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**Response to Consultation  
Banning Tyres aged 10 years or older**  
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## ***INTRODUCTION***

### ***The Federation***

The Federation of British Historic Vehicle Clubs (the Federation) represents over 500 member clubs with a total membership of a quarter of a million historic vehicle owners and enthusiasts. Interest in historic vehicles sustains economic activity worth £5.5 billion annually to the UK economy and supports the employment of nearly 35,000 people.

Vehicles owned by Federation members include historic vehicles of many kinds, including cars, motorcycles, buses, coaches, lorries, vans, utility vehicles, military vehicles, tractors and other agricultural vehicles and steam engines. Our members restore and preserve these vehicles for their historic interest, exhibit them at exhibitions, shows, community fetes, etc. and currently use the country's highways both in order to attend at those events, but also to participate in touring events and for general leisure purposes.

The Federation, both itself and through its membership, is thus the primary national repository of knowledge and expertise on the subject of historic vehicles in general.

The members of the Federation affiliated clubs possess a greater number and more extensive variety of historic vehicles, particularly those dating from before the Second World War, than in any other EU Member State. This reflects the different historical experiences of the UK, especially the absence of land war on its territory.

Historic vehicles do not form a part of the contemporary transportation structure of the nation. The primary purpose of their journey is seldom the transportation of either goods or people from one point to another but is rather the movement of the vehicle itself. Such use is largely an incidental part of their preservation, enjoyment and presentation to the public and to those having an interest in mobile heritage.

The Federation includes among its member clubs those catering for both passenger carrying vehicles and those designed for the haulage of goods. These vehicles represent a significant aspect of the social and economic history of the Country.



The Federation considers that a number of its members within these organisations will be adversely affected by the proposals made in the Consultation and by potential Consultation outcomes and wishes to advise DfT of its concerns.

### ***The Proposal***

The Department for Transport (DfT) has opened a Consultation on the subject of banning of the use of all tyres over 10 years old on some classes of vehicles and trailers. DfT has also proposed to exempt historic vehicles from this requirement.

### ***Origin***

The current proposals stem from two serious fatal accidents. The Federation is very aware of the loss, grief and suffering which has arisen as a result of these accidents. The Federation encourages the highest safety standards among its members and the Federation fully supports the aim of reducing as far as possible further accidents of this type.

The Federation is also aware that the current consultation arises from a completely understandable public campaign by Tyred.org.uk to achieve the proposed ban.

While the Federation has no mandate to comment on the wider commercial transport sector, our comments reflect our concerns about the impact that this proposal would have on an important segment of the historic vehicle community.

## **Q1 BANNING TYRES OVER 10 YEARS OLD**

### ***Introduction***

The Federation has some difficulty in answering this question.

The Federation is always supportive of measures which can be shown to have the effect of increasing road safety. Furthermore the Federation is conscious that the prohibition proposed in this Consultation will and is intended by the Department for Transport (DfT) at least in the first instance to have its effect largely on the commercial operators of large goods vehicles and of vehicles designed to carry passengers.

Nor, as will be set out later, is the Federation opposed to recommendations that, particularly in the case of vehicles which may be expected regularly to be using the highway on commercial business, whether for carriage of goods or people, the use of older tyres, particularly on steering axles, be avoided.

The Federation is also conscious that the proposal includes a proposed exemption for at least a proportion of those of its members who own and operate historic large goods and passenger carrying vehicles.

However, given the background to this Consultation, the Federation has to be aware of

- the possibility that the exemption offered by DfT in the Consultation might not as a result of the weight of other responses be carried through into legislation, and
- the fact that the proposed exemption appears to be intended by DfT to cover a proportion only of vehicles owned by its members who might suffer disadvantages, which are outlined later in this Response.

The Federation will return to the issue of the extent of exemption in the answers to Question 5.

### ***Response Summary***

The Federation, in giving proper and careful consideration to its response, has come to the conclusion that it should support the continuation in place of the first option raised in the Consultation under the paragraph on page 12 beginning "To do nothing and maintain the current position".

Our reasons for supporting that approach are outlined in the last paragraph of this answer.

## ***The Principle***

As far as the Federation is aware this Consultation constitutes the first proposal by HM Government to impose a maximum life of a component of a motor vehicle based simply upon date of manufacture of that component.

The imposition of a legally mandated component life places a heavy burden on both DfT and on owners of vehicles which may only marginally be affected to establish precisely whether they are affected by the legal requirement.

The use of a robust inspection regime, while optically less engaging as a legal prohibition, may be expected however to give an equally sound result and to practically eliminate the risk of accidents, which is what a sound public policy demands.

## ***"Lifed" Components***

The imposition of a component life introduces a significant precedent and raises the possibility of maximum life being imposed particularly on other components which might be thought to be primarily safety related. It is a principle which in the view of the Federation should be introduced only when underpinned with completely sound scientific and technical evidence.

The concept of a maximum life of an item, whether in elapsed hours or in hours of use (more often the latter) is of course well understood in the aviation sphere, where safety is paramount and easily compromised. When such a life is established,

- it is usually in consultation with a regulator such as the Federal Aviation Administration in the USA or the European Aviation Safety Agency in the EU.
- The application of a life to an item is defined by reference to the precise individual item to which the life is applied, not to a generic description of the component, as is set out in this proposal.
- In each case of introduction there is detailed evidential underpinning of the reasons for the imposition of the permitted life.
- Identification of a life also implies that the component is safe until the defined life is reached, which is reasonable in the controlled environment of aviation.

