

Debate Pack

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E-petition on vehicle 'tampering' offences

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1 Background

An [e-petition \(600954\) calling on the Government not to introduce new offences for vehicle "tampering"](#) will be debated in Westminster Hall on 25 April 2022.¹ It will be led by Nick Fletcher MP on behalf of the Petitions Committee.

1.1 The Petition

The title of the petition is "Do not implement proposed new offences for vehicle "tampering". It had received 111,495 signatures as of 1 April 2022 and will close on 17 May 2022. The full text is as follows:

The Government's modernising vehicle standards proposal suggested new offences for tampering with a system, part or component of a vehicle intended or adapted to be used on a road. This could have a hugely detrimental impact on the UK motorsport and custom aftermarket industry.

Modified vehicles that are used on the roads are subject to the same MOT testing as all other road cars and there are therefore adequate safeguards to ensure modified vehicles are roadworthy.

The MOT also includes emissions testing, which ensure that modified cars do not breach emission standards.

Some modifications, such as aftermarket brake parts, can even increase safety and applying any offences to improvements like this would be illogical.²

1.2 The Government response

The Government responded on 21 December 2021. The response says that the Government aims to prevent "harmful" tampering which can affect the safety of road users as well as that of wider society e.g. from harmful vehicle emissions, but that the Government does not seek to prevent "legitimate" vehicle modifications. It also notes that although the Government consulted on restricting vehicle modifications in 2021, it has not yet published its response, or confirmed its next steps or any legislative measures. The full response is as follows:

¹ UK Government and Parliament petitions [Do not implement proposed new offences for vehicle "tampering"](#)

² UK Government and Parliament petitions [Do not implement proposed new offences for vehicle "tampering"](#)

The intention of the consultation proposal is to prevent modifications that negatively impact on road safety, vehicle security and the environment.

Our 'Future of Transport' work is a broad and ambitious programme focused on supporting the industry. The regulatory review aims to ensure our transport regulations are fit for the future.

As part of the Future of Transport: Modernising Vehicle Standards regulatory review, we have put forward proposals to enable Government to better target and prevent harmful tampering with vehicle emission control systems, as well as with safety and security critical systems, parts and components.

We are not proposing that all modifications be prevented, and we recognise there are legitimate reasons why a vehicle owner or business may want to modify a vehicle. Our proposals are not intended to hinder activities such as motorsports, restoration, repairs, or legitimate improvements and alterations to vehicles, or indeed do any damage to the businesses involved in these activities.

Nevertheless, certain modifications can negatively affect the safety and health of the vehicle owner, its occupants, other road users, and the wider population.

Tampering activities that prevent a vehicle's emissions system from operating correctly, such as the removal of the diesel particulate filter from a vehicle's exhaust, can significantly increase a vehicle's harmful pollutant emissions.

Therefore, as vehicles become increasingly automated, we want to prevent alterations to a vehicle's integral software and sensing technologies which could create safety and security risks. A badly modified vehicle has the potential to kill its occupants and other road users. It is also essential that we ensure modern vehicles remain cyber secure throughout their lifetime, and that any modifications do not make them vulnerable to malicious cyber-attacks.

The MOT test is an important part of ensuring that vehicles on our roads are safe and roadworthy. However, we must also recognise that the MOT test is fundamentally an inspection of a vehicle as presented at the time of a test and can only be a simple check.

There are risks in relying solely upon the MOT test to tackle harmful tampering. For example, it only includes basic checks for the presence and/or function of certain emissions control equipment and is not proof that the relevant emissions standards are being met. It is therefore important that we also have the powers to target and prevent tampering activities that negatively affect road safety, vehicle security and the environment.

We opened a consultation on these measures on 28 September, which closed on 22 November. The Government will consider all responses received and publish a consultation response summarising the responses and setting out the next steps. Any legislative proposals taken forward will be carefully defined

so they do not prevent vehicle owners or businesses from making legitimate modifications to vehicles.³

1.3 Reform of Vehicle Standards

Future of Transport Programme

Since 2020, the Government has been running a [Future of Transport Programme](#) led by the Department for Transport (DfT), Office for Low Emission Vehicles (OLEV) and Centre for Connected and Autonomous Vehicles (CCAV). This programme aims to:

- stimulate innovation in the transport sector
- create new transport markets
- secure a 21st-century transport system
- secure the UK's position as a world-leading innovator, decarbonising the transport system for the benefit of all society⁴

