



## **Consultation response of the Road Haulage Association to the Department for Transport.**

### **“Banning tyres aged 10 years and older”.**

**30 August 2019**

#### **Summary of the consultation**

The Department for Transport is consulting on proposals to ban tyres over 10 years old from use on buses, coaches, minibuses, lorries and their trailers on GB roads. The specific proposals for lorries and trailers are:-

- To ban, and make it an offence, to use tyres over 10 years old on all lorries and any trailers used with them on road in Great Britain,
- To prohibit, and make it an offence, to use any re-treaded tyre on steering axles, and,
- To make it an offence to use a tyre where the date mark is not visible (tyres will need to be fitted to wheel rims facing out).

#### **Background about the RHA**

1. The RHA is the leading trade association representing road haulage and distribution companies who operate HGVs commercially. Our 7,200 members operate near to 250,000 HGVs out of around 10,000 Operating Centres. The members range in size from single-truck firms to those with thousands of vehicles.
2. These companies provide the people and businesses of the UK with the goods upon which we all depend. From food and clothing through to medicines, car parts and construction material.
3. Without lorries delivering good our shops would have empty shelves. It is also worth noting that lorries are the most efficient vehicles for collecting and delivering goods for the overwhelming majority of freight movements.
4. We proactively encourage a spirit of entrepreneurialism, compliance, profitability, safety and social responsibility. We do so through a range of services, such as advice, representation, and training.

5. We work alongside policymakers and haulage companies to identify ways to move freight more efficiently at a lower cost based on our widespread knowledge and expertise in the area.

## General Comments

6. The RHA and its members are active supporters of road safety. We see compliance with safety standards as fundamentally important – it is in the interest of all road users and the industry itself that high safety standards for road haulage operations are maintained.
7. It is in this context that we feel the proposals made by the Department under option 2 have missed the mark. The proposals put in place regulatory restrictions that are not justified by the evidence provided by the department.
8. Throughout the consultation and the impact assessment the most serious problem relating to tyre use has been ignored – namely the condition of the tyre, how it is looked after and maintained.
9. The proposals relating to re-treads is not supporting by information or justification in the consultation.
10. We have concerns about the quality and accuracy of the Impact assessment, where we feel that some costs have been overlooked and benefits for road safety have been over estimated.
11. Given the concerns raised, formalising the current precautionary approach now taken regarding the age of tyres on steering axles, it is reasonable to make the 10-year age limit a legal requirement for steering axles. The RHA supports this approach in respect of steering axles as it does encourage good tyre husbandry more generally.
12. The RHA does not support any other change in respect of tyre ages in respect of lorries.

## Responses to the Questions

**Question 1. Do you agree that we should ban the use of first life tyres aged 10 years and older on all axles of HGVs, heavy trailers, buses, coaches and minibuses? If not, please provide your reasoning.**

13. No.

14. The evidence to support such action is lacking, it is not sufficient. There is no clear evidence to show there is a real risk to road safety. All evidence provided relates to the impact of tyre failures on steering axles. This evidence itself is questionable as it has not considered the maintenance and condition of the tyres in the incidents referred to.

15. We believe that the correct action is to maintain the current guidance that 10 years and older tyres should not be used (as a precaution) on steering axles, but they should be permitted on all other HGV's axles. However, we do recognise that there are concerns and that a precautionary approach will reassure other road users and make maintenance regimes clearer. Therefore, as a precaution and reassurance, we would support a ban on use of tyres over 10 years old on the steering axles of lorries.

16. We wish to highlight another issue. That is how the rules will apply to non-UK lorries and trailers when used in the UK. The Department needs to explain what restrictions will apply to non-UK lorries. It should also be aware that there are many traction only operations for trailers collected from ports (foreign trailers) where the lorry operator has no control over the age of the tyres. It will be wrong for bans to apply in such circumstances and for owners, operators and drivers to face sanctions. (the focus on trailer collection needs to be on tyre condition, not tyre age).

**Question 2. Do you agree with our proposal, subject to the outcome of the consultation, to prohibit the use of re-treaded tyres, of any age on the steered axles of HGVs, buses, coaches and minibuses? Please include any evidence you have relating to the safety of re-treaded tyres on the steered axles. If you do not agree, please provide your reasoning.**

17. No.

18. The evidence to support our view is provided by the Department itself in the Consultation document. On page 11 the Department says *"All re-treaded tyres supplied in the UK must comply with UNECE Regulations 108 & 109 as required by the Motor Vehicle Tyres (Safety) Regulations 1994 (S.I. 1994/3117), and be tested according to the same load and speed criteria as those used for new tyres."*

19. Further on the same page the Department confirms they have no evidence calling into question the safety standards if re-treaded tyres, it states *"The key issue affecting re-treaded tyres is whether they provide the same level of safety as an original (first life) tyre. We do not have any evidence to confirm or dispute this .....*

*only re-treaded tyres manufactured in accordance with UNECE Regulations 108 &109 can be placed on the market.”*

20. We know that many operators do take a precautionary approach on the use of re-treaded tyres just in case. That is a reasonable approach to take we support, but the reality, as shown by the Department for Transport, is that it may be un-necessary.
21. In addition, we would like to point out that the aviation industry relies of re-treaded tyres for aircraft. This shows that such tyres, made to the appropriate standards (which lorry tyres are) can be used in safety critical situations.
22. Therefore, given that there is no evidence of a safety issue with re-treaded tyres (or any other tyre) when used properly, the RHA view is that there should be no restriction on the use of re-treaded tyres – they should be treated in the same way as new tyres, without discrimination.