Evidence of a standard which would justify the imposition of a lifed component is simply not evident in this case.

Furthermore the assumption that a tyre is safe until it is 10 years old, which would tend to follow a fixed date prohibition, is not a sound assumption in view of the complexities of tyre service life. Nothing can substitute for sound and careful tyre examination and management throughout its life, which may be expected to pick up deterioration and defects as they arise whether before or after a 10 year life.

### ***Evidence for the Ban***

One must start with the evidence offered by the Consultation. The Federation understands this to be as follows.

The underlying evidence is the occurrence of two tragic accidents which resulted from the catastrophic deflation of a tyre on a front (steering) axle.

In each case the tyre concerned was a little less than twice the age limit proposed (in the 2012 accident 19 1/2 years and in the 2017 accident 18 years). The inquests and the preliminary enquiries into the two accidents do strongly suggest a probable chain of causation between the condition of the tyre and the deflation. Further it is undeniable that age must have been a factor in that condition.

However, two accidents, however serious and tragic they may have been, is too small a number to offer any statistical evidence as to probability of a simple age related ban preventing future occurrences.

The Federation does not accept that either the evidence in these accidents or the subsequent research undertaken at the request of DfT are a satisfactory basis for a simple chronological ban, particularly where, as the Federation sets out below, evidence exists that a consensus of interested parties considers that imposition of a simple age related ban is not a valid risk-based approach with a provable benefit to road safety.

In each case the opinion of HM Coroner was based at least in part on the evidence of the same expert witness, Mr David Price. Mr Price is known to have, and is happy to be quoted as having, strong views on the permitted life of all tyres. Despite extensive examination of Mr Price's published works and some interface with Mr Price the Federation has been unable to obtain from him the information which would make any provable causal connection between the elapsed time a tyre was manufactured and its having a propensity to fail catastrophically.

However using the Freedom of Information Act, the Federation has been able to obtain from Surrey Police the Witness Statement of Mr Price on Case 12-0021 dated 7<sup>th</sup> November 2012 (the Witness Statement) in respect of the 2012 accident.

### ***The Witness Statement***

It is neither the place of the Federation nor does the Federation intend to comment on the Witness Statement in detail.



It is however notable that the view of Mr Price that the delamination of the tyre which occurred was a result of "old age" arises from his expressed inability to establish any other credible cause. This falls a long way short of credible causality.

Furthermore, Mr Price chooses to ignore evidence of bead damage that was sufficient to expose the bead wires, cited at paragraph 8.13 of the Witness Statement, which may well have permitted the ingress of air and moisture bypassing the butyl liner and permeating the tyre carcass. This is recognised in the authoritative Society of Automotive Engineers publication "Tire Forensic Investigation: Analysing Tire Failure (Thomas Giapponi 2008) as potentially resulting on belt separation due to intra-carcass pressurisation. While acknowledging that this damage might have been responsible for a small amount of corrosion apparent within the tyre, Mr Price discounts it as even a possible contributor to the cause of belt separation.

The Witness Statement says at paragraph 8.9, "it is known that tyres deteriorate significantly with age." In the view of the Federation that statement, upon which HM Coroner no doubt had reliance, is difficult to stand up based upon available research, none of which is cited in the Witness Statement. That is one of the problems which regulators have faced in dealing with the age of tyres.

The Witness Statement, also at paragraph 8.9, makes reference to vehicle manufacturer recommendations to make age-related tyre changes, but refers only in passing to similar recommendations from "some" tyre manufacturers. The wording of the paragraph implies the opposite of what is the case, which is that the majority of tyre manufacturers make no such recommendation. This might seem surprising if there is real evidence of the effect of the simple passage of age.

### ***Evidence on the 2017 Accident***

At a late stage in preparation of this Response the Federation received from DfT following a Freedom of Information request a portion of the evidence regarding the 2017 accident.

In this case those managing the investigation initially relied on the same expert witness as in the 2012 case, Mr David Price, who as previously remarked has pre-existing strong views on the use of tyres beyond a simple chronological age. However, for reasons not known to the Federation, a further expert from Smithers Rapra, appointed by TRL, was also asked to examine the front tyres of the vehicle.

The evidence seen by the Federation makes clear that a flawed investigative process was followed. The latter expert was not given an opportunity, for whatever reason, to examine a critical part of the tyre which the first expert claimed to prove that delamination had occurred before loss of pressure. This resulted in disagreements between experts and resulted in the unsatisfactory situation that the latter expert was not able to form his own independent opinion based upon examination of all physical evidence.

The Federation is not in any way suggesting that use of a tyre of a great age (nearly twice the proposed age for a prohibition) with limited evidence of proper maintenance should be possible.

However it is clear from the evidence the Federation has seen that neither expert truly distinguished the chronological age of a tyre from the consequences of the use to which a tyre was put, and thus nothing in this evidence would form a proper judgement as to any particular age at which a tyre ought to be judged unsafe purely on the basis of passage of time since manufacture.

### ***The Report***

The Federation has studied the TRL Report PPR 904 dated 9<sup>th</sup> May 2019 (“the Report”).

As before, the Federation does not intend to comment in detail on the Report.

