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Our Ref: **F0002014**

Date: 21st July 2009

Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your request for information, submitted to the DVLA. As the Agency responsible for the MOT scheme, VOSA is responding to your query relating to the number of drivers failing to renew their MOT. We have dealt with your request under the terms of the Freedom of Information Act 2000.

Our records show the following statistics in relation to the number of late MOTs for the period April 2007 to March 2008. These statistics relate to all classes of vehicle covered by the MOT scheme (ie. Motorcycles, cars, small vans etc.). The numbers are based on normal tests only (i.e. they do not include retests) and are broken down by the degree of lateness, from vehicles that were presented for test 1 day after they were due up to vehicles that were 6 months late or more. Vehicles that missed their due date but have never been presented for test again do not appear in these figures. For example, vehicles that have been scrapped or exported.

Late Test Distribution by Period for Normal Tests

The data shown here is for normal tests recorded during the period April 2007 to March 2008 inclusive. The registration date of the normal completed tests is compared against the expiry date of the last MOT test issued. The Last MOT Tests can be of any test type.

Period	Late Tests	Total Tests	% of Tests that were Late
1 Day	522,521	2,585,493	9.80 %
2 days to 1 Week	1,456,084	7,204,867	27.31 %
1 to 2 Weeks	744,113	3,681,955	13.96 %
2 to 3 Weeks	435,646	2,155,625	8.17 %

3 to 4 Weeks	302,081	1,494,731	5.67 %
4 weeks to 2 Months	730,438	3,614,289	13.70 %
2 to 3 Months	339,508	1,679,924	6.37 %
3 to 4 Months	217,615	1,076,783	4.08 %
4 to 5 Months	154,477	764,370	2.90 %
5 to 6 Months	142,987	707,516	2.68 %
Over 6 Months	285,755	1,413,948	5.36 %
Sum:	5,331,225	26,379,501	100.00 %

In your request, you refer to fines or penalties. As you may be aware, it is an offence not to have taxed your vehicle. If you keep your vehicle off road, you must make a SORN (Statutory Off Road Notice). This means that, if a vehicle owner has not either paid vehicle tax or made a SORN, they have automatically committed an offence. However, the MOT scheme does not operate in this way. The following wording (from the Road Traffic Act 1988) outlines the offence exactly:

Section 47(1) "A person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which this section applies, and as respects which no test certificate has been issued within the appropriate period before that time, is guilty of an offence."

If a vehicle without a valid MOT is kept off the road on the owner's property and is not used on the road then no offence has been committed. It cannot be assumed, therefore, that vehicles that are presented for MOT late have been used to commit an offence.

If you have any queries about this letter, please contact us, quoting reference **F002014**.

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