

NMDA Newsletter September 2021



Dear NMDA member,

In what is typically a low volume month due to customers opting to wait until September to obtain the latest registration plate on their new machine, Power Two Wheelers (PTWs) continued their upward trend with 8,607 registrations in August. Whilst the market was still down -5.3% compared to August 2020, the figure still represents a 24% growth over what would be considered a normal year, in 2019. See full comment in this month's news.

Guidance & Contact

As your trade body, the NMDA continues to work hard to support you and your businesses. Please do get in touch with us - If you have any legal, employment or questions concerning business advice please contact our helpline on 01788 538303 or email me directly. NMDA has engaged with Motorcycle News (MCN) in a way that could help promote member businesses to the public. Please refer to page 6 and take action today!

We are your trade body, here to help and advise you on regulatory and operational issues facing your business. If there are issues that we have not covered, or you have concerns about, please do contact us.

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Your Monthly Note from PHILIP YOULES, NMDA Chairman

I was meaning to write something for August but unfortunately, events got the better of me. I was fine and ticking along nicely. I had been tested on the Tuesday morning in readiness for my weekly visit to my mum's nursing home, then later that afternoon I felt awful. Bed was definitely drawing me in and making me want to rest my weary head. My wife Louise was feeling much the same and our taste has gone... It was Covid.



We were booked to go to Portugal which now had to be cancelled. Ten days of isolation was on the cards. I'm sure many of us have had the virus now and I'm also sure that many have had it a lot worse than me, but it was still not pleasant none the less. The teams at Youles Motorcycles were fantastic, having a good couple of weeks without my interference. But I'm back in harness now, so no rest for the wicked.

I admit that I really missed the daily banter and the buzz of work. Although not motorcycle dealers, a few people that I know have sold their businesses recently. I have to say that I really don't envy them. The whole Covid experience has really made my mind up and I'm going to carry on doing what I love best, forever. Dealing with people; enjoying the thrill of running the business; training staff and simply trying to be the best at what we do.

We have recently been recruiting some trainee sales executives and found that there isn't an abundance of obviously eligible applicants. With 1.9 million people still on furlough (at the time of writing), it is not particularly surprising. Speaking to other business owners, ours isn't the only trade that is currently struggling. My commitment to the Trailblazer apprentice scheme has probably given me a few extra grey hairs but it's so important that we bring youngsters into our industry.

I often feel that we overlook the ability of the young. When you think that in the 1940s, many 20-year olds were flying Spitfires that were maintained by people of a similar age... training a young person to be a motorcycle mechanic shouldn't be that hard? At Youles Motorcycles, we have had massive success with apprentices although not always the first applicants. Yes, we have also had some false starts, damaged bikes and I ha's not all been beer and skittles. But on the whole, we have had some brilliant success stories. My belief is that within three months we are able to turn a good youngster into a valuable member of the team, contributing to the smooth running of the workshop. By simply training them to do simple tasks like un-crate a bike or PDI a scooter, we can ensure that they are competent at every step. They become very quickly, a valuable and productive member of staff. Within my business, apprentices have also

gone on to be excellent service managers, sales executives and store managers. It's a win/win and I strongly encourage everyone to take on an apprentice this year.

Up until recently the classification of a PLEV has been that of an Electrically Assisted Pedal Cycle (EAPC). Due to lobbying undertaken in part by the NMDA, this has recently been changed by the Department for Transport (DfT) to a "Powered Transporter". I am going to take this as a win for the NMDA. The seemingly minor change is actually significant. In part because when the current trials have been concluded and the results are published, they will reflect the use of personal electric vehicles as being a positive. This may be pre-emptive, but I'd say it is highly likely as that appears to be the agenda.

Entering them into this category opens up the ability to ensure some safety aspects are applied to these vehicles. The NMDA has maintained a position that these vehicles must have accountability through liability insurance and some sort of registration plate or bold unique identifier. Basic safety equipment should be mandatory, including a helmet. Through our own NMDA consultations, we concluded that the rider must be at least fourteen and if they do not have a full or provisional licence, then an accredited road awareness must be completed. These are all aspects of two wheeled ownership that as motorcycle dealers we are competent at administering and make the product fit the profile of the motorcycle retailer. Small changes make a big difference sometimes and I think this one could prove to be significant.

