

## **DERBYSHIRE COUNTY COUNCIL**

### **Meeting with Cabinet Member, Health and Communities**

**21<sup>st</sup> January 2014**

### **Report of the Strategic Director, Health and Communities**

#### **PART-WORN TYRE SAFETY SURVEY**

##### **1. Purpose of the report:**

To inform the Cabinet Member, Health and Communities about a recent Trading Standards survey into the safety of part-worn tyres on sale in Derbyshire.

##### **2. Information and analysis:**

2.1 Perhaps as a consequence of the recession is it not surprising that an estimated 4 million part-worn tyres are sold each year. However, although there is a clear price advantage from buying second-hand rather than new, because of the uncertain history of a part-worn tyre, they do not necessarily represent good value for money and may not be as safe. The minimum legal tread for all tyres is 1.6 mm, however, research conducted by the Motor Industry Research Association (MIRA) suggests that braking distance in wet conditions for a vehicle travelling at 50 mph with tyres with a tread of 3 mm is twice that of the same vehicle fitted with new tyres with 8 mm tread.

2.2 The Motor Vehicle Tyres (Safety) Regulations 1994 set out the minimum safety standards for part-worn tyres. These include a requirement to be clearly labelled 'part-worn' and to be of a certain minimum condition including the absence of:

- any cut over 25mm or 10% of the section width of the tyre (whichever is the greater) on the outside of the tyre, deep enough to reach the ply or cord
- any internal or external lump, bulge or tear caused by separation or partial failure of its structure
- any ply or cord exposed internally or externally
- any penetration damage that has not been repaired

A guide for local businesses is included as an appendix to this report and is also available on the county council website at the following location:

[http://www.derbyshire.gov.uk/images/sfy05\\_tcm44-8340.pdf](http://www.derbyshire.gov.uk/images/sfy05_tcm44-8340.pdf)

2.3 As part of the Trading Standards Institute's National Consumer Week 2013, themed around buying used cars, the Division carried out a survey of local tyre retailers with the assistance of a tyre safety specialist. The purpose of the

survey was to check levels of compliance and to provide advice and guidance to local businesses rather than to seek to take enforcement action in the first instance.

2.4 10 premises were visited and a total of 490 tyres examined with the following results:

- 156 (32%) were found to be defective in some respect
- A small percentage of the tyres had faults which were capable of being repaired (which is permitted by the Regulations)
- Most faulty tyres were beyond legal repair
- Only five tyres carried the legally required 'PART WORN' marking

2.5 Although of concern, it should be noted that many of the traders in this sector operate on a 'sale or return' basis. Second-hand tyres are purchased in bulk (60 or 70 at a time) and tend to be checked when a customer asks for a specific type/size of tyre. Following an initial visual safety inspection, tyres are mounted on the customer's rims (wheels) and then tested in a water bath after any visible damage has been repaired. The required 'PART WORN' legend would then be applied prior to the completion of the transaction. As the second hand tyres are supplied on a sale or return basis, there would be no incentive for the legitimate trader to sell an unsafe part-worn tyre.

2.6 All tyres identified as defective were withdrawn from supply and quarantined at the dealers, pending repair or return to suppliers. One trader was advised that he had to obtain a 'part-worn' stamp, and another dealer was found to be making repairs to high-speed-rated tyres, which is not permitted in the Regulations. Although the dealer claimed he was downgrading the speed rating, again this is not permitted by the Regulations and the dealer has been advised accordingly in writing.

2.7 Further checks on other part-worn tyre suppliers in the county are planned for later in the year as well as some follow-up test purchase checks.

### **3. Other considerations:**

In preparing this report the relevance of the following factors has been considered; legal, financial, prevention of crime and disorder, equality of opportunity; and environmental, health, human resources, property and transport considerations.

### **4. Background papers:**

None

**5. Key Decision:**

No

**6. Call-in:**

Is it required that call-in be waived for any decision on this report?