There are many strands to this Programme. One of these is called the 'Future of Transport regulatory review' which "considers how transport regulations need to change to be fit for the future [and] seeks to address outdated regulation, which acts as a barrier to innovation".⁵ In 2021 the Government consulted on five themes of this regulatory review:

- Future of transport regulatory review: zero emission vehicles
- Future of transport regulatory review: maritime autonomy and remote operations
- Future of transport regulatory review: future of flight
- Future of transport regulatory review: regulatory sandboxes
- Future of transport regulatory review: modernising vehicle standards⁶

³ UK Government and Parliament petitions [Do not implement proposed new offences for vehicle "tampering"](#)

⁴ DfT, OLEV, CCAV Collection [Future of Transport programme](#) Last updated 3 February 2022

⁵ DfT, OLEV, CCAV Collection [Future of Transport programme](#) Last updated 3 February 2022

⁶ DfT, OLEV, CCAV Collection [Future of Transport programme: regulatory review](#) Last updated 3 February 2022

Consultation proposals on vehicle tampering

The last of these consultations, on 'modernising vehicle standards', ran from 28 September to 22 November 2021 and sought "views on areas of vehicle standards regulation that are outdated, a barrier to innovation or not designed with new technologies and business models in mind."⁷

In the consultation document, the Government set out 4 areas where they are proposing to make changes. One of these is around '[tackling tampering](#)'.

The Government propose to "create new offences for tampering with a system, part or component of a vehicle intended or adapted to be used on a road. This will enable us to address existing gaps in the legislation, ensuring cleaner and safer vehicles. We will also create new offences for tampering with non-road mobile machinery (NRMM [See Table 1]) and for advertising 'tampering' services or products".⁸

1 Non-Road Mobile Machinery

According to the Vehicle Certification Agency, 'Non-Road Mobile Machinery' means any mobile machine, transportable equipment or vehicle with or without bodywork or wheels which:

- is not intended for carrying passengers or goods on the road;
- includes machinery installed on the chassis of vehicles intended for the transport of passengers or goods on roads;
- installed with a combustion engine – either an internal Spark Ignition (SI) engine, or a Compression Ignition (CI) engine

Examples of non-road mobile machinery include, but are not limited to:

- garden equipment, such as hedge trimmers and hand-held chainsaws
- generators
- bulldozers
- pumps
- construction machinery

⁷ DfT Closed consultation [Future of transport regulatory review: modernising vehicle standards](#) Last updated 12 November 2021

⁸ DfT Closed consultation [Future of transport regulatory review: modernising vehicle standards](#) Last updated 12 November 2021

- industrial trucks
- fork lifts
- mobile cranes⁹

The Government's specific proposals on vehicle tampering are as follows:

Specifically, we would look to create:

- a specific offence for supplying, installing and/or advertising, a 'tampering product' for a vehicle or NRMM – this would apply where a principal effect of the product is to bypass, defeat, reduce the effectiveness of or render inoperative a system, part or component (the product may be a physical part or component, hardware and/or software)
- a specific offence for removing, reducing the effectiveness of, or rendering inoperative a system, part or component for a vehicle/NRMM and advertising such services
- a specific offence for allowing for use or providing a vehicle or NRMM that has had the operations described in the previous 2 points performed on it
- a new power to require economic operators to provide information, where a service/product they have supplied amounts to or enables 'tampering' with a vehicle or NRMM – this would apply in any of the above senses and include requirements to provide relevant information on the quantities of products sold or modified.

We would like to emphasise that our policy intention is to prevent modifications that have a negative impact on road safety, vehicle security and the environment.¹⁰

The document was updated on 12 November 2021 "to clarify the policy intention in relation to vehicle tampering"¹¹ as follows:

We do not intend our proposals to:

- prevent legitimate motorsport activities

⁹ VCA [Non-Road Mobile Machinery \(NRMM\)](#) last updated on 1st January 2021

¹⁰ DfT Closed consultation [Future of transport regulatory review: modernising vehicle standards](#) Last updated 12 November 2021

¹¹ DfT Closed consultation [Future of transport regulatory review: modernising vehicle standards](#) Last updated 12 November 2021

- prevent restoration, repairs or legitimate improvements to vehicles, such as classic cars or motorbikes
- negatively impact businesses involved in these activities^{12*}