However it is noted that the Report found a paucity of information on the effect of ageing on relevant tyres. This must be contrasted with the statement from the Witness Statement quoted above.

Furthermore the Report did not find anything to substantiate either of the significant claims by Tyred.org.uk that

- at 6 years “the tyre is likely to develop small cracks often in the inner layer of the tyre”, or
- at 10 years “the tyre could now have fatal integrity flaws”

The report studied the effect of age and use together. It thus had no comment to make on tyres which are kept stored in controlled conditions and not used.

The Report found evidence of corrosion which Mr Price did not deem significant in the case of the 2012 accident.

Though finding circumstances which it considered could give rise to weakening peel strength, the Report did not find actual evidence of loss of peel strength with age.

### ***Technical Information: Michelin Tyres Truck and Bus Tyres (Edn 24)***

In this regard it might be important to note that, in its Tyres Truck Technical Book Michelin sets out detailed advice on long-term storage of tyres. This publication states directly, at page 9, that “accurately predicting the serviceable life of any specific tyre in advance is not possible” and at page 69, “It is reasonable to expect that tyres stored following the instructions above should last for at least 10 years” and after inspection by competent personnel may be suitable for further service.

## ***TNO Study***

Perhaps most importantly the Federation wishes to advise DfT of a fairly recent Study by the Dutch organisation TNO (Netherlands Organisation for Applied Scientific Research), for the European Commission, reference TNO 2014 R11423-v2 dated 22<sup>nd</sup> December 2016.

The Report referred to this Study but does not address the recommendations of the Study, perhaps because TRL regarded them as being outside their remit.

The Study does not deal specifically with large vehicle tyres but it clearly does include them within its remit. Its purpose is to make recommendations on the most beneficial of various legislative actions by the European Commission, but many of these actions might be expected generally to be of worldwide application.

The scope of the Study is defined as including the need to ensure that “end users need to make the correct assessment in relation to the tyre condition in order to achieve a level of safety as high as possible”. It covers many aspects of tyre management handling and usage which are not relevant, such as the use of winter tyres, but it does deal *inter alia* with tyre usage.

The Study does not involve new research but is a compendium of available information, informed by a wide stakeholder consultation involving representatives of what might be considered all likely interested stakeholders

Having included tyre ageing as a factor to be considered, it specifically discounts it as a matter which will be of beneficial effect on tyre safety.

The introduction includes the following comments

“In practise for most vehicles tyres wear to the minimum tread depth before effects of ageing can be noticed.”

Further in recommending potential legislative action the report notes  
“..tyre age and ageing effects are of relatively little importance towards road safety and are difficult to objectify.”

The Study makes eight proposals for possible legislative action, which have been subject to cost analysis, for improving road safety relating to tyres, none of which include action on aged tyres.

Specifically the TNO convened a meeting of stakeholders, from 31 organisations covering most relevant disciplines. Comments from that meeting included the following on tyre ageing:

- There was consensus amongst stakeholders that tyre age is not a safety issue.

- Agreement was also general that age is only a component of “tyre service life” which depends on various factors such as storage time, exposure to environment, speed, inflation pressure, use pattern etc. Therefore the safety issue is more related to proper tyre maintenance than “tyre service life”.
- Stakeholders do not consider tyre age to be a safety issue. The only meaningful concept of ageing is 'tyre service life' which depends on many different factors and it is therefore too complex to be regulated.

These conclusions appear entirely to support the proposal of the Federation that the existing inspection regime is in fact the most cost-effective and potentially beneficial approach from the point of view of improving road safety.

### ***Crossply and other tyre forms***

Finally and most importantly from the point of view of the Federation the Report entirely concerned tubeless radial tyres, which are of course the tyres currently used by the vast majority of the vehicles affected. There is therefore no existing evidence relating to crossply tyres, or of tyres, whether radial or crossply, which employ the use of inner tubes.

Crossply tyres contain no metal in their plies and therefore cannot be subject of the corrosion which putatively is assumed to be the cause of radial tyre deterioration. The Federation is unaware of any evidence which demonstrates deterioration with age which might lead to loss of tread or destructive deflation. There should be no prohibition on the use of a component in respect of which no evidence whatsoever has been adduced to demonstrate that it does not continue to be safe in the conditions under which it is used.

There is likewise no evidence of any circumstances which could cause catastrophic deflation in radial tyres which contain an inner tube. And finally there is clearly no possibility of deflation of either solid rubber or steel tyres.

### ***Conclusions***

The Federation would wish the DfT to consider three conclusions which the Federation has reached from its careful consideration of the question

- The proposal, creating as it does a major precedent of mandating the lifing of components of motor vehicles, lacks sufficient supporting evidence that failures are likely to occur, save on an almost random basis, to justify a measurable decrease in accidents and thus justify such an important change. It is recommended that the DfT undertake further research before proceeding, if at all, with the proposal.

## Federation of British Historic Vehicle Clubs

- If proceeded with, the requirements should be confined to tubeless radial tyres, there being no evidence whatsoever of any risk of accident resulting from the effect of age on crossply tyres or on radial tyres in which inner tubes are fitted.
- The Federation considers that insufficient time has been allowed to assess the effectiveness of the current DVSA Guidelines and that there is much merit in continuing with them so that their effectiveness in eliminating unsafe tyre use can be assessed. The most recent iteration of the current DVSA Guidelines places limitations upon the use of tyres over ten years old on larger vehicles. Enforcement is made dependent upon examination of tyres and the undertaking of a robust tyre management policy. This is underpinned by an invitation to the Traffic Commissioners seriously to consider regulatory action in respect of the Operator's Licence of any operator who cannot show that he is undertaking a rigorous tyre management policy.

