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STATUTORY INSTRUMENTS

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**2003 No. 1316**

**CONSUMER PROTECTION**

**The Motor Vehicle Tyres (Safety)  
(Amendment) Regulations 2003**

<i>Made</i>	- - - -	<i>15th May 2003</i>
<i>Laid before Parliament</i>		<i>16th May 2003</i>
<i>Coming into force</i>	- -	<i>1st January 2004</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 11 of the Consumer Protection Act 1987(1) and of all other powers enabling him in that behalf, and after consultation in accordance with section 11(5) of that Act with such organisations as appear to him to be representative of interests substantially affected by the following Regulations, such other persons as he considers appropriate, and the Health and Safety Commission in relation to the application of the following Regulations to Great Britain, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Motor Vehicle Tyres (Safety) (Amendment) Regulations 2003 and shall come into force on 1st January 2004.

**Amendment of the Motor Vehicle Tyres (Safety) Regulations 1994**

2. The Motor Vehicle Tyres (Safety) Regulations 1994(2) shall be amended in accordance with the following provisions of these Regulations.

**Amendment to regulation 2 (interpretation)**

3.—(1) In regulation 2(1)—

(a) after the definition of “BS AU 159e: 1990” there shall be inserted—

““BS AU 159f: 1997” 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 the reference BS AU 159f: 1997 on 15th December 1997;” and

(b) after the definition of “EC Directive 92/23” there shall be inserted—

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(1) 1987 c. 43.

(2) S.I. 1994/3117, to which there are amendments not relevant to these Regulations.

““EC Directive 97/24” means the Directive of the European Parliament and the Council [97/24/EC](#), Chapter 1(3);

“EC Directive 2002/24” means the Directive of the European Parliament and the Council [2002/24/EC](#)(4);”.

(2) In regulation 2(2) the expression “motor cycle” shall be deleted.

#### **Substitution of Part II**

4. For Part II there shall be substituted the following Part—

### **“PART II**

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

#### **Interpretation of Part II**

4. In this Part of these Regulations—

(a) the expressions—

“low performance moped”;

“moped”;

“motor cycle”;

“motor tricycle”;

“quadricycle”; and

“three-wheel moped”

have the same meanings as in EC Directive 2002/24; and

(b) the expressions—

“carcass”;

“sidewall”; and

“tread”

have the same meanings as in EC Directive 92/23.

#### **Supply of new tyres for certain vehicles**

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 any of the following—

(a) a passenger car,

(b) a light trailer,

(c) a moped (not being a low performance moped),

(d) a motor cycle,

(e) a motor tricycle,

(f) a three-wheel moped, or

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(3) OJ No. L226, 18.8.97, p. 1.

(4) OJ No. L124, 9.5.02, p. 1.

(g) a quadricycle,

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 Directives 92/23 or 97/24.

### **Supply of retreaded tyres for certain vehicles**

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 or a commercial vehicle or a trailer unless the following requirements are met with respect to the tyre, that is to say—

- (a) it 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;
- (b) in the case of supplies taking place on or before 31st December 2003, the tyre must either—
  - (i) be marked in accordance with paragraph 6 of BS AU 144e (and if it has been repaired during the course of retreading then it must have been properly repaired) or
  - (ii) conform to a type in respect of which approval has been granted pursuant to ECE Regulation 108 or 109; and
- (c) in the case of a supply taking place on or after 1st January 2004, the tyre must conform to a type in respect of which approval has been granted pursuant to ECE Regulation 108 or 109.

(2) 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 the wheel of a moped (not being a low performance moped), a motor cycle, a motor tricycle, a three-wheel moped or a quadricycle, on or after 1st January 2004 unless either—

- (a) the tyre complies with the requirements set out in paragraph (1)(a) and (c), or
- (b) the following requirements are met with respect to the tyre, that is to say—
  - (i) it must not bear any mark indicating that it complies with the requirements of ECE Regulation 75 or of EC Directive 97/24;
  - (ii) prior to being retreaded, the carcass conformed to a type of tyre in respect of which approval had been granted pursuant either to ECE Regulation 75 or to EC Directive 97/24 and it bore an “E” or “e” mark;
  - (iii) it must not previously have been retreaded;
  - (iv) the carcass which has been retreaded must be no more than 7 years old, the age being determined on the basis of the digits of the date of manufacture code which is marked on the sidewall;
  - (v) it is permanently marked to enable the identification (whether through the use of a code or otherwise) of the name, and either the type or trade description or model reference, of the original manufacturer of the carcass which has been retreaded;
  - (vi) it complies, as regards dimensions and performance, with the requirements set out either in ECE Regulation 75 or in EC Directive 97/24;
  - (vii) it has moulded on to, or into, at least one of its sidewalls and in letters not less than 4 millimetres high, the word “RETREAD”;

- (viii) it complies, as regards markings, with the requirements set out either in ECE Regulation 75, paragraph 3 (except paragraph 3.2) or in EC Directive 97/24, Annex II, paragraph 2;
- (ix) if it has been repaired during the course of retreading, it must have been properly repaired; and
- (x) it must not show either a higher speed symbol or a higher load index than that originally borne by the carcass which has been retreaded.

