with a view to amending a 2001 Directive on tyres (a part of the EU type approval of vehicles) which set the existing noise limit values for tyres. FIVA is in dialogue with vintage tyre experts to determine whether the proposed limits may pose a problem. The current Directive only applies to tyres to be fitted to vehicles manufactured after 1 October 1980.

Holland proposes a road charging scheme

The Dutch Government has proposed that all vehicles on Dutch roads should have to pay a kilometre charge from 2016. The road pricing scheme is intended to replace current car and truck registration and circulation taxes and will be differentiated according to the vehicle's environmental profile and the time and place of driving. The intention is to install satellite technology in all of the estimated eight million vehicles in the Netherlands to track their movements. The scheme will be implemented gradually, starting with

trucks in 2011 and passenger cars from 2012, with the objective that all vehicles will be covered by 2016.

MYTHS and PETITIONS – AGAIN

The June 2007 newsletter questioned whether any notice would ever be taken of the on-line petitions being submitted to Downing Street. We highlighted one particular petition with absolutely the right sentiments (calling on the Prime Minister to reject proposals to ban or restrict the use of old cars) but with a totally erroneous explanation. This petition (which closes in March) has recently been given a new lease of life with round-robin e-mails encouraging all and sundry to do the electronic equivalent of signing.

While we make no further comment on whether one should or should not sign, we know that the threats mentioned in the petition's accompanying explanation are, as Henry Ford might have said, bunk.

DRIVE IT DAY

Drive It Day is on Sunday, 20 April. We had such a good time at the Royal Oak at Bishopstone (between Swindon and Wantage) last year, that we're going to do the same thing again, probably at the same place although at the time of going to press, this had not been confirmed. Details will appear on our website where there are already several events being listed. Many motor museums are participating by offering special parking areas for those arriving in older vehicles with many offering discounted admission for groups (usually by prior arrangement). Details can be found on the DID pages at www.fbhvc.co.uk.

The conference after last year's AGM was entitled *Start 'Em Young*, and this subject clearly chimed with widespread concerns about the aging nature of those engaged in the historic vehicle movement. Many younger people who have a natural interest in old vehicles, such as those who attend shows or buy magazines, never get beyond those first stages: they never discover what it is like to ride in/on (let alone drive/ride) old vehicles, so their interest has little opportunity to develop into enthusiasm.

So let's make DID a day when we think about those who are not lucky enough to have their own historic vehicles, and do something to give them a stronger flavour of what historic vehicle ownership is all about perhaps by inviting those who ask sensible questions to, for instance, try the driving position or even offer them a ride. And for those who would like to give younger family members or acquaintances

an opportunity to drive their historic car (and this does apply only to cars), we are working on a deal with RH Specialist Insurance for top-up cover whereby named drivers over 20 who have held a full licence for a year can be put on comprehensive cover for the day: free for those who already insure with RH Specialist Insurance or £10 for those covered elsewhere. Conditions will, inevitably, apply. Unfortunately, we were unable to finalise details before this newsletter went to press, but an announcement will appear on our website, www.fbhvc.co.uk, as soon as possible.

The primary aim of DID, of course, is to showcase the historic vehicle movement. Some have suggested that, in this age of concern about emissions, we are unwise to encourage people to use old vehicles: we disagree, obviously. The historic vehicle movement, as our survey of 2006 showed, is a significant contributor to society: hundreds of thousands of people derive pleasure from it, tens of thousands earn some or all of their income from it, and it contributes over £3 billion to the national economy. All of that depends on freedom of use: lose that, and the movement will, inevitably, decline. To *uphold the freedom* we need, above all, to keep legislators on our side. Two things that always weigh heavily with legislators when they are considering new measures are, first, the number of voters who will be adversely affected and, second, whether the benefit resulting from the proposed measure is sufficient to justify upsetting that number of people. DID helps both: it shows the large numbers, and by making an obvious contrast with the other days in the year when it is rare to see anything over 20 years old, it shows how little historic vehicles are used. It thus demonstrates that restrictive measures will have negligible benefit on emissions, but would upset large numbers of people.

TRADE AND SKILLS INITIATIVES

by Tony Davies

It's a few months now since the AGM last October and during that time I have been putting together my thoughts on how our Federation should approach the trade and skills challenges we face. They are significant and include raising awareness of the practical issues threatening our ability to use our vehicles, maintain our dialogue with those who legislate, the identification of endangered skills and how we can encourage greater understanding of the need to retain and transfer those skills. Clearly we will need the assistance and cooperation of traders and skills training

providers if we are to succeed. And these dialogues and their outputs will provide the foundations to and form the backbone of our work for the immediate future.

First, I considered that we need some clear objectives to give us a focus and secondly a strategy to achieve them. With these aims in mind I have discussed my thoughts with the Board and believe we can start to put a bit more meat on the bones.

Our objectives can be summed up as follows:

- identify regional coordinators to drive approved and specified initiatives forward
- identify more traders, understand their needs and persuade them to become engaged
- persuade key traders to become involved with FBHVC and skills training providers
- quantify our traders' contributions to national prosperity and publish their details to our members
- communicate effectively such information to our political masters
- facilitate skills retention and transfer
- encourage skills training providers and establishments to understand the need for relevant courses and to provide them as a priority where possible
- increase the size and visibility of our Federation and show the unity within it

Now we need to put together a plan to address these issues and I have drafted a strategy that the Board is considering.

To start the ball rolling we will re-visit our current traders database to validate the current entries and add further names and establishments over the coming year.

Finally, for now, it is impossible for any one person to undertake this work throughout the UK. Therefore to help to raise the profile of our Federation and its work, particularly our relationships with traders, we are seeking to identify regional coordinators to provide geographical points of contact. I believe about 12 coordinators throughout the UK should provide us with adequate local contacts for our purposes. So if you are, or anyone in your area is, interested in undertaking such a role please let the secretary know. The more we have the lighter the workload for each!

Meanwhile thank you for your interest and I very much look forward to your support in our efforts to engage, promote and utilise our trade members and skills providers.