No

**8. Strategic Director's Recommendation:**

That the Cabinet Member, Health and Communities notes the report.

**David Lowe**  
**Strategic Director**  
**Health and Communities**

## **Appendix - Guide to The Motor Vehicle Tyres (Safety) Regulations 1994**

### **Selling safe part-worn tyres**

By law, it is illegal to supply a part-worn tyre that is capable of being fitted to a motor vehicle or trailer unless certain conditions are met regarding specific markings and the general condition of the tyre.

Most importantly, all types of part-worn tyre must be marked 'PART WORN', any repairs to tyres must comply with British Standards, and it is illegal to have unsafe tyres in possession

### **The legislation**

The Motor Vehicle Tyres (Safety) Regulations 1994 set out minimum safety standards for the supply of part-worn tyres. To comply, it is important that you and your staff are fully aware of these Regulations.

Under the Regulations, it is illegal to supply any part-worn tyre that is capable of being fitted to a motor vehicle or trailer unless the conditions detailed below are met.

### **Marking**

Part-worn tyres (except retreads) should have an EC approval mark (for example E11) and a speed and load capacity index (for example 76 S) moulded into the sidewall at the time of manufacture.

In addition, all types of part-worn tyres must be marked 'PART-WORN' in upper case letters at least 4mm high.

This wording must be permanently and legibly applied to the tyre, otherwise than by hot-branding or cutting into the tyre and adjacent to every approval mark.

Rubber labels can be cold vulcanised to the tyre and are available from companies that advertise in the trade press.

### **Condition**

Part-worn tyres, whether deflated or inflated to the highest operating pressure at which they are designed to operate, must not have:

- any cut over 25mm or 10% of the section width of the tyre (whichever is the greater) on the outside of the tyre, deep enough to reach the ply or cord
- any internal or external lump, bulge or tear caused by separation or partial failure of its structure
- any ply or cord exposed internally or externally
- any penetration damage that has not been repaired

In addition, the grooves of the original tread pattern of the tyre must be at least 2mm deep across the full breadth of the tread and around the entire outer circumference of the tyre.

## **Part-worn retreaded tyres**

Part-worn tyres that have been retreaded must have one of the following:

- BS AU 144b, 144c, 144d, or 144e markings on the side wall ((if first supplied as a retread on or before 31 December 2003)
- an ECE approval mark (if first supplied as a retread on or after 1 January 2004)
- a permanent mark to identify the original model and manufacturer, the word 'RETREAD' moulded onto or into its sidewall (in upper case letters at least 4mm high) and further markings in accordance with ECE rules. You may need to seek further advice as to which rules apply

The indication 'PART WORN' must also appear next to the BS or ECE approval mark, or next to the word 'RETREAD'.

For tyres marked BS AU 144e, a speed category symbol and load capacity marking should be present.

A tyre has to comply with all these requirements whether or not it is fitted to a rim.

We recommend that a thorough inspection of the tyre be made before fitting to the rim, and also after fitting and inflating the tyre to the highest operating pressure. Tyres that are sold unfitted will need to be inspected with particular care as it is an offence to supply tyres with the defects listed above, even if they only become detectable when the tyre is inflated. Inflation and inspection is recommended.

## **Repaired tyres**

If a tyre has been repaired, it must have been properly repaired.

Any tyre that has been repaired should be inspected very carefully. Repairs need to comply with BS AU 159f, 1997: 'Specification for repairs to tyres for motor vehicles used on the public highway'. If you are not competent to judge a repair, we suggest the tyre is disposed of.

## **Tyres in storage**

It is also illegal to have unsafe tyres in possession for sale, so you will need to be clear what is and what is not for sale. If you have tyres in storage, but not intended for sale, they should be clearly marked as such.

## **Penalties**

Conviction could render you liable to a penalty of six months' imprisonment, a fine of up to £5,000 or both.