### **Supply of part-worn tyres for certain vehicles**

7.—(1) Subject to Part III of these Regulations, no person shall supply any part-worn tyre or any part-worn retreaded tyre designed so as to be capable of being fitted to a wheel of any of the following—

- (a) a passenger car,
- (b) a commercial vehicle,
- (c) a light trailer,
- (d) a moped (not being a low performance moped),
- (e) a motorcycle,
- (f) a motor tricycle,
- (g) a three-wheel moped, or
- (h) a quadricycle,

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;
- (c) any of the ply or cord exposed internally or externally; or
- (d) any penetration damage which has not been repaired.

(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 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.

(5) If the tyre has not been retreaded and is designed so as to be capable of being fitted to a wheel of any of the vehicles described in paragraph (1), it must bear—

- (a) immediately adjacent to every approval mark borne by the tyre, a mark that meets the requirements of paragraph (10); and
- (b) 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, 54 or 75 or of EC Directive 92/23 or EC Directive 97/24.

(6) If the tyre has been retreaded and is designed so as to be capable of being fitted to a wheel of any of the vehicles described in paragraph (1)—

- (a) it must bear—
    - (i) the mark “BS AU 144b”, “BS AU 144c”, “BS AU 144d” or “BS AU 144e”, or
    - (ii) an approval mark indicating that the tyre complies with the requirements of ECE Regulation 108 or 109, or
    - (iii) comply, as regards markings, with the requirements set out in paragraph (b) (v), (vii) and (viii) of regulation 6(2);
  - (b) the mark must have been permanently and legibly applied to the tyre at the time it was retreaded; and
  - (c) it must bear—
    - (i) in the case of a tyre bearing a mark of a description specified in sub-paragraph (a)(i) or (ii), immediately adjacent to such mark, or
    - (ii) in the case of a tyre marked in accordance with sub-paragraph (a)(iii), immediately adjacent to the word “RETREAD”,  
a mark that meets the requirements of paragraph (10).
- (7) If a 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 it was manufactured or retreaded and that are in accordance with BS AU 144e: 1988;
- (8) If the tyre has been repaired, it must have been properly repaired.
- (9) Without prejudice to paragraph (8), if the tyre has been repaired, it must meet the requirements of paragraph 8 of BS AU 159f: 1997 (which include marking requirements) and the requirements of paragraphs 5, 6 and 7 of that instrument must have been met in relation to that repair.
- (10) 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.”.

### **Consequential amendments to Parts III and IV**

**5.—(1)** In regulation 9, for the reference to “Regulations 4, 5 and 6” there shall be substituted “Regulations 5 and 6”.

(2) In regulation 10(2), for the reference to “Regulation 7(6) to (9)” there shall be substituted “Regulation 7(5) to (7)” and in regulation 10(3), for the reference to “Regulation 7(11)” there shall be substituted “Regulation 7(9)”.

(3) In regulation 12(3)(b) for the reference to “regulation 7(6)(b) or (8)(c)” there shall be substituted “regulation 7(5)(a) or (6)(c)”.

### **Amendment to Schedule 1 (ECE Regulations)**

**6.** At the end of the Table in Schedule 1, there shall be added—

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“ECE Regulation 108”	Regulation 108 of the Agreement
“ECE Regulation 109”	Regulation 109 of the Agreement

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

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Signed by authority of the Secretary of State

15th May 2003

*David Jamieson*  
Parliamentary Under-Secretary of State,  
Department for Transport

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## EXPLANATORY NOTE

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

These Regulations amend the Motor Vehicle Tyres (Safety) Regulations 1994 (S.I.1994/3117) so as to take account of new technical requirements introduced by recent ECE Regulations.

A new Part II is substituted which makes the following principal changes.

1. No new types of vehicle are brought within the 1994 Regulations affecting new tyres, but different and expanded definitions of the vehicles which are subject to the requirements as to the fitting of new tyres are introduced to make it clear that mopeds (but not low performance mopeds), motor tricycles, three-wheel mopeds and quadricycles are included (regulation 5).

2. *Regulation 6(1)* alters the requirements as to the supply of retreaded tyres (not being part worn tyres) designed so as to be capable of being fitted to the wheels of passenger cars, commercial vehicles and trailers by requiring that as from 1st January 2004 the tyre conforms to a type approved pursuant to ECE Regulation 108 or 109.

3. In *regulation 6(2)* are set out the requirements as to the supply of retreaded tyres (not being part-worn tyres) designed so as to be capable of being fitted to the wheels of mopeds (other than low performance mopeds), motor cycles, motor tricycles, three-wheel mopeds and quadricycles. From 1st January 2004 such tyres must either comply with the same requirements as apply to passenger car, commercial vehicle or trailer retreaded tyres or with the new requirements set out in regulation 6(b)(2).

4. *Regulation 7* deals with the supply of part-worn tyres and part-worn retreaded tyres. The revised definitions of vehicles (as explained in paragraph 1 above) are applied and requirements are also provided for the marking of part-worn retreaded tyres fitted to this range of vehicles (paragraph (6)(c)).

A regulatory impact assessment has been prepared and copies can be obtained from the Department for Transport, Zone 2/04, Great Minster House, 76 Marsham Street, London SW1P 4DR. A copy has been placed in the library of each House of Parliament.

Copies of British Standards can be obtained from the British Standards Institution, 389 Chiswick High Road, London W4 4AL (tel. no. 020 8996 9001) and also from The Stationery Office.

These Regulations have been notified to the European Commission and the other Member States in accordance with Directive [98/34/EC](#) of the European Parliament and of the Council (OJNo. L204, 21.7.98, p. 37), as amended by Directive [98/48/EC](#) of the European Parliament and of the Council (OJ No. L217, 5.8.98, p. 18).