In the view of the Federation it appears very probable that had this regime been in place and fully applied at the time, both accidents would have been prevented.

Continuation of this policy would provide a volume of data on current tyre usage, would effectively cause the removal from use of most if not all of the tyres at most risk and would have the effect, of reducing the relevant accident risk to such an extent that they would effectively not occur, without the requirement of introducing a ban

## **Q2 PROHIBITING RETREADED TYRES ON STEERED AXLES**

Although retreaded tyres were available for crossply tyres during the Split ring Wheel era (1920 to the mid-seventies) very few historic vehicle owners bought them. As far as the Federation is aware they are no longer available for what would be a very limited market.

Nowadays retreaded tubeless radials are sold alongside new tyres with a limited price differential. Historic vehicle owners as a body still tend to purchase new tyres when replacing them.

It thus follows that the Federation has little direct concern about limitation of the use of retreaded tyres.

However the Federation considers that it is proper for it to make the following comments in order to ensure that the points made here are considered.

It is the understanding of the Federation that manufacture of retreads for tubeless tyres is to high standards and strictly controlled.

The Report makes no reference to and did not study any retreaded tyres.

The Consultation acknowledges that there is no actual reason (other than one manufacturer's recommendation, the reasons for which are not described), not to assume that retreading produces a tyre having exactly the same performance and durability as a first-use tyre.

It therefore does not appear to the Federation that there is any evidence relating to improved road safety which would justify prohibiting the use of retreaded tyres to the steered axles of a vehicle.

The Federation must thus assume that the only reason to impose a prohibition is to avoid the suggestion, not supported by any evidence of which the Federation is aware, but which might be made by campaigning organisations, that some unknown risk of failure exists because the basic tyre's carcass may exceed 10 years of age.

In the view of the Federation this does not constitute a valid reason for imposing a prohibition on the use of retreaded tyres on steered axles.

***Q3 RE-TREADS AGE DEFINED FROM RETREADING DATE***

As explained in the answer to Question 2, members of the Federation make little use of retread tyres and hence the Federation has no views on this proposal.

## ***Q4 CLARITY OF PROPOSALS***

The Federation has reviewed the Consultation in detail.

There is considerable uncertainty as to exactly what the extent of exemption is supposed to be, which we deal with in detail in the answer to Question 5.

The Federation considers that the deductions in the Impact Statement regarding the risks to road safety and the effect of Government policy, both current and proposed, are fundamentally unsound. The Federation provides more information on that subject in the answer to Question 8.



## **Q5 PROPOSED EXEMPTIONS**

### ***DfT Proposal***

DfT proposes to exempt two classes of vehicle from the ban:

- Agricultural Tractors
- Historic Vehicles

Our interest is solely with Historic Vehicles but this does include historic tractors, cross-country vehicles, military vehicles etc. Others may choose to comment on the impact on modern farming vehicles.

### ***Definition of Historic Vehicles***

The Consultation is quite unclear on what is intended by way of exemption of large historic vehicles and it is not clear that its authors fully understood the existing position.

The Consultation refers to vehicles over 40 years old as being the subject of the exemption. If, which the Federation does not support, the basic proposal was to be introduced, the Federation would reluctantly accept the exemption based upon a 40 years age limit. There are additionally some minor concerns about buses and coaches mentioned below.

However, the Consultation suggests that exemption be defined by reference to Guidance: Historic (Classic) Vehicles MOT Exemption Criteria. This Guidance would limit the exemption in a way which not only covers a subset of, and not all 40 year old vehicles, but would also limit its application to goods vehicles built before 1960. This is entirely unacceptable to the Federation for the following reasons.

This Guidance was designed with extensive involvement of the Federation to deal solely with roadworthiness testing and to comply with a specific definitional requirement of the European Union Roadworthiness Testing Directive. The Federation would be extremely unhappy if it were to be applied for quite another purpose.

That Directive required a complex definition of what constituted a “substantial modification” to the vehicle, which did not reflect existing British practice, but excluded from exemption a number of vehicles which were already validly registered by DVLA in the Historic taxation class. The Federation does not have data for the number of vehicles excluded but is certain that they do exist.

### ***Historic Goods Vehicles***

DVLA data indicates that large goods vehicles built between 1960 and 1979, which would be exempted if a 40 year cut-off were to be applied, would, if the Guidance were to be followed as the Consultation suggests, **not** be exempted.

The number of large goods vehicles built between 1960-79 and currently licensed totals only 497.

These figures might be slightly increased by vehicles currently on SORN which may return to the road at some stage, but which DVLA data does not readily identify.

The very low number of vehicles affected by this difference together with the fact that, as they are historic vehicles, their individual utilisation will be very low, means that the statistical probability of any of these vehicles being involved in an accident arising from catastrophic deflation is minimal and their not being made exempt would be more symbolic than likely to have any effect whatsoever on road safety.

