

Vehicle Standards Information

VSI.53 | Revision 4 | 2 April 2023

What is an individually constructed vehicle?

Purpose

This Vehicle Standards Information sheet No. 53 (VSI.53) is intended to provide the registered operators and users of light vehicles with advice in plain English on what constitutes an individually constructed vehicle (ICV) and identifies the differences between ICVs and modified vehicles.

This VSI is intended for use as guidance material ONLY on how a person may demonstrate that a light vehicle complies with the applicable vehicle standards under the *Road Transport (Vehicle Registration) Regulation 2017* (the Regulation) and it is not intended to replace any of the other requirements or obligations made under the Regulation or any other NSW legislation. This VSI is issued under clause 65 of the Regulation.

Scope

This VSI applies to a light vehicle (GVM or ATM of 4.5 tonnes or less), for which the mandatory vehicle standards are specified in the *Road Transport (Vehicle Registration) Regulation 2017*.

For a heavy vehicle (GVM or ATM exceeding 4.5 tonnes), mandatory vehicle standards are specified in the *Heavy Vehicle (Vehicle Standards) National Regulation (NSW)*.

Please call the National Heavy Vehicle Regulator (NHVR) on 1300 696 487 or see the [NHVR website](#) for advice or if you have any enquiries related to heavy vehicle standards or modification requirements.

NOTE: [Vehicle Standards Guides \(VSGs\)](#) are VSI equivalents for heavy vehicles published by the NHVR

Disclaimer

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TfNSW makes no representations or warranties in relation to this VSI including, without limitation, the accuracy or completeness of the information or advice it provides.

NOTE: Some VSIs have additional information outside the scope of vehicle standards on other long-standing topics TfNSW considers valuable to light vehicle registered operators or drivers or other road users.

By using this VSI, the user accepts and understands that TfNSW is not liable for any loss or damage, howsoever caused including, but not limited to, any alleged negligence of TfNSW incurred in connection with this VSI, whether by act or omission, or as a result of any use or reliance placed upon the information and advice this VSI provides.

Introduction

The term ICV was introduced to define one-off vehicles constructed by builders to their own design and for their own use, frequently using parts sourced from a range of vehicles or even using home-made components. Recently the term has become less straightforward as there has been a trend of builders carrying out more extensive modifications to existing vehicles involving the mixing and matching of components from established vehicles.

The purpose of this guidance around ICVs is to allow the design and manufacture of a custom one-off vehicle for use by an individual. It is not a means to register a vehicle that does not or cannot comply with the applicable vehicle standards. A vehicle which does not comply with its applicable vehicle standards will not be issued registration. If you are unsure of your vehicle's eligibility to be classified as an ICV, contact a [VSCCS licensed certifier](#)

A person who builds or modifies a vehicle and provides it to the market before it is first used on the road is considered to be a 'manufacturer' under federal legislation. These vehicles are subject to the provisions of the *Commonwealth Road Vehicle Standards Act 2018* (RVSA). These vehicles are not classified as ICVs and require an approval issued by the Commonwealth Government to be registered.

If the vehicle is for the builder's own use the vehicle is subject to the *Road Transport Act 2013* (NSW) and the Regulation. The intended use of the vehicle (i.e. whether it is intended to be presented to the market) is therefore important in establishing whether a vehicle is an ICV and whether it can be registered as such.

Whether a vehicle is classed as an ICV or is simply a modified vehicle may depend on the source of the constituent components and the extent to which they come from the same vehicle or models of the same vehicle.

The rules that govern modified and individually constructed vehicles are designed to prevent re-birthing - the fraudulent exchange of vehicle identifiers to conceal a vehicles identity. For more information on modified vehicles, please refer to [VSI.06 Light vehicle modifications](#) and [Vehicle Standards Bulletin No.14 \(VSB.14\)](#).

Work not classed as a 'significant modification'

The following work is not a significant modification and does not produce an ICV:

- Replacing parts or components by identical or equivalent parts or components
- Replacing parts or components with equivalent functional performance
- Installing optional parts or components as prescribed by the vehicle's manufacturer
- Restoring a vehicle.

