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STATUTORY INSTRUMENTS

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**1994 No. 3117**

**The Motor Vehicle Tyres (Safety) Regulations 1994**

**PART IV**

**GENERAL PROVISIONS**

**Misleading marks**

**12.**—(1) No person shall supply a tyre designed so as to be capable of being fitted to a wheel of a motor vehicle or trailer if it bears—

- (a) an approval mark;
- (b) any mark not falling within sub-paragraph (a) which is of a description specified in any standard (including a British Standard Specification), technical specification or code of practice relating (in each case) to retreaded tyres and which indicates compliance with the requirements of that instrument; or
- (c) any mark referred to in regulation 8(1)(d) of these Regulations,

and any indication given by that mark taken by itself or that mark as read with any other mark on the tyre is false.

(2) Where—

- (a) a person supplies a tyre (not being a retreaded tyre) which bears a mark falling within paragraph (1)(a) or supplies a retreaded tyre which bears a mark falling within paragraph (1)(b); and
- (b) the tyre is not part-worn,

the indications given by the mark shall be deemed, for the purposes of this regulation only, to include an indication that the tyre complied at the time of manufacture (in the case of a tyre that is not a retreaded tyre), or at the time of retreading (in the case of a retreaded tyre), and (in either case) at the time of supply, with the requirements of the instrument to which the mark relates.

(3) Where—

- (a) a person supplies a tyre (not being a retreaded tyre) which bears a mark falling within paragraph (1)(a) or supplies a retreaded tyre which bears a mark falling within paragraph (1)(b); and
- (b) the tyre is part-worn and is marked in accordance with regulation 7(6)(b) or (8)(c) as the case may be,

the indications given by the mark referred to in sub-paragraph (a) shall be deemed, for the purposes of this regulation only, to include an indication that the tyre complied at the time of manufacture (in the case of a tyre that is not a retreaded tyre), or at the time of retreading (in the case of a retreaded tyre), with the requirements of the instrument to which the mark relates, but does not (in either case) necessarily so comply at the time of supply.

(4) A mark which so nearly resembles a mark falling within paragraph (1)(a), (b) or (c) as to be likely to be taken for such a mark shall be treated for the purposes of this regulation only as if it were a mark of the kind which it so resembles.

### **Equivalent standards**

**13.**—(1) Nothing in these Regulations shall make it unlawful to supply a tyre if it would not be unlawful to supply the tyre were there substituted, for a reference in these Regulations to any provision in a British Standard Specification, a reference to an equivalent provision in a corresponding standard.

(2) In this regulation, “corresponding standard”, in relation to a British Standard Specification, means —

- (a) a standard or code of practice of a national standards body or equivalent body of any EEA State;
- (b) any international standard recognised for use as a standard by any EEA State; or
- (c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State,

where the standard, code of practice, international standard or technical specification provides, in relation to tyres, a level of safety equivalent to that provided by the British Standard Specification and contains a requirement as respects the marking of tyres equivalent to that provided by that instrument.

(3) In this regulation —

“EEA State” means a state which is a contracting Party to the EEA Agreement but, until the EEA Agreement comes into force in relation to Liechtenstein, does not include the State of Liechtenstein; and

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(1)</sup>.