Every manufacturer I speak to assures me that stock is on the way, so let's hope it is. One thing is certain: they all need and want to manufacture, just as much as we need and want to sell. Accurate information and communication from our brand partners are key and I think that in the main, that fact is acknowledged. Let's hope the weather holds and the season lasts as long as possible! Keep positive, keep selling and I hope you don't catch the Covid.... although if you do and you have had your jabs, you should be ok!

Motorcycle registrations continue upward trend in August

In what is typically a low volume month due to customers opting to wait until September to obtain the latest registration plate on their new machine, Power Two Wheelers (PTWs) continued their upward trend with 8,607 registrations in August. Whilst the market was still down -5.3% compared to August 2020, the figure still represents a 24% growth over what would be considered a normal year, in 2019.

Once again, sales of Electric Powered Two-Wheeled Vehicles (ePTWs) continued to perform well with an increase of 122% (495 units), both overachieving year on year and adding to the 3,848 registrations year to date for 2021. This increasingly important mode of transport is helping to raise the profile of the PTW industry, as government announcements in the recent Decarbonisation Strategy specifically mention ePTWs as an intrinsic part of the sustainable 'last mile' mobility solution.

In August, larger engine scooters (51-125cc) were dominated by the Yamaha NMAX 125 with 271 registered units. Honda was the brand leader in August with 1,641 units registered, followed by Yamaha (963 units) and Triumph (558 units) completing the top three spots.

With PTW's finally being recognised by Government as a viable option for mobility, the main issue to consider now remains manufacturer supply. With all major brands largely being in the same situation, managing customer expectations becomes paramount.

Motorcycle dealers are optimistic that if the supply chain issues show improvement, the market going forward will remain buoyant throughout the final quarter of 2021.

The NMDA continues to encourage members to join our quarterly NMDA meetings to share experiences of all the support that NMDA membership can offer, and to get behind the #DestinationDealer campaign. This initiative is to help dealers reconnect with their customers and remind them that motorcycle and scooter showrooms are not just a place to transact, they are also a place to chat, have a coffee, look at the new products and meet up with like-minded people.

NMDA meets with Department for Transport (DfT) to discuss e-scooters

Following a recent letter to Rachel Maclean MP, it was encouraging to meet with the Minister and Government officials to discuss the NMDA members' position regarding e-scooter trials and their future regulation.

The virtual meeting between the Department for transport (DfT) and NMDA took place on Friday 17 September and provided an ideal opportunity for the association to highlight its priorities.

The meeting followed a letter sent by NMDA to Rachel Maclean MP which outlined members' position on future regulation. In particular, NMDA asked for the clarification of e-scooters as Power Transporters rather than Electric Assisted Pedal Cycles (EAPC). EAPC requires the user to partly power propulsion through human action, however, with e-scooters there is no motivation or capability to do so.

During the meeting with DfT, the clarification was made, and NMDA reiterated their support of the Government's decarbonisation strategy and Powered Transporters as being an integral part of reaching the carbon net zero goals. NMDA called for:

- Compulsory accredited road awareness training for those without full licenses (to last 24 months)
- Wearing of safety equipment
- Minimum rider age of 14
- Unique identifiers on all e-scooters
- Registration of e-scooters through RaV portal
- Mandatory liability insurance

By properly regulating, training and registering e-scooters, there is a natural route to market through established dealer networks that already offer rider training, safety equipment and have the facilities to register new vehicles.

We will continue to voice our members' views and liaise with DfT on this important topic.

Motorcycle technician trailblazer group keen to get apprenticeships back at the forefront of agenda

Last month the NMDA held a successful meeting with dealer members and stakeholders, to discuss the standards for the Motorcycle Technician Trailblazer apprenticeship.

In 2018, following three years of intense work, Government signed off the motorcycle trailblazer apprenticeship standard and 'end-point assessment', which was designed by a group of dealer employers who formed as a Trailblazer Team for the development of the apprenticeship.