Note: A 'significant modification' is one requiring certification by a [VSCCS licensed certifier](#).

What is an ICV?

An ICV is a one-off vehicle built by a person for their own use, provided that person has not produced (or had produced) more than three such vehicles within the previous 12 months.

An ICV is a vehicle that is not a production vehicle or a modified production vehicle. Typically an ICV is a unique, one-off type vehicle built to an individual plan or design and includes; a vehicle constructed to the builder's own unique design, certain kit cars, and certain replicas of production vehicles.

An ICV is a new vehicle so must be issued with a Vehicle Identification Number (VIN) by TfNSW.

Different types of vehicles

This section of the VSI describes different types of vehicles and provides information about whether they are considered to be ICVs or simply modified vehicles.

1. Vehicle constructed from parts

Vehicles may be made up of components sourced from one or more production vehicles or from an aftermarket automotive supplier. The parts do not need to be new. For vehicles manufactured from a combination of components:

- a. If a vehicle's bodyshell or chassis/frame has a manufacturer's primary identifier, the resulting vehicle retains the identity of the vehicle associated with the identifier; this means the vehicle is either a modified or a restored vehicle (unless the component has been extensively modified as detailed in this document) and will not be classed as an ICV. Restoration of a vehicle from a component of a body/chassis/frame that contains the identifier will instead result in an extensively modified vehicle.
- b. If any of the components used were previously combined in a registered vehicle, it may be considered an extensively modified vehicle, refer to type 4 below.

Note: A primary identifier means a vehicle identification number (VIN), chassis number or frame number.

2. Vehicles constructed from a kit

The Commonwealth RVSA regulates the requirements for new Road Vehicles. The RVSA definition of a Road Vehicle includes a partly completed or unassembled vehicle. Hence an entire vehicle imported as a kit would need to comply with the requirements of the RVSA and be registered on the RAV via an appropriate entry pathway. The RVSA terms vehicles imported in this way as "unassembled vehicles".

A vehicle built only using a bodyshell, chassis or frame obtained as part of a kit may still be classed as an ICV.

Note: Pre 1949 vehicles or replicas of pre 1949 vehicles that comply with the NSW supplement to the second edition of the National Guidelines for the Construction and Modification of Street Rods in Australia are not considered ICVs.

3. Replica vehicles

A replica vehicle is one built using parts that are, as close as practicable, identical in appearance and dimensions to the equivalent part in the original production vehicle.

A replica vehicle, whether or not it is manufactured from a kit, is an ICV.

Note: Pre 1949 vehicles or replicas of pre 1949 vehicles that comply with the NSW supplement to the second edition of the National Guidelines for the Construction and Modification of Street Rods in Australia are not considered ICVs.

4. Modified vehicles with changes to the monocoque, bodyshell or chassis/frame

A vehicle's bodyshell and/or chassis/frame plays an important role in its overall strength and stability, and usually has the vehicle's primary identifier marked on it. An ICV does not include a production vehicle or modified production vehicle (as described in VSB 14).

For further clarification;

- a vehicle that has *not* been built on or adapted from the floor pan or structural elements of a monocoque body, chassis or frame of a production vehicle will be an ICV. The structural elements do not include bolt on components such as doors or bonnets.
- a vehicle (excluding motorcycles) built using a production body-in-white (that is, a production body with/without identifier) whether an original vehicle manufacturer (OEM) or aftermarket body or using a largely unmodified body/chassis frame sourced from a statutory write off vehicle, or an imported vehicle (that is not otherwise supplied to Australian market) will not be an ICV.
- Motorcycles constructed using a non-OEM frame are ICVs.
- Motorcycles that have been repaired using an OEM replacement frame that has been fitted with the parts from the original motorcycle will not be an ICV and retains the identity of the motorcycle.
- A monocoque vehicle modified by the addition of external body panels resulting in a vehicle that cosmetically resembles another vehicle is neither a replica nor an ICV, it is a modified vehicle and it retains the identity and primary identifier of the vehicle that contributes the primary monocoque structure.
- A vehicle that utilises a chassis from a production vehicle that has been modified significantly by widening or narrowing either in places or along its length, does not retain at least one of the original structural crossmembers in the same place, or is grafted onto a section of chassis from another production vehicle will be an ICV.
- A rebodied cab-chassis vehicle which comprises a production body being fitted onto a largely unmodified production chassis will not be an ICV and usually maintains the vehicle identity of the chassis.
- A monocoque vehicle fitted with a proprietary reinforcement frame that adds rigidity to the floor pan, engine mounts and suspension mounts will not be an ICV and retains the identity of the monocoque vehicle.

