



Vehicle & Operator Services Agency

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Our Ref: **F0003108**

Date: 18th January 2011

Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your correspondence of 9th January 2011 requesting information, which we have dealt with under the terms of the Freedom of Information Act 2000.

You asked for answers to various questions relating to the changes to the MOT testing scheme proposed for 2012. For ease of reference, I have replied to each question in the same order as in your original e-mail.

- 1) *Are changes to the MOT test regarding chipped ECU's and HID's the result of written request of any of the 30 million UK motorists?*

The changes proposed to the roadworthiness tests for motor vehicles and trailers you refer to are specified in the EU Commission Directive 2010/48/EU of the 5th July 2010. This directive adapts Directive 2009/40/EC.

The table at paragraph 4 of Annex II of Directive 2010/48/EU lists the minimum inspection requirements for the changes proposed to the roadworthiness tests. Item 6.1.9 in this table deals with Engine Performance and specifically the Engine Control Units; Items 4.1.5 & 4.1.6 deal with Levelling Devices and Headlamp Cleaning Devices.

Article 2 of Directive 2010/48/EU requires Member States to comply with this directive by 31st December 2011 at the latest.

A link to Commission Directive 2010/48/EU is provided below:

<http://www.google.co.uk/url?q=http://eur-lex.europa.eu/LexUriServ/LexUriServ.do%3Furi%3DOJ:L:2010:173:0047:0072:EN:PDF&sa=U&ei=7CE0Tc-BHNG4hAe3z-HNCw&ved=0CBkQFjAB&usq=AFQjCNFD3GX-yz1J8V3toWs9vBbEVYKtLQ>

- 2) *Are changes to the MOT test regarding chipped ECU's and HID lights a result of a contact of a foreign request or order from a non-UK national, eg a EU directive order issued from Brussels?*

Please refer to answer to Q1.

- 3) *What is the name of the person who contacted VOSA with the order to change the MOT test and what organisation/department do they represent?*

VOSA's liaison within the Department for Transport (DfT) regarding vehicle and trailer roadworthiness testing is the Vehicle Roadworthiness division. It is this division that would have informed VOSA of the proposed changes to the MOT testing scheme regarding EU Directive 2010/48/EU. This division may be contacted by email on **vehicleroadworthiness@dft.gsi.gov.uk**

- 4) *Regarding chipped ECU's, will a car with an ECU holding a chip flashed with a program fail an MOT (this will include all current production cars)*

No final decision has been made on how to incorporate these checks into the current MOT scheme at this time. However work is currently ongoing with the Department of Transport and the transport industry to ensure that the manner of introduction of any new directive requirements meets the Commission's criteria.

- 5) *Regarding chipped ECU's, will a car with a custom injection system with a custom ECU EG a kit car build fail an MOT with it's totally non-stock ECU and program?*

Please refer to answer to Q4.

- 6) *Regarding chipped ECU's, will a used car recently chipped by the manufacturer because the manufacturer was unhappy with the stock chip program fail an mot? (this includes most cars in the last 5 years that go into service at main dealer and have an ECU update as part of the service)*

Please refer to answer to Q4.

- 7) *Regarding chipped ECU's, will a used car recently chipped because a user was unhappy with the stock chip program fail an mot? (this includes most cars with economy chips reducing emissions and fuel economy)*

Please refer to answer to Q4.

- 8) *Regarding HID lights, will aftermarket E-marked HID lights which are attached to levelling sensor/motors and have headlamp water wash fail the MOT?*

Please refer to answer to Q4.

If you have any queries about this letter, please contact us, quoting reference **F0003108**

If you are unhappy with the response provided, 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.

If you do not agree with the outcome of the internal review, you may lodge an appeal with the Information Commissioner (www.informationcommissioner.gov.uk). The Information Commissioner is an independent official appointed by the Crown to oversee the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The Information Commissioner can consider complaints about any aspect of the way in which requests for information have been handled. Please note: the Information Commissioner would be unlikely to consider your complaint if you have not first requested an internal review.

You can write to the Information Commissioner at:

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

Yours sincerely

VOSA Information Access