The need for a new employer-driven technician apprenticeship became apparent following the Government's plans to increase the number of young people learning a skill or craft in all

industries, rather than either going to university or into a manual job without trained skills and, possibly, with limited prospects for the future.

Our industry, like many others, is struggling to attract new talent into technical apprenticeships. The trailblazer group is imperative to ensure that we are doing enough to attract the right volume and calibre of people into the exciting, fast paced world of power two wheelers (PTWs).

The trailblazer group has reconvened to continue to ensure the standards remain relevant, attainable and that they realistically address the requirements from industry and the public. Amongst the topics discussed were the requirements for businesses to have a clear goal alignment with training providers to create productive new staff members, in a controlled and realistic time frame.

Attracting new talent into technical apprenticeships has never been easy - thanks in large part to the engagement of this group. We are looking forward to moving things forward and securing a stable workforce for our sector and offering exciting opportunities to the new generations.

The next virtual trailblazer meeting will be taking place on Tuesday 9 November and is open to all interested stakeholders. Please contact Paddy O'Connell on Patrick.oconnell@rmif.co.uk for more information

NMDA - MOT class 1 & 2 motorcycles training



The RMI Academy of Automotive Skills has opened a new training facility in Lincoln, broadening the reach of its high-quality automotive training, including MOT class 1 and 2 motorcycle training.

The NMDA is a federated association of The Retail Motor Industry (RMI).

The new site joins three existing locations in Southam, Runcorn and Winchester, and is the first of several additional academies planned as part of the trade body's wider strategy to provide training for garages on a more local basis.

The opening of the fourth training academy is part of the RMI mission to provide affordable, high-quality training for the automotive sector, including the motorcycle industry.

The expansion of the RMI training facilities in the UK is positive news and will be of benefit to NMDA members and all of those in the region that require Class 1 & 2 motorcycle MOT training."

Call 01788 538 399 to enquire or book a course, or visit RMItrainingAcademy.co.uk for course details.



The UK's largest MOT training provider

The RMI Academy of Automotive Skills provides all the training you need to run your MOT station effectively. We deliver high quality, cost effective training across the country at prices that cannot be beaten. All sites are COVID-Secure and strict social distancing and hygiene measures are in place.

- MOT Tester Training Class 4 & 7
- MOT Tester Training Class 5
- Motorcycle Tester Training
- MOT Centre Management
- Vehicle Technician Accredited Assessment
- Refrigerant Handling (F-Gas)
- MOT Annual Training
- ADAS Training
- Hybrid/Electric Training
- Technical Training



BOOK A COURSE with our friendly team on **01788 538 399**
or find out more at RMItrainingAcademy.co.uk

DVSA changes to the highway code: rules on using motorways

For those that drive professionally, it is vital to stay up to date with the Highway Code.

The Government has announced a number of changes to the rules on using motorways, so it is as important as ever that you and your colleagues “check the Code” and continue to do so on a regular basis.

Most recent changes

The changes refer to guidance on smart motorways. A total of 33 existing rules will be amended and two new rules introduced, with a number of amendments made to the additional information annexes.

These include:

clearer advice on where to stop in an emergency

the importance of not driving in a lane closed by a Red X

the use of variable speed limits to manage congestion

Updated guidance on key factors that contribute to safety-related incidents, including unroadworthy vehicles, tailgating and driving in roadworks

GOV.UK includes a list of the latest updates that have been made, making it quick and easy to see what has changed.

Future changes and print editions

Over the coming months, the DVSA anticipates some further changes to the Highway Code; you will be kept informed of these by email, on GOV.UK and on social media.

MILS Legal Update: Redundancy



We have an employee who has been made redundant and was invited to apply for another role with us (rather than simply being offered the role). Can they still claim a statutory redundancy payment if they decide not to apply?

An employee with at least two years' continuous employment is entitled to a redundancy payment when they are dismissed by reason of redundancy. It will be a question of fact whether, in the circumstances, an employee has been dismissed (and whether by reason of redundancy).

There are specific situations in which an employee is considered not to have been dismissed, such as when suitable alternative employment is offered within a particular time frame and accepted.