It seems to the Federation to be perverse in the current circumstances and indeed inconsistent with Government overall policy, to be utilising a specific EU derived definition for the wholly different purpose of domestic legislation which the EU as a body is not proposing to adopt, and which current EU research, as set out elsewhere in this Response, does not support.

The Federation is therefore totally opposed to use of this Guidance as a basis for exemption, which should be applied, subject to the comment in the following paragraph simply on the basis that vehicles are licensed in the Historic taxation class. Inclusion in this class already, it should be noted, means they cannot be used commercially.

In the view of the Federation exemption should be granted based simply by reference to a vehicle being licensed in the Historic taxation class

### ***Historic Buses***

Historic Buses coaches and minibuses are recognised to be a particularly difficult issue. The Federation recognises that all buses and coaches in the Historic taxation class are exempt, and that buses and coaches built before 1960 remain exempt even if utilising an Operator's Licence.

There are two different issues arising.

#### **1 Heritage bus and coach use under an Operator's Licence**

There are a small number of historic buses and coaches of varying ages which are used on what are described as "heritage" services. These are vehicles which, while normally in a museum or other place of preservation, are used on an occasional basis by passengers from whom revenue is earned. In order to do so these vehicles require to be removed from the Historic taxation class, restored to the PSV class and made subject to an Operator's Licence.

All buses, coaches and minibuses built before 1960, which are not substantially changed, are exempt from testing, even when they are utilising an Operator's Licence for the purposes of limited use by passengers who are either fare paying or benefitting from a booking of the vehicle. This exemption is on the grounds that the regime of oversight by DVSA and the Traffic Commissioners is sufficient to ensure their safe operation as it requires regular inspection of the vehicle and its components so does not require the additional and largely repetitious process of a formal roadworthiness test.

The purpose for which historic vehicles are used remains essentially connected with their historical status. In almost all cases they are being operated solely as a means of assisting in the funding of their continued preservation. A percentage of these vehicles will indeed normally be in the Historic taxation class and will be moved, usually temporarily, to the PSV class in order to carry out these activities.

In this regard the Federation points out that many minibuses in the M2 class will in fact be utilising light van or car tyres in respect of which no evidence whatsoever exists of the effects of ageing separated from "tyre service life" as referred to in the TNO Study. It is also of note that there is no accident experience in respect of such minibuses.

While all of these vehicles would be subject to the discipline of a tyre management regime particularly the older of these vehicles would have the same issues with availability, type of tyre used and high replacement cost of tyres with low hours of use and little wear as vehicles built at the same time which remain in the Historic taxation class. The Federation would seek the same level of exemption from the tyre prohibition should the proposal go ahead.

## **2 Historic buses and coaches between 30 and 40 years old**

The introduction of legislative requirements, mainly regarding access, in respect of commercially operated buses and coaches has rendered obsolete a number of buses and coaches which are not yet eligible for entry into the Historic taxation class but mostly within the thirty year old definition of "historic vehicles" promulgated by the Fédération Internationale des Véhicules Anciens (FIVA) and accepted by UNESCO. Some of these have been acquired for preservation on the grounds that they would otherwise not survive to be preserved. The number is small though the Federation does not have precise data. They are not in commercial use. The Federation would request consideration be given to exemption for this small class of vehicles to cover the time until they become entitled to enter the Historic taxation class.

## ***Specialised Historic Vehicles***

If the exemption were to be applied in accordance with current roadworthiness categorisation, as reference to the Guidance would appear to imply, there are a number of specialist vehicle groups which would be affected. These include some military vehicles, cross-country vehicles, various historic construction vehicles and agricultural vehicles which are not tractors. The Federation currently has no data on these vehicles but the consequence for them should be considered.

It is of note that tyres for many of these vehicles are currently not required to carry date markings and it is quite unclear from the Consultation whether these limited production tyres would continue to be made available were a date marking to be introduced. It is therefore vital in the view of the Federation that should the prohibition be introduced an exemption for all these vehicles if built more than 40 years ago would be included.

## **Q6 OPERATIONAL ISSUES TO COMPLY IN 3 MONTHS**

DfT have suggested providing a mandatory 3 month implementation period.

On the assumption that the exemption proposed by DfT would apply only to large goods vehicles built before 1960, this is completely unrealistic for Historic Vehicles.

### ***Quantity of tyres required***

Given that most historic vehicles are in very irregular use, we believe that a large proportion of post-1960 vehicles would have tyres requiring replacement. Moreover, it is the practice of some enthusiasts to store spare sets of tyres on the presumption that further new stocks would not be available.

Any unused tyres over 10 years old would be rendered valueless.

The number of tyres on a vehicle varies depending on the vehicle type. A 2 axle lorry with twin rear wheels would need a minimum of 7 including the spare. A 4 axle lorry, with 2 wheels on each of the 2 rear axles, will require 13 tyres and in the case of multi-axle trailers, there can be 24 tyres on the trailer alone.

It is assumed that most post-1960 Historic large goods vehicles would require at least a number of new tyres.

Not all of these would be able to access suitable tyres promptly. For at least the earlier vehicles, tyres of an appropriate type and rating may not be available from the normal market. There may therefore be manufacturing delays.

It appears that at least 12 months would be required to reduce the risk of vehicles having to be off the road awaiting legally approved tyres to a reasonable level.

