

EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (CONSTRUCTION AND USE) (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2023

2023 No. 168

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 55(1), (2)(a) and (6) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The main purpose of the Regulations covered by this Memorandum is to provide for a ban on the use of tyres over ten years old on the front axles of buses, coaches and heavy goods vehicles (over 3.5 tonnes) and on any axle of a minibus if the tyres are fitted in single configuration. The ban will also apply to re-treaded tyres if they were re-treaded more than 10 years ago.

3. Background

- 3.1. In 2012 and 2017 there were two significant traffic collisions in Britain which resulted in the deaths of eight people. In both cases HM Coroner concluded that tyre failure was the cause and that the failure was directly linked to the age of the tyre.
- 3.2. Since 2013 the Department for Transport (“DfT”) and the Driver and Vehicle Standards Agency have published guidance against the use of tyres aged more than 10 years on buses and coaches, except on a rear axle as a part of a twin wheel arrangement. This guidance was extended to cover heavy goods vehicles in 2018.
- 3.3. In 2019 DfT consulted on proposals to ban the use of tyres over 10 years old on certain vehicles and the results, combined with further research led to the introduction of legislation in Britain which banned the use of tyres (including re-treaded tyres) over 10 years old on buses, coaches and heavy goods vehicles. The ban does not extend to NI but applies to vehicles visiting Britain including those from Northern Ireland.
- 3.4. The introduction of the ban is considered to be an important road safety measure for all road users. Therefore these Regulations amend the Motor Vehicles

(Construction and Use) Regulations (Northern Ireland) 1999 in order to provide for the ban to be introduced in Northern Ireland. It will be an offence to use tyres over ten years old on the front axles of buses, coaches and heavy goods vehicles (over 3.5 tonnes) and on any axle of a minibus if the tyres are fitted in single configuration. The ban also applies to re-treaded tyres if they were re-treaded more than ten years ago.

- 3.5. The Regulations also provide for the recognition of the use of re-treaded tyres that comply with ECE Regulation 108 or 109.
- 3.6. They also require that the date of manufacture or the date of re-treading on tyres remains legible.
- 3.7. The Regulations provide an exemption for vehicles of historic interest that would otherwise be effected by the ban provided they are not used commercially.

4. Consultation

- 4.1. The Department carried out a consultation exercise between 24th October 2022 and 18th December 2022 and in the 12 responses received there was a strong level of support for the proposal.

5. Equality Impact

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the proposals and concluded that they do not have implications for equality of opportunity. The legislative changes will help improve road safety and as such will have a positive impact on all. In light of this the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has been completed which concluded that there is no significant impact on business associated with the changes. The cost to business is expected to be low as DfT have assessed that compliance with the existing guidance on the use of older tyres is already high.

7. Financial Implications

- 7.1 There are no financial implications for the Department associated with the proposals.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that the proposed legislation is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The Regulations only apply to Northern Ireland and their introduction will provide parity with Britain on this issue.

10. Parity or replicatory measure

10.1 The SR replicates provisions contained in the GB Statutory Instrument “The Road Vehicles (Construction and Use) (Amendment) Regulations 2020” (S.I. 2020 No.1178).

11. Additional information

11.1. Not applicable.