Assuming that the dismissal is by reason of redundancy:

- if the employee's contract of employment is renewed either immediately or within four weeks of the dismissal, then the dismissal is deemed never to have happened—if there is no dismissal, there is no right to a redundancy payment.
- if the employee is re-engaged under a new contract of employment either immediately or within four weeks of the dismissal, then, provided that the offer of a new contract was made before the old contract was terminated, the dismissal is again deemed never to have happened. Correspondingly, there is no right to a redundancy payment.

In either of these situations, unless the terms and conditions of the renewal or re-engagement are identical to the previous terms and conditions, the employee is entitled to a statutory trial period of at least four weeks, without prejudice to their redundancy rights.

If the employee refuses the offer of a new or renewed contract, then the dismissal stands but the employee loses their right to a redundancy payment if the following conditions are satisfied:

- the offer was made before the old contract was terminated.
- the renewal or re-engagement is to take effect immediately upon the termination of the employee's employment under the old contract or within four weeks thereafter.
- the job offered is the same as the old job or else constitutes suitable alternative employment in relation to the employee.
- the employee unreasonably refuses the offer

In relation to what validly constitutes an 'offer' for the purposes of the statutory scheme:

- the offer need not precisely specify the date on which the new employment is to begin, but the dismissal 'vanishes' only if the new employment actually begins within four weeks of the old.
- the offer of renewal or re-engagement must be real and not a sham, in the sense that it must be an offer which the employer reasonably expects to be able to fulfil.
- the offer may be written or oral
- the offer has to be one which is specific enough to be capable of acceptance.
- the offer need not be addressed to each employee individually, but it may be made collectively, e.g. by posting a notice on the firm's noticeboard. In that event, however, it is for the employer to prove as a fact that the offer was effectively communicated to the employee in question.

It will be a question of fact whether an offer was made at all. An employee can only be at risk of losing the right to a redundancy payment for unreasonably refusing an offer of re-employment, if the employer has actually made a proper offer of further employment in the first place.

It is unlikely that a general invitation to an employee to apply for a vacancy, without more, would equate to an offer of new or renewed employment for the purposes of the statutory scheme. It follows that a failure to apply for such a vacancy is unlikely to amount to a refusal of an offer of renewal or re-engagement.

As always, this advice is general in nature and will need to be tailored to any one particular situation. As an RMI member you have access to the RMI Legal advice line, as well as a number of industry experts for your assistance. Should you find yourself in the situation above, contact us at any stage for advice and assistance as appropriate.

Motor Industry Legal Services

Motor Industry Legal Services (MILS Solicitors) provides fully comprehensive legal advice and representation to UK motor retailers for one annual fee. It is the only law firm in the UK which specialises in motor law and motor trade law. MILS currently advises over 1,000 individual businesses within the sector as well as the Retail Motor Industry Federation (RMI) and its members.

What you get for your membership fee

- **Legal services** – Free legal advice from in-house lawyers
- **HR & Employment advice** – Resources for providing HR documentation
- **Trading Standards** – Guidance advice handling legislation
- **MOT Training** – Training centres to update and instruct MOT testers
- **Conciliation & Arbitration** – Resolving trade and consumer disputes
- **Government Lobbying** – Ensuring we are in consultation over law changes
- **FCA Advice** – Keeping up to date with F&I knowledge
- **DVLA Partner** – Working with DVLA to assist future projects
- **DVSA Advisor** – Advising on MOT test requirements



- **Utility packages** – Reviewing potential on saving energy costs
- **Banking & Credit Cards** – Possible savings on banking charges
- **Business advice** – On call to assist dealers with day-to-day issues
- **BDN EXPO Trade Show** – Attend the annual motorcycle trade show
- **Monthly Sales Report** – Review of monthly motorcycle registrations
- **Monthly Newsletter** – Updating on issues, trends & results affecting your business
- **Quarterly member meeting** – Reviewing issues affecting the industry
- **Biannual Attitude Survey** – Monitoring dealer/manufacturer relationship
- **NMDA Website** – Easy way to check on updates

For more information, please contact Ed Buckley (Membership Manager) on 07919576306 mobile or email ed.buckley@rmif.co.uk.

