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STATUTORY INSTRUMENTS

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**1994 No. 3117**

**CONSUMER PROTECTION**

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

<i>Made</i>	- - - -	<i>7th December 1994</i>
<i>Laid before Parliament</i>		<i>8th December 1994</i>
<i>Coming into force</i>		
<i>Regulation 5</i>		<i>1st June 1997</i>
<i>Regulations 7 and 10</i>		<i>1st June 1995</i>
<i>Remainder</i>		<i>1st January 1995</i>

Whereas the Secretary of State for Transport has, in accordance with section 11(5) of the Consumer Protection Act 1987(1), consulted such organisations as appear to him to be representative of interests substantially affected by the following Regulations, the Health and Safety Commission in relation to the application of the following Regulations to Great Britain, and such other persons as he considers appropriate:

Now, the Secretary of State for Transport,—

- (a) in exercise of the powers conferred by section 11 of the Consumer Protection Act 1987; and
- (b) being a Minister designated(2) for the purposes of subsection (2) of section 2 of the European Communities Act 1972(3) in relation to the regulation of the construction and equipment of vehicles and of components of vehicles, in exercise of the powers conferred by that subsection, and in exercise of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**PART I**  
**INTRODUCTION**

**Preliminaries**

1.—(1) These Regulations may be cited as the Motor Vehicle Tyres (Safety) Regulations 1994.

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(1) 1987 c. 43.

(2) S.I.1972/1811.

(3) 1972 c. 68. A relevant amendment was made to section 1 by section 1 of the European Economic Area Act 1993 (c. 51).

(2) These Regulations, other than regulations 5, 7 and 10, shall come into force on 1st January 1995.

(3) Regulation 5 of these Regulations shall come into force on 1st June 1997.

(4) Regulations 7 and 10 of these Regulations shall come into force on 1st June 1995.

(5) The Regulations specified in Schedule 3 to these Regulations are hereby revoked.

(6) So far as any requirement is imposed by virtue of these Regulations, that requirement is imposed in exercise of the powers conferred by section 11 of the Consumer Protection Act 1987 to the exclusion of powers conferred by section 2(2) of the European Communities Act 1972.

## Interpretation

2.—(1) In these Regulations—

“the Construction and Use Regulations” means the Road Vehicles (Construction and Use) Regulations 1986<sup>(4)</sup> as from time to time amended;

“approval mark” means a mark of a description specified in ECE Regulation 30, 30.01, 30.02, 54 or 75 or in EC Directive 92/23 which, when applied to a tyre, indicates that the tyre conforms with a type in respect of which approval has been granted pursuant to that instrument;

“BS AU 144b: 1977” means the British Standard Automobile Series: Specification for retreaded car and commercial vehicle tyres published by the British Standards Institution under reference BS AU 144b: 1977 on 29th July 1977;

“BS AU 144c: 1988” means the British Standard Automobile Series: Specification for retreaded car and commercial vehicle tyres published by the British Standards Institution under reference BS AU 144c: 1988 on 30th September 1988;

“BS AU 144d: 1988” means BS AU 144c: 1988 as amended by Amendment No. 1 (reference AMD 6592) published on 31st August 1990;

“BS AU 144e: 1988” means BS AU 144c: 1988 as amended by Amendment No. 1 (reference AMD 6592) published on 31st August 1990 and by Amendment No. 2 (reference AMD 7506) published on 15th December 1992;

“BS AU 159e: 1990” means the British Standard Automobile Series: Specification for repairs to tyres for motor vehicles used on the public highway published by the British Standards Institution under reference BS AU 159d: 1990 as amended by Amendment No. 1 (reference AMD 8216) published on 15th June 1994;

“commercial vehicle” means a motor vehicle which is—

- (a) a goods vehicle with 4 or more wheels, or
- (b) a passenger vehicle with more than 8 seats in addition to the driver’s seat;

“EC Directive 92/23” means Council Directive 92/23/EEC<sup>(5)</sup>;

“passenger car” means a motor vehicle which—

- (a) is a passenger vehicle or dual-purpose vehicle;
- (b) has no more than 8 seats in addition to the driver’s seat; and
- (c) has 4 or more wheels;

“tyre” means a pneumatic tyre as defined in regulation 3(2) of the Construction and Use Regulations.

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(4) S.I. 1986/1078; relevant amending instruments are S.I. 1990/1981, 1991/2710 and 1992/3088.