For more information on significant modifications that require certification, please see [VSI.06 Light vehicle modifications](#).

5. Vehicles with changes to the engine and driveline

A vehicle will be considered to be an ICV if the arrangement of its internal combustion engine and driveline, along with the related body and/or chassis modifications necessary to accommodate those modifications, is substantially changed, e.g. the internal combustion engine is moved from front to rear or to a mid-mounted position, unless the different configuration was offered as a variant by the manufacturer.

6. Motor tricycles (i.e. trikes) manufactured from a production vehicle

The conversion of a production two-wheel motorcycle to a three-wheel trike changes the vehicle's category under the Australian Design Rules (from an L Category vehicle to an LEM, LEP or LEG category) and results in significant changes in terms of safety and performance such that the vehicle is required to be re-assessed.

Motorcycle to trike conversions are typically of two general types; those that utilise bolt-on kits, and those that require cutting or welding of structural members.

6a. Bolt-on conversions

If a motorcycle is converted to a trike using an aftermarket bolt-on component such as Harley Davidson Servicar, or Screaming Eagle bolt-on trike conversion, or a wheelchair trike conversion, the vehicle is considered a modified production vehicle. These

modifications are typically undertaken using hand tools only, no cutting or welding of the frame is required, and are easily reversible in nature.

The base motorcycle used for motor trike converted in this manner must not have any prior significant modifications such as those involving engine, driveline, frame, suspension or brakes. Modifications that are compatible with or are necessary for the installation of the bolt-on conversion kit are permitted however.

These modifications must still be certified by a VSCCS licenced certifier.

6b. Structural conversions

A motorcycle may also be converted to a trike by modifying (by cutting or welding) the frame or integrating another section of similar, or larger size to that of the donor motorcycle. A trike manufactured in this way is an ICV.

7. Restored vehicles

The Regulation includes provisions for a restored vehicle which is:

“A vehicle that is being or has been restored to the vehicle’s manufacturer’s specifications, so far as it is practicable to meet the specifications.” (Sch 2 cl.5)

A restored vehicle is not considered to be an ICV or even a modified vehicle - regardless of the extent of the restoration or the number of new components used as replacement parts. A restored vehicle will:

- Retain some original component or components and in particular the chassis and body
- Use either genuine original replacement parts or newly manufactured parts that replicate the originals as closely as practicable.

A replica manufactured entirely from new parts and components is not classified as a restored vehicle. In addition, an entirely different vehicle built around an original component is also not a ‘restored vehicle.’ This type of vehicle would either be a modified vehicle or an ICV depending on the original component(s) used.

If an old component is replaced with one manufactured from a different material – for example, a fibreglass body used instead of steel – evidence may be required to explain why it was not reasonably practicable to use a component manufactured from the original material.

In some cases, a change in construction material may result in such significant changes to a vehicle’s characteristics that it cannot be considered to be a restored vehicle.

If a new frame, chassis or bodyshell that does not have a primary identifier is to be used in a restored vehicle, a primary identifier must be obtained from Transport for NSW.

Manufacturing an ICV on behalf of another person

In accordance with the Commonwealth *Road Vehicle Standards Act 2018 (RVSA)*, a person must not sell or provide any new vehicle to another person for use in road transport in Australia unless the vehicle is entered into the federal Register of Approved Vehicles (RAV) via an appropriate entry pathway. A person or company building an ICV or ‘custom’ vehicle for another person is considered to be a vehicle manufacturer and subject to the Commonwealth RVSA & its Rules, unless the vehicle is only used ‘on public roads under exceptional circumstances’.