Law Commission recommendations on vehicle tampering

The consultation also notes that the Law Commission, who examined the law around automated vehicles on behalf of the Centre for Connected and Autonomous Vehicles between 2018, had considered tampering.¹³ In January 2022, the Law Commission (in association with the Scottish Law Commission) published a summary of its recommendations. One of those recommendations was to expand existing offences against vehicle tampering to include computerised parts of a vehicle, as these will become more prevalent in future. Their recommendation

In England, Scotland, and Wales, it is an offence to tamper with a vehicle's "brake or other part of its mechanism" under section 25 of the road Traffic Act 1988. "Mechanism" is currently not defined, and it is not completely clear whether it includes sensors and software. We recommend that section 25 of the Road Traffic Act 1988 be amended to apply to anything that is physically part of an AV, including sensors and any software installed within it.¹⁴

Stakeholder response

Some stakeholders have raised concerns that the Government's objectives are unclear, and that legitimate vehicle modifications might become illegal.

In November 2021, the Motorcycle Action Group (MAG) made a statement on its website raising its concerns about the consultation and the apparent lack of clarity over what kinds of 'customisations' may become illegal.¹⁵

The statement notes that a line was added to the consultation document (marked *above), on 12 November, which may have been placed to reassure motorcycle owners and other stakeholders, but this clarification does not specifically mention the customisation of non-classic vehicles. Part of the statement reads as follows:

"MAG's Director of Campaigns & Political Engagement, Colin Brown, said:

¹² DfT Closed consultation [Future of transport regulatory review: modernising vehicle standards](#) Last updated 12 November 2021

¹³ DfT Closed consultation [Future of transport regulatory review: modernising vehicle standards](#) Last updated 12 November 2021; Law Commission [Automated Vehicles](#) [Accessed 8 April 2022]

¹⁴ Law Commission, Scottish Law Commission [Automated Vehicles: Summary of joint report](#) 26 January 2022, Para 6.4

¹⁵ Motorcycle Action Group [MAG still opposes anti-tampering proposals despite latest DfT clarification](#) 15 November 2021

“Whilst the clarification published on 12th November does provide some reassurance, it falls far short of what we would accept. I am disappointed that we have not been supplied with the list of claimed legislative gaps.

We see the only sensible solution to be a rejection of the proposals. The Government needs to provide the detail required to enable us to consider the proportionality of any legislation. Without that detail we cannot support the proposals. We have asked riders to tell us what kind of modifications they feel are legitimate and should be beyond the remit of any anti-tampering legislation. Unsurprisingly not one respondent suggested that they wished to reduce the safety or security of their machine, nor to increase its emissions. This leads me to ask: what problem needs to be solved?”¹⁶

A slightly more positive reaction was made by the British Motorcyclists Federation (BMF) in a statement about the consultation on its website ([DfT Officials Reassure On Anti-Tampering, BMF News - 29 October 2021](#)):

“Department for Transport officials have reassured representatives of the NMC, including the BMF’s Anna Zee, that motorcyclists have nothing to fear from the recent anti-tampering consultation.

The original wording of the consultation – a maze of legal language – implied that any modification of a machine could be outlawed, and classed as ‘tampering,’ although the spirit of the wording was aimed at items which increase noise or emissions, such as aftermarket exhausts without a catalyser.

Anna Zee said: “We were invited to a meeting with DfT officials on 27th October to discuss this section of the consultation. They were quick to admit this could have been worded better; it is NOT intended to prevent customisation of bikes or the fitting of aftermarket products which do the same job, or better, as the original equipment. It IS intended to apply to anything which affects emissions, the computerised systems which are installed and such devices as the dongles advertised for increasing the speed on e.g. e-scooters.”

She added that any legislation is likely to be retrospective, so if a bike was fitted with a catalyst when new, but a replacement exhaust doesn’t have one, this would count as tampering. “The DfT has agreed to send us details of where they think there are gaps in existing legislation,” she said, “and that they will further consult with us in the process of drafting the future legislation, which is unlikely to come into effect until 2024.”

So, we can all rest easy for the time being – fitting a hugger, different seat or topbox, or building a custom bike – won’t count as tampering, so long as it remains true to the emissions limits which were in place when the bike was new.

Some areas of the proposed legislation still need to be clarified, such as possible exemptions for competition and off-road bikes, plus classic machines.