### ***Tyre availability***

The Historic Vehicle movement requires many tyres in non-standard sizes. Some sizes are not even available anywhere in the World. Non-standard sizes are generally ordered in batches and often stored for later use. This would not be viable as stored tyres would also become out of date without even being used.

The result would be that some Historic Vehicles would be rendered illegal for use on UK roads due to the absence of availability of "in-date" tyres.

Attempting to match batch ordering of tyres against planned periods of use and funding further replacements every 10 years would effectively drive this group of historic vehicles off the road as well.

For both of these groups of vehicles, a 3 month implementation period would be irrelevant. They would simply never be able to comply.

## ***Q7 PROPOSED APPROACH TO ENFORCEMENT***

The Federation notes that enforcement is proposed to be both by DVSA and the police. DVSA enforcement is to be via operator licensing enforcement, roadside checks, and roadworthiness tests.

Buses not used for hire or reward would in reality only be exposed to the second of these options as these vehicles are exempt from both operator licensing and PSV tests, vehicles 30 to 40 years old having instead class 5 tests at various private testing stations, and vehicles 40 years old and over being fully exempted.

The Federation would assume that Traffic Examiners and other staff undertaking roadside checks would be fully briefed as to the nature of tyre exemptions, and also briefed that certain tyres under 10 years old legitimately do not have a date code. The Federation would ask that the police be briefed on the same points.

The Federation has made the points elsewhere in this Response that it considers that the small numbers of historic buses that do operate under a PSV Operator's Licence should be allowed to continue with the operation of a rigorous tyre management policy. This is something that DVSA BOAMs (Bus Operator Account Managers) and other DVSA staff can discuss and inspect in their meetings with Operator's Licence holders and their Transport Managers.

In the case of vehicles operating under the remit of an Operator's Licence a driver may not be able at a roadside check to describe the relevant tyre management policy in detail, and driver responsibility can only extend as far as a visual check of the tyre and wheelnuts, A driver ought not to be penalised because a roadside check appears to suggest that a tyre is not compliant.

Large goods vehicles (post 1960, whether used for hire or reward or not) are subject to roadworthiness tests by DVSA staff, as well as open to roadside checks. The Federation has proposed elsewhere in this Response that the tyre prohibition should not apply to vehicles built after 1960 which are in the Historic taxation class, which of course means they cannot carry goods. If this exemption is not agreed, then the Federation considers that DVSA staff and police must be made aware that some of these vehicles can legitimately run on tyres without date codes under current legislation.

## **Q8 COSTS AND BENEFITS**

### ***Compliance Costs***

The Federation has studied the Impact Assessment in detail.

### ***Risk assessment***

It is evident and acknowledged in the Impact Assessment that the writers had access to little hard data. For that reason and the fact that much of the Impact Assessment is correctly related to the consequences for the operators of commercial, current, vehicles, the Federation has decided to offer limited comment upon the Assessment.

However, the Federation wishes to question directly the basis for the risk assessment underpinning the calculation of assumed benefits.

The Impact Assessment assumes the same number of accidents of equivalent seriousness during the decade to come, as set out in paragraph 101 as those which have occurred in the past decade, i.e. two.

This assumption can be demonstrated to be fundamentally flawed. To have any statistical validity it would have to assume that there had been no change in regulatory practice since the dates of these accidents. This is quite simply not the case.

The writers of the Impact Assessment simply make no attempt to assess Option 0 described as "do nothing". It is not clear why that should be the case.

Option 0 would leave in place the DVSA Guidance on Roadworthiness issued in November 2018, and thus clearly having regard to both accidents. This established the monitoring system involving DVSA, testing stations and the Traffic Commissioners on roadworthiness. It is useful to quote in detail the wording in paragraph 5.2 of that Guidance.

"tyres aged more than 10 years old should not be used except on a rear axle as part of a twin wheel arrangement. Where tyres more than 10 years old are used, their age should be recorded and a specific risk assessment, that considers the speed and loading conditions that the vehicle will operate under (for example, operating only in urban areas) is done".

The available evidence on the 2012 accident, which includes the judgement of the then Traffic Commissioner Beverley Bell, revoking the relevant Operator's Licence, in respect of the 2012 accident, makes it clear that the vehicle would not have been running on the tyre which failed had the current regulatory regime been in place. The age of the tyre would have been identified at the preceding roadworthiness test and if the procedure in current practice had been followed, it would either have been replaced with a tyre less than 10 years old or the process of referral to the Traffic Commissioner would have been initiated by the relevant examiner.

The Guidance and intended implementation process referred to above, while primarily aimed at operators, is clearly also intended to inform the approach of vehicle testers performing the annual roadworthiness testing of a vehicle such as the one involved in the 2017 accident would have to undertake.

The Guidance and process was clearly designed precisely to have the effect of improving road safety by effectively eliminating the probability of either of these accidents occurring again.

Not to recognise this and assess its potential benefits seems at best perverse. The basis for the assessment of a road safety benefit as compared with that currently in place is simply invalid.

### ***Costs to historic vehicles***

The Impact Assessment offers no assessment of costs to historic vehicles.

As set out in the answer to Q5 the Federation has noted that use of the Guidance: Historic (Classic) Vehicles: MOT Exemption Criteria published on 20<sup>th</sup> May 2018 for the purposes of exemption from the ban on tyres over 10 years old would leave heavy goods vehicles built from 1960 till (currently) 1979 subject to the ban and thus incurring costs.

