



Department
for Transport

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Our Ref: 72256

Your Ref:

DATE

Simon Birkett

Dear Mr Birkett,

Thank you for your correspondence relating to do vehicles exhausts systems.

I can confirm that under the Construction and Use Regulations (more specifically, Regulation 61A of the Road Vehicles (Construction and Use) Regulations) it is illegal to use a vehicle on the road if it has been modified in such a way that it no longer meets the air quality emissions standards that it had to when originally produced. The law does not forbid modification of the emissions control equipment. It forbids modification that makes the vehicle emit more pollutant than it is permitted to by virtue of the standard to which it was originally approved. Also, that under 8.2.1.1 (petrol) and 8.2.2.1 (diesel) of the Testing Directive 2010/48 now applicable in the UK, a vehicle can be failed if any part of the emission control is absent, modified or obviously defective. However, please note the MOT test is a visual inspection that does not include dismantling of a vehicle or its components.

In view of the fact that the above is prescribed in existing legislation there is no need for the Secretary of State to make a specific announcement on this subject.

Yours sincerely,

M Heverin