For more information, refer to advice from the [Department of Infrastructure, Transport, Regional Development, Communications, and the Arts](#).

Limits on numbers

A person may manufacture up to three ICVs for themselves in any consecutive 12 month period.

Using parts from written-off vehicles

Prior to January 2011, the former Regulation held provisions for two types of written-off vehicles:

- Repairable write-offs (which could be repaired and re-registered)
- Statutory write-offs (which could not be used on the roads again).

This distinction has now been removed, and the provisions apply to all vehicles classified as 'written-off'.

A written-off vehicle is a vehicle that has been damaged to such an extent, from a crash or other incident, that it is more cost-effective for an insurance company to pay the owner its declared value than to repair it.

A written off vehicle's registration is cancelled and it cannot be repaired for use on the roads again. This eliminates the risks posed by a potentially poorly repaired vehicle and reduces the likelihood of it being used in fraudulent activities. However, some parts may be used to repair other vehicles or to construct an ICV, and the extent and nature of the damage to the parts will determine the parts that can be used.

The Regulation requires:

- A vehicle to comply with the applicable vehicle standards
- The vehicle and its parts and equipment are suitable for safe use and are in a thoroughly serviceable condition.

Components from written-off vehicles used to construct an ICV must be of suitable quality and condition so the vehicle meets those standards and does not pose a risk to its occupants and other road users.

General

Parts and components from a written-off vehicle used to manufacture an ICV must be in good and serviceable condition.

All non-structural, bolt-on body parts (such as guards, panels, doors), running gear, mechanical parts, trim, lamps, etc), and, subject to the limitations outlined below, all structural sections other than structural components bearing a primary identifier (e.g. nose clips, long or short rear clips, side cuts, floor pan, turret), may be used in building an ICV.

It is NOT permissible to interfere with, remove (including cut away that part) or obliterate a primary identifier on a structural component in order to use that component and to do so may be seen as re-birthing activity and result in an offence.

Limitations on parts

The following limitations apply to parts of written-off vehicles that may be incorporated in an ICV:

- If the vehicle was written-off because of fire damage, collision damage, or water damage, the parts to be used must have no fire/heat, impact, or water damage.
- Structural sections obtained from vehicles that cannot be identified or that have no written-off vehicle history, particularly those from interstate or overseas, must not be used in constructing another vehicle unless evidence is available that shows the source of the components and all related transactions.

Parts of written-off vehicles that must not be reused

The following parts and components from a written-off vehicle must not be used in restoring, repairing, or modifying a vehicle or building an ICV:

- Devices providing current, earth or control signals for a vehicle braking system or device or for any occupant protection system or device (such as seat belt pre-tensioners, air bag control or deployment modules etc) sourced from any vehicle written-off because of damage by impact, fire/heat or salt/fresh water immersion
- Air bags and seat belts sourced from any written-off vehicle damaged by impact, fire/heat or salt/fresh water immersion
- Components that contain or contained the primary identifier of the written off vehicle

It may be necessary to repair components from the written-off vehicle before they can be reused. In such circumstances, the following rules apply:

- Damaged sub-frames or rails must not be repaired or straightened unless the repair is recommended by the vehicle manufacturer, in which case it must be done in accordance with their guidelines
- Components or parts must be fitted or sealed in the same manner used in manufacturing the original vehicle e.g. adhesives and expanding type sealers

Note: This is important when fitting a windscreen or rear window as these form part of the vehicle's structure, and if they are incorrectly fitted, the roof strength and its performance will be compromised, particularly in a roll-over.

- Damaged side intrusion bars must be replaced and attached in the same manner as the original
- All panels must be correctly sealed and treated with the appropriate anti-corrosion protection in accordance with the vehicle manufacturer's guidelines or industry codes of practice.

Assessment and registration

Before they can be registered in NSW, ICVs must be assessed and certified by a licensed certifier under Transport for NSW's [Vehicle Safety Compliance Certification Scheme \(VSCCS\)](#).