**Question 3. Do you agree with our approach for re-treaded tyres (that their age should be defined from the date of the re-treading and those that were re-treaded 10 or more years ago should be subject to the same restrictions as first life tyres that are 10 years and older)? If not, please provide details of any proposed alternative treatment for re-treaded tyres in any legislation.**

23. Yes, in the context of the other answers provided by the RHA in respect of questions 1 and 2.

**Question 4. Do you think we have explained our proposals clearly, including how they might affect you? If not, what other information would you find useful?**

24. Yes.

**Question 5. Do you agree with the proposed exemptions for:**

- a) tyre roadworthiness?
- b) vehicles of historical interest? Please explain your response.

25. On part a), the RHA would like to highlight that agricultural trailers do give rise to road safety issues. Currently there is no inspection regime which can result in neglect due to poor maintenance and general upkeep of the vehicles, including proper tyre husbandry. Many agricultural vehicles are poorly operated.

26. We believe that, just as a precautionary approach is suggested for steering axles on lorries, that the same approach is taken for agricultural vehicles. This will improve overall tyre husbandry across the sector.
27. On part b) we agree with the proposal that any exemption should not apply to vehicles of historical interest (over 40 years old) *“providing they are not used for commercial use.”*

**Question 6. Do you anticipate any operational issues for you to be able to comply with the proposed implementation period of 3 months? If yes, please explain what operational issues you anticipate.**

28. Yes.
29. Vehicles and trailer operators have inspection intervals of up to 13 weeks therefore we would suggest increasing the implementation period to around 6 months in order to allow for full inspection of fleets within inspection intervals and to ensure requirements are clearly understood.
30. This is critical given that under the Departments plans to enforce new measures on the visibility of tyre age indicators.

**Question 7. Do you agree with our proposed approach to enforcement? If not, do you have any suggestions for how we could improve our approach to enforcement?**

31. No.
32. The consultation makes reference to ‘fixed penalty notices to be imposed on owners, operators and drivers’. The RHA opinion on penalties is that sanctions should not be imposed on drivers as in many cases it will not be possible for them to clearly see the date of manufacture. For example, directional tyres could result in the date being on the inner wall of the tyre which cannot be seen during a walk round check, twin tyre arrangements will have the same result. Sanctions should therefore only apply to the owners and operators.
33. This issue again highlights why the proposal to ban tyres over 10 years old on any axle other than a steering axle is inappropriate.

**Question 8. What views do you have on the analysis of the costs and benefits outlined in the consultation stage impact assessment?**

34. The following comments relate primarily to Option 2 (the Departments preferred option). (However, many comments will read across to other Options).
35. The impact assessment (IA) fails to consider the impact of tyre husbandry and maintenance on road safety outcomes. The IA selectively blames age as a sole cause of the claimed cost to society. This approach is unevidenced in the IA and calls into question the justification for any intervention.
36. Paragraph 8 of the IA assumes age to be the sole cause of a safety issue that the industry is failing to address – no evidence is provided; it is a baseless assertion. There is no evidence provided of a market failure that is addressed by option 2.
37. Paragraph 9 of the IA states that “*Self-regulation is not working*”. This is a misrepresentation as Option 2 goes far beyond the current self-regulation that is in place. There can be no claim that self-regulation has failed in respect of option 2. The most that could possibly be claimed about self-regulation not working is that legislation regarding steering axles only will have an impact, but this again fails to take account of any other factors relating to tyre condition – it assumes that tyre age is the sole cause in isolation from all other factors in the fatal collision of 2017. That is highly unlikely.
38. I could find no record of any costs associated with the requirement for all age indicators to be visible on all tyres.
39. Paragraph 81 of IA states “***It is assumed that the only reason for the collisions assumed to occur in the baseline is tyre age on HGVs, buses, coaches and minibuses , following inquest evidence which highlighted the main contributing factor of the collisions were due to old age tyres As a result, when all tyres which are 10 years or older (and all re-tread tyres) are removed from these vehicles, the probability of these collisions reduces to 0.***” This assumption is wrong. Age was deemed to be a contributing fact, not a sole cause.

**Question 9. What are your views on the potential environmental impact of our proposals?**

40. There will be some environmental costs under Option 2, but the RHA has no information on this.

**Question 10, 11 and 12. These questions relate to taxis and private hire vehicles.**

41. The RHA has no comment on the proposals relating to these vehicles directly.



# The Road Haulage Association

## **Question 13. Do you have any other observations or comments about aged tyres?**

42. The RHA notices there is an operational proposal that all tyres must always have the age date visible. We are unsure how this is planned to work with the inner tyre when operated as a twin. We would like an explanation on how that is intended to work practically on all vehicles specified under Option 2.

## **Final Comments**

43. The Departments preferred option (Option 2) is not supported by the evidence provided.

44. As outlined above, the RHA supports limitations on tyre age for steering axles. This is a useful precautionary approach given the wide range of factors involved. This will also help promote good practice tyre husbandry across the sector.

30 August 2019  
Duncan Buchanan  
Policy Director – England and Wales  
Road Haulage Association  
[d.buchanan@rha.uk.net](mailto:d.buchanan@rha.uk.net)