The Federation is unclear whether the writers of the Impact Assessment were even aware of the detail of that Guidance and the effect it would have in excluding from exemption a number of large goods vehicles.

If they were aware of it they omitted to provide any assessment of the negative impact on the owners of these vehicles.

The Federation is thus required to offer its own assessment of likely costs. There is extreme uncertainty of possible outcomes, if the proposal is implemented.

These are

- no exemption,
- exclusion, as the Federation would wish, of crossply tyres from the entire process,
- implementation of the Guidance meaning large goods vehicles and buses in heritage use would be subject to the prohibition
- exemption of vehicles over 40 years old

the last of which is of course the preference of the Federation should the proposal be implemented



Given the nature of the historic vehicle movement, its cultural rather than commercial nature and the fact that preservation of historic vehicles is essentially undertaken by individuals and small collaborations of individuals, there is no benefit in attempting the task of assessing an overall cost of this proposal to the historic vehicle movement.

The Federation is therefore concentrating upon individual costs. The diversity of vehicles and widely varying costs of tyres means that it is not worthwhile to establish a representative average set of costs per vehicle.

In the case of current large vehicles in commercial use the tread of the tyres typically wears out before they actually reach 10 years old. Assuming a typical life of 15 years for the vehicle and that vehicles commence their lives with new tyres, if any tyres had to be replaced because they were 10 years old that could only arise once.

That by definition is not the case with Historic vehicles whose life is consciously indefinite. As the requirement is ongoing assessments of cost must be based upon a continuing need for replacement once per decade.

The importance of this proposal to the members of the Federation will be directly related to the extent of exemption. The costs identified below would largely be incurred by the two categories of vehicle owners identified in the answers to Question 5.

DVLA records show that 1,736 vehicles have been identified and registered which are registered in the Historic taxation class. Of these only 497 are large goods vehicles still requiring an MOT. The Federation will in answering this question concentrate upon these vehicles because they are regarded as the most at risk from probable lack of exemption as Historic.

There are no statistics to show how many of these vehicles have tyres more than 10 years old. Whilst some members have changed tyres recently, around 50% remain fitted with old tyres. In any event the ongoing nature of the ban does mean that each non-exempt vehicle would in due course be affected.

Compliance costs will of course apply only to vehicles which are not exempted under the Historic exemption. These vehicles will of course be significantly greater in number if vehicles in the Historic taxation class built after 1960 are not exempted.

For other members of the Federation, compliance costs would be highly variable.

For those able to use readily-available replacements, current prices in the order of £200-£300 per tyre plus fitting and disposal are typical.

A reasonable indication at current prices of costs in each ten year period in respect individual vehicles would be as follows

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A large vehicle with two axles and double rear wheels would need to change at least 7 tyres including the spare, meaning a cost of £2100 in each decade.

For larger vehicles with four axles and twin rear wheels on each rear axle the number of tyres required may rise to 13 meaning a cost of up to £4000 in each decade.

For a lorry and trailer set up to 24 tyres could be required leading to a cost of £7,200 in each decade.

However not all Historic vehicles can use readily available replacement tyres.

The Federation is aware of cases in which an individual special tyre may cost up to £1,400. Depending upon the vehicle layout it can be seen that the costs could reach £18,000 per decade.

Large goods vehicles in the Historic taxation class are not permitted to carry loads, whether or not commercially. There is thus no income to fund replacement and the cost is a simple burden on the individual or group who are funding the ongoing preservation of the vehicle as a cultural artefact.

It should also be recognised that there are a number of buses and coaches which would incur these costs either because they are in commercial use on "heritage" services or because they are slightly too new to fall within the current Historic taxation class, while being of an age when their normal commercial use is definitely at an end on account of changes in applicable legislation. Their cost per vehicle may reasonably be expected to reflect the applicable axle layouts of equivalent goods vehicles.

A minor but not insignificant aspect of the effects of the proposal on the earlier of the vehicles affected, and particularly those on crossply tyres is that not all tyres legally fitted to these vehicles have, until very recently, been date stamped. Thus if the assessment of compliance was to be based upon the existence of a valid date code on the tyre, it is possible that effectively new, and certainly very little used, tyres would have to be scrapped. If this were to apply it is the view of the Federation that justice would require that there be at the very least some concession to permit such tyres to continue in use until they were, in fact, over 10 years old.

It is important to note that there are a small number of members of the Federation for whom compliance costs will be academic. They are currently unable to source new tyres at all for their historic vehicles, most of which were formerly in military use. In a number of cases their tyres will be known at the outset of any ban already to be over 10 years old.

These vehicles are used infrequently, travel at low speeds and do not travel for great distances. They will by definition be operating well within their originally designed weight limits. The tyres on these vehicles will incur very limited wear and stress. Given these factors, the probability of one of these vehicles being involved in an accident resulting from catastrophic deflation of a tyre must be statistically incalculable. The effect of a ban will simply be their removal from use.

Their owners are aware of the need to have satisfactory tyres and recognise that if the tyres became unsafe the vehicles will have to go out of use.

It might be thought that for a very small number of vehicles to be specifically affected by a ban on the use of 10 year old tyres would be more symbolic than being justified by any properly measurable risk to road safety. The Federation considers that it is neither fair nor just that the owners of these vehicles should suffer in pursuance of a popular symbol.

