

No: 022/21

21 January 2021

For the Immediate Attention of All:

Postal Branches
Divisional Representatives
Area Distribution Representatives

Dear Colleagues

Change In Tyre Legislation For Vehicles Over 3.5 Tonnes

Branches will recall Motion 17 to General Conference 2018 submitted in the name of the Mersey Branch on the Tyred Campaign (Appendix A), which highlighted a tragic accident involving a 52 seat coach on the A3 in Surrey. A tyre expert confirmed that the accident was due to a blow out of the front nearside tyre that made the coach veer to the left and mount the embankment resulting in the fatalities of the driver and two passengers and leaving others with life threatening injuries. It was subsequently discovered that the tyre involved was actually older than the 19 year old coach.

In moving Motion 17 the speaker referred to the Tyred Campaign, which sought to introduce legislation that prevented the use of tyres that were old and thereby dangerous to the passengers as well as other road users. During debate we also heard that recommendations from manufacturers had previously advised the Government that tyres which are 6 years or older should not be fitted on cars and should be replaced if found to be over 10 years old. Unfortunately for the passengers of that coach the recommendations were never a legal requirement.

As a result of the Tyred Campaign, Government have since introduced new legislation which comes into effect from the 1st February 2021 banning the use of tyres over 10 years old that are fitted to steer axles on all vehicles above 3.5 tonnes, including all axles on minibuses when fitted in single configuration (9 to 16 seat minibuses).

The ban follows an extensive investigation including research commissioned by the Department of Transport which indicates that ageing tyres suffer corrosion which could cause them to fail. Drivers, owners and operators are responsible for the safety of their vehicles. The Government will also be asking the Driver and Vehicle Standards Agency (DVSA) to continue checking tyre age as part of their routine roadside enforcement activities and adding an additional assessment to the annual test scheme (MOT test).

Effectively, any vehicle above 3.5t that has tyres fitted which are found to be 10 years or older in England, Scotland or Wales stopped at roadside will lead to MOT failure and receive an immediate S marked prohibition notice. This is given when the examiner believes a severe defect is due to significant breakdown in the vehicle's maintenance procedures.

Much of this will of course be resolved by the Fleet workshop staff across the in-house garage network through the issue of a Red Technical Service Bulletin (Safety Instruction). Members should however be mindful of the high reliance of Fleet on the use of contractors for HGV's and trailers, so it is prudent to ensure that all members are aware of the change in legislation.

With regard to the Drivers responsibility there is of course a requirement to complete a roadworthiness or pre-use check. If a Driver is stopped as part of the roadside enforcement activities and the vehicle is in breach of the new legislation, the DVSA will issue an immediate prohibition notice and follow this up with a request to RMG to present their process which ensures the adequate management of their tyres.

The requirement to inspect age data on tyres will clearly become a driver responsibility which would need to be factored into the Vehicle Checks process. Both departments will of course ensure that RM agree to immediate activity that provides for sufficient times and processes to be put in place to ensure for adequate completion of these new checks on the relevant vehicles involved. All drivers (OMVs and personal vehicles) should ensure they understand this new legislation and familiarise themselves on how to identify the age of each tyre fitted to their OMV or indeed their own personal vehicle.

The information required can be located on the sidewall alongside the letters **DOT** which is then followed by a number code:

- These four numbers denote the fabrication date of the tyre to the nearest week with the first pair of these four numbers identifying the date of manufacture down to the nearest **WEEK** ranging from 01 to 53.
- The last pair of numbers specifies the **YEAR** of manufacture.
- So for example a tyre with XXXXXX2714 after the DOT lettering has a manufacture date in the 27th week of 2014.

Legislation will only affect those vehicles mentioned above but both departments feel it important for Drivers to be made aware of these changes and remain vigilant to the markings as indicated on the sidewalls of tyres.

Any enquiries in relation to this LTB should be addressed to the relevant department:

Network & Distribution: Davie Robertson, Assistant Secretary, email: dwyatt@cwu.org quoting reference: 014.01

Deliveries & Collections: Mark Baulch, email njones@cwu.org quoting reference: 300

Fleet: Carl Maden, email khay@cwu.org quoting reference: 220

Yours sincerely

Davie Robertson
Assistant Secretary

Mark Baulch
Assistant Secretary

Carl Maden
Assistant Secretary (Acting)

Appendix A

On Monday 10 September 2012 a coach bound for Liverpool carrying 53 people from the Bestival music festival on the Isle of Wight, left the road and crashed into a tree instantly killing Michael Molloy (18), Kerry Ogden (23) and the coach driver, Colin Daulby (63), and left others with life changing injuries. The inquest into the crash found that the front nearside tyre which was actually older than the coach itself, at 19 years, was responsible for the crash. In 2014, Liverpool City Council unanimously agreed a motion in support of Michael's mother Frances, calling for a change in the law requiring a ban on tyres older than six years on commercial vehicles. Despite the wide spread public and political support for this campaign, no change in the law has been made, shamefully leaving others at risk from faulty and dangerous tyres. Conference notes that Frances Molloy has launched "Tyred" – the official campaign to pressure Government – to change the law to ban the use of tyres older than ten years on commercial vehicles. Conference wholeheartedly supports "Tyred" and instructs the NEC to write to the Prime Minister and Leader of the Opposition to call together cross-party support for a change in the law. Conference further instructs the NEC to support the "Tyred" campaign until such a change in the law is achieved.

Mersey