(5) OJ No. L129, 14.5.92, p.95.

(2) For the purposes of these Regulations the following expressions have the same meanings as in the Road Traffic Act 1988(6)—

- “goods vehicle”;
- “motor cycle”;
- “motor vehicle”;
- “trailer” (except where it appears in the expression “light trailer”);
- “road”.

(3) A reference in these Regulations to a British Standard Specification is a reference to BS AU 144b: 1977, BS AU 144c: 1988, BS AU 144d: 1988, BS AU 144e: 1988 or BS AU 159e: 1990.

(4) In these Regulations, in relation to a retreaded tyre,—

- (a) a reference to a part-worn tyre is a reference to a tyre that has been used after the tyre was retreaded; and
- (b) a reference to a tyre that has been repaired is a reference to a tyre that has been repaired after it has been so used.

(5) For the purposes of these Regulations the expressions listed in the left-hand column of the Table below shall have the meanings given by the provisions of the Construction and Use Regulations listed in the right-hand column in relation to those expressions.

Expression	Provision
“agricultural motor vehicle”	regulation 3
“agricultural trailer”	regulation 3
“agricultural trailed appliance”	regulation 3
“bias-belted tyre”	regulation 26
“breadth of tread”	regulation 27
“diagonal-ply tyre”	regulation 26
“dual-purpose vehicle”	regulation 3
“light trailer”	regulation 3
“original tread pattern”	regulation 27
“passenger vehicle”	regulation 3

(6) A reference in these Regulations to the supply of a tyre includes offering to supply, agreeing to supply, exposing for supply or possessing for supply; and cognate expressions shall be construed accordingly.

(7) A reference to a tyre-size designation is a reference to a designation described in paragraph 2.18 of ECE Regulation 30 or 30.01, paragraph 2.17 of ECE Regulation 30.02, paragraph 2.17 of ECE Regulation 54 or paragraph 2.17 of Annex II to EC Directive 92/23.

(8) A reference to an ECE Regulation shall be construed in accordance with Schedule 1 to these Regulations.

(9) Unless the context otherwise requires, any reference in the following provisions of these Regulations to—

- (a) a numbered regulation is a reference to the regulation bearing that number in these Regulations; and
- (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears.

### **Application to Northern Ireland**

3. Schedule 2 to these Regulations (modifications in relation to Northern Ireland) shall have effect.

## **PART II**

### **REQUIREMENTS RELATING TO THE SUPPLY OF TYRES**

#### **Supply of new passenger car and light trailer tyres**

4. Subject to Part III of these Regulations, no person shall supply any tyre (not being a retreaded or part-worn tyre) designed so as to be capable of being fitted to a wheel of a passenger car or light trailer unless the tyre is marked with an approval mark in accordance with the requirements of ECE Regulation 30, 30.01, 30.02 or 54 or of EC Directive 92/23.

#### **Supply of new motor cycle tyres**

5. Subject to Part III of these Regulations, no person shall supply any tyre (not being a retreaded or part-worn tyre) designed so as to be capable of being fitted to a wheel of a motor cycle unless the tyre is marked with an approval mark in accordance with the requirements of ECE Regulation 30, 30.01, 30.02, 54 or 75 or of EC Directive 92/23.

#### **Supply of retreaded tyres**

6.—(1) Subject to Part III of these Regulations, no person shall supply any retreaded tyre (not being a part-worn tyre) designed so as to be capable of being fitted to a wheel of a passenger car, commercial vehicle or trailer unless the following requirements are met in respect of the tyre.

(2) The tyre must not bear any mark indicating that it complies with the requirements of ECE Regulation 30, 30.01, 30.02 or 54 or of EC Directive 92/23.

(3) The tyre must be marked in accordance with paragraph 6 of BS AU 144e.

(4) If the tyre has been repaired during the course of retreading, it must have been properly repaired.

#### **Supply of part-worn tyres**

7.—(1) Subject to Part III of these Regulations, no person shall supply—

- (a) any part-worn tyre (not being a retreaded tyre) designed so as to be capable of being fitted to a wheel of a motor vehicle or trailer; or
- (b) any part-worn retreaded tyre designed so as to be capable of being fitted to a wheel of a passenger car, commercial vehicle or trailer,

unless the following requirements are met.

