

Banning Tyres Aged 10 Years and Older on heavy goods vehicles, buses, coaches and minibuses.

Public Consultation

Date: 24th October 2022

FOREWORD

My Department is committed to improving road safety for all road users and one route to achieve this is to ensure the continuous assessment of the roadworthiness of vehicles.

In recent years the safety of older tyres on heavy vehicles has become a matter of increasing concern. There have been a number of very serious road traffic collisions involving coaches and trucks, some with tragic consequences where the accident investigator or a Coroner concluded that the tyre failure was as a direct result of its age.

The UK government commissioned research in 2018 with an aim to establish the effect age has on the integrity of road vehicle tyres. As part of this research, the UK's Transport Research Laboratory (TRL) Ltd has worked with a leading laboratory in the United States to carry out testing and analysis. Collectively, this research and the conclusions from Coroners and investigators have provided evidence that age does affect tyre performance and safety.

Some of you will be aware that from 1 February 2021, legislation is in place in GB which places a ban on 10 year old tyres in GB. The ban applies to the front axles of HGV's, buses and coaches, and all axles on minibuses when fitted in single configuration. This ban applies not only to vehicles registered in GB but also to those that are visiting GB, which includes those from NI. Currently the South has no policy on this issue.

I believe there is no compromise on the issue of road safety and I want my department to be proactive where it can be. As a measure to reduce this risk to road safety, I am considering introducing a legislative proposal here to ban tyres 10 years or older on heavy goods vehicles, buses, coaches and minibuses.

I would welcome your feedback on this important road safety issue and I would encourage all of those with a vested interest to complete the consultation.

John O'Dowd MLA

Minister for Infrastructure

24th October 2022

CONTENTS

PAGE

Background and Context	4
How to respond	5
Confidentiality & Data Protection	6
1. The Proposals	8
2. HGVs, Buses, Coaches and Minibuses	8
Rationale	9
Implementation	10
Exemptions	11
Date of Implementation	11
Enforcement	12
Environmental Impacts	12
3. Questionnaire	13

BACKGROUND AND CONTEXT

The Department for Transport (DFT) implemented a legislative change for GB with effect from 1 February 2021 which bans the use of tyres 10 years or older on certain vehicle types. The Department for Infrastructure (DfI) are seeking views on proposals with a view to introducing similar legislation in the North of Ireland. DfI are inviting relevant stakeholders and the public to respond to this consultation.

The vehicles included in this consultation are heavy goods vehicles, buses, coaches and minibuses.

This consultation will be of interest if you, or your organisation, own or operate any of the vehicle types listed above, or are involved in the maintenance of these vehicle types, or the manufacture, provision and/or maintenance of tyres for these vehicle types. It will also be of interest to the wider public as drivers and passengers of these vehicles.

We consider that amending the existing Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 (No 454) (the "Construction and Use Regulations") and using the current, associated enforcement regimes is the most effective method to implement this change for HGVs buses, coaches and minibuses.

Many factors influence a tyre's integrity including its operational use, storage conditions and maintenance throughout its lifetime. Regulations already exist to ensure tyres meet specific standards including for tread depth and the absence of cuts and lumps that might indicate a structural failure. These proposals are intended to supplement existing Regulations on tyre maintenance and use by adding a further requirement on maximum tyre age. Subject to the outcome of the consultation this will make it an offence to use or operate a vehicle (those listed above) on a road in Northern Ireland where a tyre fitted to the vehicle exceeds an age of 10 years or where a re-treaded tyre exceeds 10 years from its date of re-treading as specified on the tyre wall. The proposals include measures requiring the date of manufacture marking to be visible for the purposes of inspection, and to be maintained and not tampered with.

HOW TO RESPOND

The 8 week consultation period will begin on 24th October 2022 and end on 18th December 2022 at 23:59pm

Where possible, your response should be made via Citizen Space on the NIDirect website via the following link:

<https://consultations2.nidirect.gov.uk/dfi-1/ban-of-tyres-aged-10-years-or-older-on-hgvs>

or alternatively at:

<https://www.infrastructure-ni.gov.uk/consultations/consultation-ban-tyres-10-years-or-older-heavy-goods-vehicles-buses-coaches-and-minibuses>

The Department for Infrastructure has actively considered the needs of people with visual impairments in accessing this consultation document. The text will be made available in full on the [Department's website](#) which allows for e-readers (including the most recent versions of JAWS, NVDA and VoiceOver). The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. Our accessibility statement at <https://www.infrastructure-ni.gov.uk/department-infrastructure-accessibility-statement> gives more information.

Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found at [Department Website](#) or you can contact the Department at vehicle.standards@infrastructure-ni.gov.uk if you need alternative formats (Braille, audio CD, etc.).

Responses to the consultation should be made online via Citizen Space as indicated above or, if that is not possible, by e-mailing to vehicle.standards@infrastructure-ni.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

CONFIDENTIALITY & DATA PROTECTION

Information contained in your response may be made public by Dfl. If you do not want all or part of your response made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your correspondence will be taken to apply only to information in your response for which confidentiality has been specifically requested. Information provided in response to this consultation, excluding personal information, may be subject to publication or disclosure in accordance with the access to information regimes (this is primarily the Freedom of Information Act 2000 (FOIA)).

The Department will process your personal data in line with the [Department's Privacy Notice](#). Personal data provided in response to this consultation will not be published. If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

As indicated above, the Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraph below and it will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation or a call for evidence. The Department cannot automatically consider as confidential information supplied to it in response to a consultation or a call for evidence. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, excluding information about your identity, should be made public or treated as confidential.

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THE PROPOSAL

Our intention is to introduce legislation making it an offence to use tyres 10 years or older on certain vehicles. This is to improve road safety for all users. Our current focus is on heavy goods vehicles and larger vehicles used to transport passengers.

The vehicle types included in our proposals are heavy goods vehicles (category N2 over 3.5 tonnes but not exceeding 12 tonnes) and N3 (over 12 tonnes), and minibuses, buses and coaches (categories M2 and M3).

The full definition of these vehicle categories M and N, which are based on EU Regulations is available at:

<https://www.vehicle-certification-agency.gov.uk/vehicletype/definition-of-vehicle-categories.asp>

HGVs, BUSES, COACHES AND MINIBUSES

The Construction and Use Regulations specify minimum requirements for the use of tyres on road vehicles in Northern Ireland. We propose to amend these regulations to include a maximum age for tyres fitted to certain vehicle types, building upon current guidance.

There have been two significant road traffic collisions in recent years that led to the tragic deaths of eight people. In both of these collisions, HM Coroner has determined that a contributory factor was a defective tyre fitted to the steered axle of the vehicle. In both cases the age of the tyre was directly linked to its failure.

Following the first collision in 2012, DFT and DVSA issued guidance to vehicle operators setting basic good practice in relation to the use of tyres and only to use tyres over 10 years old when fitted to rear axles (i.e. non-steered) in a twin-wheel arrangement. This advice to operators was based on the precautionary principle of acting to protect people from potential danger.

We are proposing to ban the use of tyres aged 10 years and older on HGVs, buses, coaches and minibuses, including tyres that have been re-treaded 10 or more years ago. The age of tyres will be defined by the date of manufacture determined from the markings on the tyre sidewall, and the date of re-treading will be defined as the re-tread marking on the tyre sidewall. The dates are those required by UNECE international regulations on tyre construction (UNECE regulations 30 & 54, 108 & 109). The dates provide a consistent record of the age of a tyre which can be observed during routine maintenance, inspection and/or testing, with the possible exception of tyres in a twin-wheel configuration. To address this, we are proposing to mandate the visibility of the date markings on tyres in all configurations, and to make it an offence to drive or operate a vehicle where the date markings are not visible and legible. This means in practice that tyres will need to be fitted to the wheel-rims with the date markings facing outwards.

RATIONALE

In advance of this consultation we have considered how best to implement an age-related ban for tyres for these vehicle types, balancing the road safety outcomes with the potential costs and benefits to drivers, operators, industry and the environment. DfT have gathered data that suggests that the vast majority of tyres fitted to heavy duty vehicles are less than 10 years old. However, we want to understand whether there may be impacts associated with a ban on the use of tyres that are 10 years or older, for example on owners of certain vehicle types or for tyre retailers.

DfT commissioned specific [research](#) to explore the link between age and tyre integrity. Although the research is not statistically conclusive, it suggested that corrosion is more likely to be found in older tyres and highlights the ability of moisture to penetrate through cuts in the tread area into the structure of the tyre. The research also implied a change in the hardness of the rubber, both in the tread area and the sidewall for older tyres. This hardness can lead to cracking. This research has supplemented emerging evidence base on this subject and when combined with expert testimony, DVSA data and current roadworthiness guidance have concluded that a ban on tyres of 10 years or older is a necessary measure to improve road safety. We have considered carefully whether to continue to allow the use of re-treaded tyres in any potential ban. Re-treaded tyres are a key element of the heavy-duty vehicle tyre market (around 30%), providing a cost-effective product to operators, a sustainable solution to recycling worn tyres and employment at UK manufacturing sites.