The licensed certifier will complete a detailed inspection and necessary tests to determine whether the vehicle complies with the vehicle standards set out in the Regulation and is safe to use. [VSCCS Bulletin No. 2 Modified or individually constructed vehicles](#) details the Australian Design Rules (ADRs) to be applied under those standards and the methods that can be used to demonstrate compliance. Refer to the Australian Government's Department of Infrastructure, Transport, Regional Development and Communications website for more information on ADRs.

If the licensed certifier is satisfied that the ICV meets these requirements, the owner will be issued with a VSCCS compliance certificate that enables the vehicle to be registered.

Notes:

1. Any reference to Transport for NSW in this document is taken to include its predecessors and any successors as the vehicle registration authority in NSW
2. A list of VSCCS licensed certifiers is available on the Transport for NSW website see [VSCCS Bulletin No 1](#).

To help ensure an ICV complies with all relevant and applicable vehicle standards, it is important that constituent components are:

- Obtained from reliable sources with supporting documentation and receipts, and
- In a serviceable condition, and
- Installed in accordance with best industry practices and standards.

Transport for NSW will only accept certification for ICVs that have been issued by a VSCCS licensed certifier in accordance with NSW transport law. If you intend to apply for NSW registration for an ICV that was previously registered in another jurisdiction, it must still be assessed and certified by a NSW VSCCS licensed certifier.

Date of applicable vehicle standards

In determining the vehicle standards that apply to an ICV, its 'date of manufacture' may be one of the following:

- Date on which approval to build the ICV is issued by Transport for NSW
- Date the vehicle is presented for first registration (including applying for a VIN).

For an ICV transferred from another jurisdiction, the applicable vehicle standards are those that applied at the date of it was first registered in that jurisdiction as an ICV.

Exceptional circumstances and further clarification

This VSI is intended to give general advice on ICVs. Information on exceptional circumstances not covered by this VSI, or on the possibility of obtaining an exemption, can be obtained from Transport for NSW Vehicle Standards Unit at: VSC@transport.nsw.gov.au.

If you have any doubts please contact Transport for NSW Vehicle Standards Unit to obtain advice about whether or not a vehicle will be considered an ICV for the purpose of registration.

Further Information

NSW Legislation

- *Road Transport (Vehicle Registration) Regulation 2017*
legislation.nsw.gov.au

Transport for NSW

[VSCCS Bulletin No. 1 Licensed certifiers](#)

[VSCCS Bulletin No. 2 Modified or individually constructed vehicles - means to demonstrate compliance with Third Edition Australian Design Rules](#)

[VSI No 6 Light vehicle modifications](#)

Service NSW (SNSW)

To register a vehicle, apply for a permit and to apply for a driver or rider licence

To locate your nearest SNSW office

<https://www.service.nsw.gov.au/> | T 13 77 88

Transport for NSW

For Information & advice related to vehicle registration, permits & driver/rider licences

roads-waterways.transport.nsw.gov.au | T 13 22 13

TfNSW Technical Enquiries

For Information & advice related to vehicle construction, modification, and registration requirements in NSW

PO Box 1120, Parramatta NSW 2124

E technical.enquiries@transport.nsw.gov.au | **T** 1300 137 302 | **F** (02) 8837 0037

TfNSW Vehicle Safety Compliance Certification Scheme (VSCCS)

For Information & advice related to VSCCS Licensed Certifiers.

[VSCCS](#) | **E** vscs@transport.nsw.gov.au | **T** 1300 336 206

Department of Infrastructure, Transport, Regional Development and Communications

For information related to building or importing road vehicles for use in road transport within Australia; also for information on & to access Australian Design Rules (ADRs) & associated Circulars; Vehicle Standards Bulletins (VSBs)

GPO Box 594 Canberra ACT 2601

infrastructure.gov.au | **T** 1800 815 272 | **F** (02) 6274 6013

National Heavy Vehicle Regulator

For Information & advice related to the construction and modification of heavy vehicles (ie those with a GVM or ATM exceeding 4.5tonnes); requirements for heavy vehicle permits & exemptions; Vehicle Standards Guides (**VSGs**).

PO Box 492, Fortitude Valley Q 4006

nhvr.gov.au **E** info@nhvr.gov.au | **T** 1300 696 487 | **F** (07) 3309 8777