(2) The tyre must not have—

- (a) any cut in excess of 25 millimetres or 10 per cent. of the section width of the tyre, whichever is the greater, measured in any direction on the outside of the tyre and deep enough to reach the ply or cord;
  - (b) any internal or external lump, bulge or tear caused by the separation or partial failure of its structure; or
  - (c) any of the ply or cord exposed internally or externally.
- (3) When inflated to the highest pressure at which it is designed to operate, the tyre must not exhibit any of the external defects described in paragraph (2).
- (4) The base of any groove which showed in the original tread pattern of the tyre must be clearly visible.
- (5) The grooves of the original tread pattern of the tyre must be of a depth of at least 2 millimetres across the full breadth of tread and round the entire outer circumference of the tyre.
- (6) If the tyre has not been retreaded and is designed so as to be capable of being fitted to a wheel of a passenger car, commercial vehicle or trailer, it must bear—
- (a) an approval mark, being a mark that was moulded on to or into the tyre at the time that it was manufactured and that is in accordance with the requirements of ECE Regulation 30, 30.01, 30.02 or 54 or of EC Directive 92/23; and
  - (b) immediately adjacent to every approval mark borne by the tyre, a mark that meets the requirements of paragraph (12).
- (7) If the tyre has not been retreaded and is designed so as to be capable of being fitted to a wheel of a passenger car, commercial vehicle or trailer, it must bear a speed category symbol and load-capacity index, being marks that were moulded on to or into the tyre at the time that it was manufactured and that are in accordance with the requirements of ECE Regulation 30, 30.01, 30.02 or 54 or of EC Directive 92/23.
- (8) If the tyre has been retreaded,
- (a) it must bear the mark “BS AU 144b”, “BS AU 144c”, “BS AU 144d” or “BS AU 144e”;
  - (b) the mark must have been permanently and legibly applied to the tyre at the time that it was retreaded; and
  - (c) it must bear, immediately adjacent to every mark of a description specified in subparagraph (a) and borne by the tyre, a mark that meets the requirements of paragraph (12).
- (9) If the tyre has been retreaded and bears the mark “BS AU 144e”, it must bear a speed category symbol and load-capacity index, being marks that were permanently and legibly applied to the tyre at the time that it was manufactured or retreaded and that are in accordance with BS AU 144e: 1988.
- (10) If the tyre has been repaired, it must have been properly repaired.
- (11) Without prejudice to paragraph (10), if the tyre has been repaired, it must meet the requirements of paragraph 7 of BS AU 159e: 1990 (which include marking requirements) and the requirements of paragraphs 4, 5 and 6 of that instrument must have been met in relation to the repair.
- (12) In order for a mark to meet the requirements of this paragraph, it must consist of the word “PART-WORN” in uppercase letters at least 4 millimetres high and must have been permanently and legibly applied to the tyre other than by hot branding or otherwise cutting into the tyre.

## PART III EXEMPTIONS

### Interpretation of Part III

**8.—(1)** For the purposes of this Part of these Regulations, an exempt tyre is a tyre which falls within any of the descriptions set out below—

- (a) a bias-belted tyre or a diagonal-ply tyre, being a tyre designed for fitting to a wheel of a motor vehicle or trailer manufactured before 1st January 1949;
- (b) a tyre constructed solely for use off roads and bearing words or letters which indicate that use and which were moulded on to or into the tyre at the time of manufacture;
- (c) a tyre constructed solely for use on vehicles in competitions and bearing words or letters which indicate that use and which were moulded on to or into the tyre at the time of manufacture;
- (d) a tyre bearing one of the following tyre-size designations namely: 185R16, 125R400, 135R400, 145R400, 155R400, 165R400, 175R400 or 185R400, being a mark that was moulded on to or into the tyre at the time of manufacture;
- (e) a tyre designed primarily for fitting to a wheel of a vehicle manufactured before 1st January 1933.

(2) For the purposes of this Part of these Regulations, a tyre is supplied in exempt circumstances if—

- (a) the tyre is constructed solely for use on a vehicle for the purposes of tests or trials of the tyre, and
- (b) the supply is other than in the course of a retail trade or business,

or if the supply of the tyre is by a person who reasonably believes that the tyre will not be used in the United Kingdom.

### Exemptions applicable to the supply of new tyres and retreaded tyres

**9.** Regulations 4, 5 and 6 do not apply to the supply of an exempt tyre or to the supply of a tyre in exempt circumstances.