There are different re-treading processes but these in effect replace the tread on worn tyres by removing some of the existing tyre rubber compound, inspecting the tyre carcass and then adding a new layer of rubber and tread. All re-treaded tyres supplied in the UK must comply with UNECE Regulations 108 & 109 as required by the Motor Vehicle Tyres (Safety) Regulations 1994 (S.I. 1994/3117), and be tested according to the same load and speed criteria as those used for new tyres.

The date of manufacture is imprinted on all first life tyres as part of the manufacturing process and so it is straightforward to determine the age of a tyre (in accordance to UNECE Regulation 30 & 54). During the re-treading process a new date is imprinted on the tyre to signify when the re-treading was completed (in accordance to UNECE Regulation 108 & 109). However, there is currently no legal requirement for a re-treaded tyre to also display the date of its original manufacture.

If we were to propose legislation to ban all tyres 10 years or older, without any consideration of re-treaded tyres, we would effectively be prohibiting the use of re-treaded tyres of any age, since operators would not, under current regulations be able to guarantee that every element of a re-treaded tyre was below 10 years old. The key issue affecting re-treaded tyres is whether they provide the same level of safety as an original (first life) tyre. We do not have any evidence to confirm or dispute this but we rely upon the legal obligation that only re-treaded tyres manufactured in accordance with UNECE Regulations 108 & 109 can be placed on the market.

Manufacturers have to ensure that the tyre carcass is suitable to be re-treaded and have various techniques to ensure this is the case before remanufacturing. The

Department is not aware of any evidence to suggest that there are systematic weaknesses in the UNECE regulatory requirements.

We have considered the following option:

- To do nothing and maintain the current position, where no regulations limiting the age of tyres are introduced, and to ensure that DVSA guidance for commercial goods and passenger carrying vehicles continues to specify that tyre age is monitored and recorded and that tyres aged more than 10 years old should not be used except on a rear axle as part of a twin wheel arrangement.

We have ruled this option out as the risk of doing nothing is likely to have a detrimental effect on road safety.

IMPLEMENTATION

We consider that amending the Construction and Use Regulations is the most appropriate route to implement this requirement. We propose to achieve this by adding a requirement for maximum tyre age, as listed above, potentially in Regulation 32 (Condition and Maintenance of Tyres).

We also propose to amend the Regulations to mandate the visibility of markings on tyres, including in a twin-wheel arrangement, where tyre date markings will need to be displayed on the outer facing sidewalls of the arrangement. We also propose to make it an offence to drive or operate a vehicle when these date markings are not present or they are illegible.

We have identified an inconsistency in current Construction and Use Regulations that require a first life tyre to comply with UNECE Regulations 30 & 54 (for tyre date markings) when they are first fitted to the vehicle but there are no equivalent requirements for re-treaded tyres. We propose to amend the Construction and Use Regulations to mandate that re-treaded tyres comply with the equivalent UNECE tyre marking Regulations (108 & 109) when they are first fitted. As discussed above, all re-treaded tyres must meet the requirements of Regulations 108 & 109 when they are supplied to the market in the UK.

Changes may also be made to regulations governing roadworthiness testing, as might be appropriate, to ensure, for instance, that compliance with any new requirement is checked as part of annual tests of in-scope vehicles under the Vehicle Testing Regulations.

These measures are already in place in GB.

EXEMPTIONS

We propose to include two types of exemptions in any legislation:

a) Existing exemptions for tyre roadworthiness

We intend that the existing exemptions listed in the current version of regulation 32(4)(a) of the Construction and Use Regulations will apply to the requirement for tyre age, to remain consistent with current roadworthiness legislation:

(4) (a) Nothing in paragraph (1)(a) to (g) applies to—

(i) an agricultural motor vehicle, not being a category T tractor, that is not driven at more than 20 mph;

(ii) an agricultural trailer;

(iii) an agricultural trailed appliance;

(iv) a broken-down vehicle or a vehicle proceeding to a place where it is to be broken up, being drawn, in either case, by a motor vehicle at a speed not exceeding 20 mph; or

(v) a category T tractor that is not driven at more than 40 km/h.

b) Exemptions for vehicles of historical interest

We consider that it is appropriate to provide an exemption to those vehicles in scope which meet the criteria for vehicles of historic interest, as defined at: <https://www.gov.uk/government/publications/historic-classic-vehicles-mot-exemption-criteria/historic-classic-vehicles-mot-exemption-criteria>, providing they are not used for commercial use. We believe that vehicles of historic interest (over 40 years old) which are in scope of this consultation, and which are also in commercial use, should be subject to the same requirements as ordinary vehicles under 40 years of age. We want to make this important additional requirement for vehicles of historic interest to ensure all vehicles that are used to carry paying passengers or goods are required to have tyres less than 10 years old, as for all other commercial vehicles.