In many cases, it seems likely that once tyres are 10 years old, if they are not already, a non-exempted Historic vehicle would become a static exhibit or, indeed, have to be scrapped, resulting in the loss of a rare cultural icon.

### ***Current stocks***

The issue of current tyre stocks is not addressed by the proposal. Most tyres used by large historic vehicles in the UK are sourced overseas. In many cases preservation societies and museums have ordered small batches, or waited for their supplier to manufacture a batch. Batches will have been ordered in some cases where no immediate use is required and will have been stored in controlled conditions for future use

Any local UK stocks will inevitably already be some years old and may be too old to be used even if they have been carefully stored for the precise purpose of future use. The cost of replacement would mean that the cost of a purchase from stock would be unjustified if the purchased tyre was due for further replacement in a short period.

The Federation does not have current information concerning the size of existing stocks nor of average ages of the tyres within these stocks. It is not therefore possible to assess the impact on any businesses who hold such stock but there clearly would be a deleterious effect on those businesses.

## **Q9 ENVIRONMENTAL IMPACT**

### ***DfT Assessment***

DfT have accepted that this proposal will have an environmental impact as a result of the scrapping of tyres at 10 years old. In its impact assessment however DfT concedes that it has not considered the environmental impact this may create.

At a time when the environment is such an important topic, the absence of any consideration by DfT would seem to be a serious deficiency.

Neither the Federation nor its members are environmental manufacturing or waste specialists. There are however specialist industries operating in both sectors and the Federation would advise DfT to seek information from these sources.

### **SCOPE OF IMPACT**

The early scrapping of tyres by Federation Members at 10 years life will impact the following:

- Early purchase of new tyres
- Scrappage of old tyres
- Ongoing increase in tyre turnover from early scrapping
- Ongoing increase in early tyre retreading
- Scrapping of complete vehicles

DfT's proposal only considers scrappage as an environmental impact whereas the true impact spans a greater scope.

Many Historic vehicles only travel very low mileages. This will inevitably mean that tyres would be scrapped and new ones purchased when the tyre is perhaps not even worn. In some cases, tyres may need replacing that have never been used, if the vehicle is to be used at all and not become a museum display item.

Whilst this may limit the generation of tyre dusts at the roadside, an equal quantity of additional material will be disposed of as Special Waste along with the tyre carcass, or in the case of a remould tyre, will be removed as waste during the preparation of the tyre carcass for remoulding.

There is also a growing interest in the dust generated by tyres at the roadside through wear and tear. Tyre manufacturers will be pressed to make tyres which wear less, and therefore last longer.

The Federation is only concerned with Historic vehicles but notes that the proposed ban fails to address future technological developments which may result in tyres designed with a longer natural lifespan or greater resistance to ageing.

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The Federation also points out that it is to be expected that, particularly if some Historic vehicles are not exempted, there will be an unknown number of vehicles which will not be suitable for static storage if unable to be used and will not be commercially viable to be preserved in a museum environment. They will thus have to be scrapped, with the attendant environmental costs arising from vehicle end-of-life processes and procedures. It is not possible to assess the scale of this additional cost, which the Impact Statement does not recognise.

## ***Q10 TYRE BAN ON PRIVATE HIRE VEHICLES***

The Federation does not consider that it has any status in answering these questions as it is not directly involved in any aspect of taxi or private hire activity.

However if it were to be considered that a ban should be introduced then the Federation would propose that it would not apply to vehicles undertaking work connected with weddings or funerals but not classed as private hire vehicles pursuant to s 75(1)(c) and (cc) of the Local Government (Miscellaneous Provisions) Act 1976.

***Q11 LICENSING TEST REQUIREMENTS FOR TAXIS AND  
PHV'S***

Apart from the view of the Federation expressed in the answer to Question 10 the Federation does not wish to offer an opinion on either of these questions.

## ***Q12 OTHER TAXI AND PHV -RELATED MATTERS***

Apart from the view of the Federation expressed in the answer to Question 10 the Federation does not wish to offer an opinion on either of these questions.



## ***Q13 FURTHER OBSERVATIONS***

It will be evident from the complexity of the responses and the difficulty the Federation has found in dealing with a number of alternative outcomes of the Consultation that the proposals in the Consultation could have significantly different consequences depending on their final detail.

The Federation recognises that DfT is free to make whatever decision on the way forward to ensure greater road safety it decides based upon the outcome of the Consultation to be most beneficial.

The Federation would however request strongly that if any proposal to institute a ban were to be proceeded with, the underlying detail including in particular the drafting of specific Regulation changes should not be finalised until there has been direct discussion with those stakeholders including the Federation who will be affected by them.

The recent experience of the Federation on roadworthiness testing is that the consequences of legislative changes were neither initially well understood within DfT nor well communicated to those, including particularly the owners of historic vehicles, who would be affected by them. This has had the undoubted effect of causing inconvenience not only to the affected stakeholders, again including but not limited to the Federation, and to the DfT.

On the other hand the experience of careful discussion on the Guidance regarding qualification for MOT exemption has demonstrated the benefits to both the members of the Federation and, the Federation understands, to DfT of these discussions, both in that guidance which met the legal requirements and was acceptable to the Federation and its members was achieved and that the Federation was able to participate in and give support to the roll-out of the Guidance.