

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

## Public Consultation Synopsis of Responses

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# Outcome Report - Banning Tyres Aged 10 Years and Older on heavy goods vehicles, buses, coaches and minibuses

## 1. Executive Summary

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. On 24<sup>th</sup> October 2022 the Department for Infrastructure (Dfi) launched an 8-week public consultation inviting the public, the haulage and bus industry together with any other relevant stakeholders, to provide their views on proposals to potentially ban the use of tyres aged 10 years or older, on heavy goods vehicles, buses, coaches and minibuses. The focus of this change is improving road safety for all users.

The consultation ended on 18<sup>th</sup> December 2022 and the purpose of this report is to provide a summary of the analysis of the responses to that consultation.

A total of 12 formal responses were received: 9 were received via the Citizen Space consultation site with the remaining 3 responses received via written correspondence. Respondents included the road haulage industry, the bus and coach industry, tyre manufacturers, an operator, fleet manager, transport consultant, insurance associations and members of the public.

Overall, the responses highlighted a broad level of support for the proposals. This document provides a synopsis of those responses.

The consultation asked the following questions:

- 1. 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?**
- 2. 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)?**
- 3. Are you clear on how these proposals may affect you or your business?**
- 4. Do you agree with the proposed exemptions for tyre roadworthiness?**
- 5. Do you agree with the proposed exemptions for vehicles of historical interest?**

- 6. *If the proposed implementation period of 3 months proceeds, do you envisage this timeframe will cause you/your business any operational issues?***
- 7. *Do you agree with our proposed approach to enforcement?***
- 8. *What are your views on the potential of any negative environmental impact of our proposals?***

## **2. Analysis of Consultation Feedback and DfI response.**

### **Question 1**

***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?***

All 12 respondents answered yes to this question and are in full agreement that first life tyres aged 10 years and older should be banned.

### **Question 2**

***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)?***

9 respondents answered yes to this question and 3 answered no. The majority view is that NI should be aligned with GB to ensure a consistent approach across the UK to avoid different standards for operators/tyre manufacturers/re-treaders.

For those who answered no, two of the respondents feel that re-treaded tyres should not be allowed on NI roads at all.

### **Response**

DfI intends to ban only re-treaded tyres that were re-treaded 10 or more years ago. This approach will align NI with GB.

### **Question 3**

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

Of the 12 responses to this question, 9 answered yes, 1 answered no and 2 of the e-mail respondents did not answer this question.

There were some concerns that if the Department were to introduce different provisions than that in GB, it may result in the potential for NI businesses being confused by the different standards across the UK and with more onerous standards applying within NI.

It was also highlighted that the proposals need to be more prescriptive regarding the words “steered axle”. The ban should only apply to front (1st) steered axles on motor vehicles; it should not apply to any steered tag axles on vehicles, or to steered axles on trailers.

### **Response**

DfI agrees that if different provisions were introduced to those in GB it could cause confusion for NI business, therefore we will be implementing the same standards as GB. As indicated in the consultation, the ban will only apply to the front axles of HGV’s, buses and coaches, and all axles on minibuses when fitted in single configuration which aligned with GB.

### **Question 4**

#### ***Do you agree with the proposed exemptions for tyre roadworthiness?***

All respondents said yes to this question with one comment that any proposed exemptions must be consistent with those in place within GB.

### **Response**

DfI confirms that the exemption in NI will be the same as GB.

### **Question 5**

#### ***Do you agree with the proposed exemptions for vehicles of historical interest?***

All respondents said yes to this question. One commented that any proposed exemptions must be consistent with those in place within GB. Two respondents added that providing the vehicles are not used for commercial transportation of passengers to functions such as weddings and parties.

### **Response**

DfI will be introducing exemptions which are consistent with those in place within GB. In relation to the concerns raised by respondents regarding transportation of passengers to functions, it should be noted that vehicles of historical interest that are currently exempt from roadworthiness testing are not allowed to be used for commercial transportation of passengers.

## **Question 6**

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

There was a mixed response to this question. Comments included, that it would not cause business operational issues, one comment indicated that the proposed 3-month time scale is insufficient for the commercial sector to make changes to ensure compliance and there was also a suggestion of a 24-month implementation period would be more manageable. One respondent stated that if NI regulations are being aligned to the GB provisions, then they had no significant concern as they envisaged that the number of tyres over 10 years old in use, would be minimal, although they added that a 3-month lead in period is to relatively short to communicate the new requirements to those affected.

### **Response**

DfI has decided to proceed with the implementation period of 3 months as this timeframe should allow the industry sufficient time to make the changes required. Many in the industry have already implemented the changes to allow for business activity across the UK. As highlighted in the consultation, this is a measure to promote road safety and there is an impetus to act quickly. In advance of the legislation being implemented this Department will communicate widely with the industry to make sure they aware of the changes.