### Exemptions applicable to the supply of part-worn tyres

**10.—(1)** Where a complete vehicle is supplied by any person, regulation 7 does not apply to any tyre on a wheel of the vehicle or on any spare wheel supplied with the vehicle.

(2) Regulation 7(6) to (9) does not apply to the supply of an exempt tyre or to the supply of a tyre in exempt circumstances.

(3) Regulation 7(11) does not apply to—

- (a) a tyre designed primarily for fitting to a wheel of a vehicle manufactured before 1st January 1933;
- (b) a tyre of the limited run-flat type, or
- (c) a tyre designed primarily for fitting to a wheel of an agricultural motor vehicle, agricultural trailer or agricultural trailed appliance.

### **Transitional exemptions**

**11.**—(1) Until 1st January 1997 regulations 4 and 6 shall not apply to the supply of a tyre constructed so as to be suitable for a vehicle travelling at a speed exceeding 210 km per hour and bearing the appropriate tyre-size designation and (in the vicinity of the tyre-size designation) the letters “VR” or “ZR”, both being marks that were moulded on to or into the tyre at the time of manufacture.

(2) Until 1st January 1997 these Regulations shall not apply to the supply of a bias-belted tyre or a diagonal-ply tyre.

(3) Until 1st December 1995 regulation 6(3) shall not apply to the supply of a tyre which is marked in accordance with paragraph 10 of BS AU 144b: 1977, with paragraph 6 of BS AU 144c: 1988 or with paragraph 6 of BS AU 144d: 1988.

## **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(7).

Signed by authority of the Secretary of State for Transport

7th December 1994

*Steven Norris*  
Parliamentary Under Secretary of State,  
Department of Transport



## SCHEDULE 1

Regulation 2(8)

## ECE REGULATIONS

1.—(1) In these Regulations, references to an ECE Regulation followed by a number shall have the meaning shown in the Table below.

(2) In this Schedule, “the Agreement” means the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958<sup>(8)</sup> as amended<sup>(9)</sup> to which the United Kingdom is a party<sup>(10)</sup>.

Regulations	Meaning
“ECE Regulation 30”	Regulation 30 of the Agreement
“ECE Regulation 30.01”	Regulation 30 of the Agreement as amended by Amendment 1 dated 25th September 1977.
“ECE Regulation 30.02”	Regulation 30 of the Agreement as amended by Amendment 1 dated 25th September 1977 and by Amendment 2 dated 15th March 1981.
“ECE Regulation 54”	Regulation 54 of the Agreement.
“ECE Regulation 75”	Regulation 75 of the Agreement.

## SCHEDULE 2

Regulation 3

## MODIFICATIONS IN RELATION TO NORTHERN IRELAND

1. Regulation 2 shall have effect in relation to Northern Ireland with the following modifications.
2. Paragraph (1) shall have effect as if—
  - (a) for the definition of “the Construction and Use Regulations” there were substituted the following definition—
 

““the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989<sup>(11)</sup>”; and
  - (b) in the definition of “passenger car”, for the word “dual-purpose” there were substituted the words “dual purpose”.
3. Paragraph (2) shall have effect as if—
  - (a) for the words “Road Traffic Act 1988” there were substituted the words “Road Traffic (Northern Ireland) Order 1981<sup>(12)</sup>”; and
  - (b) the expressions listed in that paragraph included the expression “dual purpose vehicle”.
4. Paragraph (3) shall have effect as if for the Table in that paragraph there were substituted the following Table—

<sup>(8)</sup> Cmnd 2535.

<sup>(9)</sup> Cmnd 3562.

<sup>(10)</sup> Instrument of accession dated 14th January 1963 and deposited with the Secretary General of the United Nations on 15th January 1963.

<sup>(11)</sup> S.R. 1989 No. 299: relevant amending regulations are S.R. 1992 No. 111.