¹⁶ Motorcycle Action Group [MAG still opposes anti-tampering proposals despite latest DfT clarification](#)
15 November 2021

The NMC argues that modifications to classic bikes can improve running without increasing performance.”¹⁷

In April 2022, the [Petitions Committee ran an online survey](#) to ask petitioners how the Government’s proposals to create new criminal offences for vehicle tampering would affect them. The survey findings were published on 14 April 2022.¹⁸

Government’s next steps

The consultation on the Future of transport regulatory review: modernising vehicle standards ended on 22 November 2022. The Government is now considering submissions and has said it will publish a response “in due course” and that legislation may be required:

In the call for evidence, we said that ultimately the regulatory review may conclude that substantive legislative reform is required. We will continue to engage with stakeholders as our plans develop and as we determine areas where changes to primary legislation are necessary. Where that is the case, we would look to bring forward legislative proposals when Parliamentary time allows.¹⁹

¹⁷ British Motorcyclists Federation [DfT Officials Reassure On Anti-Tampering](#), [BMF News - 29 October 2021](#) 29 October 2021

¹⁸ Petitions Committee [Proposed offences for vehicle tampering: Online survey of petitioners](#) 14 April 2022

¹⁹ DfT Closed consultation [Future of transport regulatory review: modernising vehicle standards - Next Steps](#) Last updated 12 November 2021

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Press Articles

[Classic car owners oppose Britain's 'anti-tampering' proposal](#)

Classic Cars.com
22 March 2022

[Classic car owners call on 'specific exemption' from new 'tampering' driving law proposals](#)

The Express
9 January 2022

[Key stakeholders oppose 'anti-tampering' proposals](#)

2wheelsLondon.com
29 November 2021

[Motorsport fears over car modification rule changes](#)

BBC News
9 November 2021

[Belgian city puts brakes on deafening drivers by enforcing noise limits](#)

The Guardian
12 August 2021

[Modifying your car: UK laws, insurance and tips](#)

Autotrader
26 March 2021

[Fast & Furious style car modifications can make premiums accelerate by thousands of pounds: The 10 most costly alterations revealed](#)

This is Money
23 March 2021

3 Parliamentary Material

3.1 Parliamentary Questions

Motorcycles: Regulation

Asked by: Damien Moore

House of Commons Written Answer 25 January 2022

To ask the Secretary of State for Transport, what assessment he has made of the potential effect of his Department's anti-tampering proposals for motorcycles preventing activities such as restoration, repairs and legitimate improvements to vehicles; and if he will make an assessment of the potential effect of the introduction of those proposals on the growth of enterprises producing anti-tampering parts for motorcycles.

Answering member: Trudy Harrison |Department for Transport

The Department ran a public consultation from 28 September to 22 November 2021 seeking views on proposals to tackle tampering. As part of the consultation, the Department sought views and evidence on the potential effect of proposals, which are not intended to prevent activities such as restoration, repairs and legitimate improvements to vehicles.

The Government will consider all responses received and undertake an assessment of the impact of any proposals that are taken forward.

Motor Vehicles

Asked by: Alex Chalk

House of Commons Written Answer 24 May 2018

To ask the Secretary of State for Transport, what steps the Government is taking to tackle motorists using (a) illegal exhausts and (b) other disallowed modifications.

Answering member: Jesse Norman |Department for Transport

The Government has taken a number of recent steps to reduce the use of illegal vehicle modifications, including illegal exhausts. As of 20 May 2018, vehicles will fail their MOT where evidence is found that emissions control systems have been tampered with. As announced in the Clear Air Strategy, new legislation will make tampering with an emissions control system an offence.

DVSA has also introduced roadside checks for emissions cheat devices in Heavy Goods Vehicles, with 388 devices found in 10,237 vehicles searched by the end of February 2018. Where devices are found, drivers and operators are given 10 days to fix the emissions system or face a £300 fine and having the vehicle taken off the road (with vehicles being immediately taken off the road for repeat offenders).

3.2

Debates

[Youth Crime and Antisocial Behaviour \[extracts\]](#)

12 January 2022 | House of Commons | 706 cc261WH-263WH

[Antisocial Behaviour \(Vehicles\) \[extracts\]](#)

14 June 2021 | House of Commons | 697 cc97-100

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Further Reading

[Future of transport regulatory review: modernising vehicle standards](#), DfT, 2021

Petitions Committee [Proposed offences for vehicle tampering: Online Survey of petitioners](#) 14 April 2022

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