## **Question 7**

***Do you agree with our proposed approach to enforcement?***

Of the 12 responses to this question, 7 answered yes, 3 answered no and 2 did not answer the question.

One issue raised, is how the Department will apply the ban to non-UK hauliers. One comment suggested that a raised awareness of potential enforcement action would be beneficial.

### **Response**

DfI/DVA will use the existing enforcement regime and associated penalties in the event of any non-compliance. By applying the existing enforcement regime to drivers and operators, enforcement officers will be able to issue penalties and sanctions to drivers and operators of non-compliant vehicles on NI roads, as appropriate, regardless of the country of registration.

The proposed legislation will permit enforcement officers to continue to apply their discretion on the appropriate sanction. This will allow the Department to

address industry concerns over fairness to ensure NI hauliers are not disadvantaged compared to hauliers from elsewhere.

A major concern highlighted through the consultation related to the proposal that the date code on the tyre sidewall should be visible, meaning that tyres would need to be fitted to the wheel-rims with the date markings facing outwards. Feedback highlighted that uneven tread wear is widespread on heavy commercial vehicles, particularly on front steering axles. Aggressive sidewall wear due to kerbing is also prevalent on city buses. In both cases the only remedy is to refit the tyre on the rim part way through its life so that the inner sidewall becomes the outer sidewall.

DVA Enforcement team have advised that DVA enforcement officers can check tyre date markings on both side walls of most single configuration wheels and will do so where this can be accomplished safely. Therefore, there will be no requirement for the date marking to be displayed in any orientation and hence no material costs. As in keeping with GB legislation, the ban on the fitting of a tyre with a date marking that has been damaged, tampered with or defaced so that it is not legible will apply to tyres on all in-scope vehicles, regardless of their location on a vehicle.

### **Question 8**

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

There was a limited number of comments to this question. Most stating that they believed there would be an initial increase in the number of tyres needing to be disposed of. On the contrary, one of the tyre associations advised that this had not been an issue in GB, and they didn't believe that there will be a significant impact in NI. Another transport industry response highlighted that road safety benefits will outweigh any initial short term environmental impact.

### **Additional Comments**

#### ***Taxis and Private Hire Vehicles***

One respondent queried when or if the ban will also apply to taxis and other private hire vehicles.

#### **Response**

DfI can confirm that taxis and other private hire vehicles are excluded from this ban. You may wish to note that as indicated by the Department for Transport (DfT), there is a current lack of evidence of any collisions in this sector that are a direct result of the failure of older tyres.

DfT had commissioned [research that surveyed 2,424 tyres from 606 taxis and PHVs across 12 sites in August 2019](#) which showed that 1% of these tyres were 10 years or older. The study also found that from a sample of 10 local authorities, only one local authority limited the age of tyres on a vehicle (Norwich City Council applies a limit of 15 years).

DfI will continue monitor the situation and liaise with DfT colleagues on this issue.

## **Tyre Ageing**

Several responses highlighted, that the introduction of tyre age restriction based on the age from production is not a realistic way of assessing the road safety condition. The introduction of the tyre age restriction does not negate the need for an informed consideration by a trained expert tyre examiner of all the indicators of a tyre's condition, regardless of whether the tyre is subject to the age restriction or not. However, the responses did again strongly advocate alignment of NI approach adopted in GB.

DfI considered evidence provided to DfT by Transport Research Laboratory (TRL) and is of the view that structural changes can occur within older tyres that are not always visible from an external inspection of the tyre. By introducing a legal age for tyres, we are aiming to minimise the number of tyres that are in use on NI roads that could have internal structural defects as a result of their age.

## **Conclusion**

After considering the feedback from the responses through the consultation, this Department will proceed to ban tyres aged 10 years and older on the front axles of HGV's, buses and coaches, and to the tyres on all axles of minibuses when fitted in single configuration. The changes being implemented in NI will align with the changes introduced in GB on 1 February 2021.

The restriction will also apply to re-treaded tyres, where the date of re-treading will be used to determine the age of the tyre.

There will be no requirement for the date marking to be displayed in any orientation and hence no material costs.

There will be an exemption for 2 groups of vehicles:

1. Those vehicles that are currently exempt from tyre roadworthiness regulations (including agricultural tractors that travel at low speeds) to remain consistent with existing legislation.
2. Historic vehicles that are currently exempt from roadworthiness testing, providing they are not used commercially. We recognise that historic vehicles are usually well-maintained, are used infrequently and do not travel at high

speeds however it is important to balance the granting of any exemptions with the safety of all road users.

The regulations will apply to drivers or operators of non-compliant vehicles on NI roads, regardless of the country of registration.

DfI will bring forward amending legislation to put the decisions set out in this document into effect, with an implementation period of 3 months.