

UPDATE - The Introduction of UK legislation to prohibit the use of tyres older than 10 years from date of manufacture

Further clarification on the interpretation of the *Road Vehicles (Construction & Use) (Amendment) Regulations 2020* which refers to the prohibition of tyres older than 10 years from the date of manufacture has been provided by the DfT & the DVSA.

Although the regulation clearly states that this is applicable to the following wheel positions and types of vehicles: -

- 1) **Front axles** of HGVs including buses and coaches (vehicles above a gross vehicle weight of 3500 kgs)
- 2) **All axles** on minibuses when fitted in single configuration

The adoption of this new regulation requirement related to tyre age within the February 2021 edition of the *MOT PSV and HGV inspection manuals* and the *DVSA Categorisation of Vehicles Defects* for roadside inspections requires the additional further clarification: -

1) Annual Vehicle Test Requirements

a) The Actual Age of the Tyre

- If a tyre on **any axle** is found during examinations with a tyre manufacture date code between 9 and 10 years of age an **Advisory** will be issued.
- Tyres with a manufacture date code more than 10 years of age in use on any front (steering) axle(s) of a goods vehicles over 3500kg DGWV, minibuses, large buses and coaches will result in a Dangerous Deficiency. An **Immediate Prohibition** will be issued, and the **Prohibition will be 'S' marked**. Dangerous Deficiency action for a tyre date code more than 10 years of age also extends to **any rear axle of a minibus** if fitted with single wheels.

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b) Legibility and Displaying of the date of manufacture code

If a date of manufacture code is illegible e.g. worn away due to kerbing abrasions or is not displayed, then: -

- On **any axle** (excluding a front steered axle) a **Minor Deficiency action** will be taken, which should instigate the tyre being replaced at the earliest opportunity
- On **any front (steering) axle(s)** or **any single wheel fitment on a minibus**, a **Major Deficiency action** will be taken
- For a manufacture date code which is not visible due to the position on a **twin wheel fitment**, **Advisory action** will be taken

IMPORTANT NOTE: '**Not legible**' means cannot be read, which includes evidence where it has been deliberately removed. '**Not displayed**' is where the date code cannot be found anywhere on the tyre, e.g. has been omitted by the tyre manufacturer and does not relate to the DOT being shown on the outside sidewall.

'S' Marking the Prohibition

Where a Dangerous Deficiency and an Immediate Prohibition has been issued for a tyre more than 10 years old, the prohibition will be 'S' marked. The reason for the 'S' mark will be in relation to the operator because their maintenance regime must have a robust tyre management system in place.

The 'S' marked endorsement on the prohibition will automatically generate a follow up with the operator by the DVSA.

2) Roadside Enforcement

The categorisation of defects (Part 1 and 2) has been revised to include the required following actions to take place if a tyre does not conform by manufacture date code and tyre age as described previously in this bulletin.

a) The **Actual Age of the Tyre**

- Tyres with a manufacture date code **between 9 and 10 years** of age

If a tyre on **any axle** is found during roadside inspection with a tyre manufacture date code between 9 and 10 years of age, an Inspection Notice (PG35EC) will be issued.

- Tyres with a manufacture date code **more than 10 years of age**

An **Immediate Prohibition action** will be issued in respect of tyre age, this applies to a tyre with a manufacture date code more than 10 years of age in use on any front (steering) axle(s) of a goods vehicles over 3500kg DG/VW, minibuses, large buses and coaches.

Immediate Prohibition action for a tyre date code more than 10 years of age also extends to the rear axle of a minibus if it employs a single wheel fitment.

b) **Legibility and Displaying** of the date of manufacture code

In cases where a tyre date code is not legible or not displayed on any front (steering) axle(s) or any single wheel fitment on a minibus, the examiner will assess the condition of the tyre for signs of deterioration e.g. cracking, splitting, and perishing etc.

- In cases where there is no evidence of deterioration, **'Delayed' Prohibition** action will be taken.
- In cases where there is evidence of deterioration, **'Immediate' Prohibition action** will be taken in line with the categorisation of defects.

For a manufacture date code which is not visible due to the position on a twin wheel fitment an **Inspection Notice** action will be taken.

For tyres in use with a manufacture date code not displayed or not legible other than front (steering) axle(s) or any single wheel fitment on a minibus, **this is an offence**, so the Inspection Notice action should instigate the tyre to be replaced at the earliest opportunity.

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Penalties for non - compliance

Penalties for misuse can be: -

- Fixed penalty notices
- Fines
- Driving licence penalty points
- Disqualification from driving

The maximum fine is Level 5, a potentially unlimited amount in England and Wales, but capped at £5,000 in Scotland.