<sup>(12)</sup> 1981 No. 154 (N.I.).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Expression	Provision
“agricultural motor vehicle”	regulation 2
“agricultural trailer”	regulation 2
“agricultural trailed appliance”	regulation 2
“bias-belted tyre”	regulation 24
“breadth of tread”	regulation 25
“diagonal-ply tyre”	regulation 24
“light trailer”	regulation 2
“original tread pattern”	regulation 25
“passenger vehicle”	regulation 2

## SCHEDULE 3

Regulation 1(5)

## REGULATIONS REVOKED BY REGULATION 1(5)

Title	Year and SI Number
The Motor Vehicles Tyres (Safety) Regulations 1984	<a href="#">1984/1233</a>
The Motor Vehicles Tyres (Safety) (Amendment) Regulations 1992	<a href="#">1992/3087</a>
The Motor Vehicles Tyres (Safety) (Amendment) Regulations 1993	<a href="#">1993/2877</a>

**EXPLANATORY NOTE**

*(This note is not part of the Regulations.)*

1. These Regulations are made under the Consumer Protection Act 1987 and the European Communities Act 1972. They replace the Motor Vehicles Tyres (Safety) Regulations 1984.

2. These Regulations, unlike the 1984 Regulations, do not in terms require tyres to meet specified standards. They do, however, prohibit the supply of tyres that do not bear a mark indicating compliance with specified standards and also the supply of tyres that bear a mark that is false. The main changes made by these Regulations are as follows:

- (a) the provisions in the Regulations relating to the supply of tyres that are neither retreaded nor part-worn cover a wider class of tyres including, in particular, motor cycle tyres;

- (b) the Regulations prohibit the supply of a retreaded tyre (other than a part-worn tyre) if it bears a mark indicating compliance with specified ECE Regulations or Council Directive [92/23/EEC](#);
  - (c) new restrictions are imposed on the supply of part-worn tyres; and
  - (d) changes have been made to the exemptions.
3. Regulation 3 modifies the Regulations in relation to Northern Ireland.
4. Regulation 4 provides that no person shall supply any tyre (not being a retreaded or part-worn tyre) designed so as to be capable of being fitted to a wheel of a passenger car or light trailer unless it is marked in accordance with the provisions of the Regulations. The regulation requires a tyre to be marked in accordance with ECE Regulation 30 (as originally made or as amended), ECE Regulation 54 or Council Directive [92/23/EEC](#).
5. Regulation 5 is in similar terms to regulation 4 but relates to motor cycles tyres. The markings have to be in accordance with ECE Regulation 30 (as originally made or as amended), ECE Regulation 54, ECE Regulation 75 or Council Directive [92/23/EEC](#).
6. Regulation 6 provides that no person shall supply any retreaded tyre (not being a part-worn tyre) designed so as to be capable of being fitted to a wheel of a passenger car, commercial vehicle or trailer unless the requirements of the regulation are met. The first requirement is that the tyre must not bear any marks indicating that it complies with ECE Regulation 30 (as originally made or as amended), ECE Regulation 54 or with Council Directive [92/23/EEC](#). The second requirement is that the tyre must be marked in accordance with paragraph 6 of “The British Standard Automobile Series: Specification for retreaded car and commercial vehicle tyres” published by the British Standards Institution on 30 September 1988 as amended by Amendment No. 1 published on the 31 August 1990 and by Amendment No. 2 published on 15 December 1992. The third requirement applies to a tyre that has been repaired during the course of retreading. The requirement is that in such a case it must have been properly repaired.
7. Regulation 7 provides that no person shall supply a part-worn tyre (not being a retreaded tyre) designed so as to be capable of being fitted to a wheel of a motor vehicle or trailer or any part-worn retreaded tyre designed so as to be capable of being fitted to a wheel of a passenger car, commercial vehicle or trailer unless the requirements of the regulation are met. The regulation imposes various requirements relating to the condition of a tyre. There are also requirements relating to the marking of a tyre.
8. Regulations 8, 9 and 10 exempt certain tyres from the provisions of regulations 4 to 7.
9. Regulation 11 contains transitional exemptions.
10. Regulation 12 contains provisions relating to misleading marks.
11. Regulation 13 makes provision for standards which are equivalent to the British Standards referred to in the Regulations. This provision implements obligations under Article 30 of the EEC Treaty.
12. A compliance cost assessment has been prepared and copies can be obtained from the Department of Transport, Room C19/08, 2 Marsham Street, London SW1P 3EB. A copy has been placed in the library of each House of Parliament.
13. Copies of Council Directive [92/23/EEC](#) and of the ECE Regulations can be obtained from Her Majesty’s Stationery Office. Copies of the British Standards can be obtained from the British Standards Institution, Sales Department, Linford Wood, Milton Keynes MK14 6LE (telephone 01908 221166).