We do not propose to include any further exemptions.

DATE OF IMPLEMENTATION

We propose an implementation period of 3 months from the date of any legislation taking effect before any ban comes into force to allow drivers, operators and businesses time to review their fleet, stock and change any tyres if required. Given that the rationale for this legislation is improving road safety we want to ensure that compliance with the requirement is achieved as quickly as possible. Our assessment is based on existing evidence that the proportion of affected vehicles in the North will be low and that we are building on existing roadworthiness guidance and that tyres are a consumable item that can be readily changed within a short timeframe.

ENFORCEMENT

Vehicle owners, operators and drivers are responsible for ensuring they only operate or drive safe vehicles that comply with the prevailing legal frameworks and guidance. We will raise awareness of the planned changes among the professional vehicle operating sector, the maintenance and tyre management community and the third sector.

We propose to enforce any changes to legislation for HGVs, buses, coaches and minibuses via the Operator licensing regime, roadside checks and roadworthiness tests (annual test or MOT test, as appropriate). The police service would also continue to enforce the rules in the usual way.

Current penalties for non-compliance with existing tyre regulations are subject to Magistrate Court prosecution for the most serious cases (multiple/repeat offences), and through the Fixed Penalty Notice scheme. For Court prosecution the sanctions that can be imposed on owners, operators and drivers are fines, driving licence penalty points or, in severe cases, disqualification from driving. The maximum fine is Level 5 for offences for goods vehicles, minibuses or buses. This means in Northern Ireland and Scotland the fine is a maximum £5000, whereas in England and Wales the fines are unlimited. Cases of non-compliance involving drivers or operators subject to Operator licensing will also be reported to the Transport Regulation Unit for possible disciplinary action.

We propose to apply the full range of this enforcement regime and associated penalties for our proposed changes for tyre age, the visibility of tyre age markings and for driving/operating a vehicle where these markings have been tampered with.

ENVIRONMENTAL IMPACT

We recognise the environmental challenges associated with tyre disposal and by permitting the use of re-treaded tyres on certain configurations in our proposal, we aim to support the re-use of tyre carcasses where possible and safe to do so, providing the re-treaded tyre meets international standards. We would welcome views on the potential environmental impact of any legislation that prevents the use of tyres 10 years and older on certain vehicles, balanced against the potential road safety benefits of our proposal.

Questionnaire - Banning Tyres Aged 10 Years and Older on heavy goods vehicles, buses, coaches and minibuses.

1. Name (Optional):

2. Email address (Required):

3. Are you: (tick all that apply)

- An operator
- A driver
- A member of the public
- Other (i.e. tyre supplier/fitter)

If you selected other, please specify.

4. Do you agree that we should ban the use of first life tyres aged 10 years and older on the front axles of HGV's, buses and coaches, and all axles on minibuses when fitted in single configuration?

Yes

No

If you selected no, please provide your reason.

5. Do you agree with our approach for re-treaded tyres (that their age should be defined from the date of the re-treading and those that were re-treaded 10 or more years ago should be subject to the same restrictions as first life tyres that are 10 years and older)?

Yes

No

If no, please provide details of any proposed alternative treatment for re-treaded tyres in any legislation.

6. Are you clear on how these proposals may affect you or your business?

Yes

No

If no, what other information would you find useful?

7. Do you agree with the proposed exemptions for tyre roadworthiness?

Yes

No

If no, please explain your response.

8. Do you agree with the proposed exemptions for vehicles of historical interest?

Yes

No

If no, please explain your response.

9. If the proposed implementation period of 3 months proceeds, do you envisage this timeframe will cause you/your business any operational issues?

Yes

No

If yes, please explain what operational issues you anticipate.

10. Do you agree with our proposed approach to enforcement?

Yes

No

If no, do you have any suggestions on how we could improve our approach to enforcement?

11. What are your views on the potential of any negative environmental impact of our proposals?