

2010 No. 312

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) (Amendment)
Regulations 2010**

<i>Made</i>	- - - -	<i>9th February 2010</i>
<i>Laid before Parliament</i>		<i>16th February 2010</i>
<i>Coming into force</i>	- -	<i>23rd March 2010</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988(a).

Representative organisations have been consulted in accordance with section 195(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) Regulations 2010 and come into force on 23rd March 2010.

Amendment of Regulations

2. The Road Vehicles (Construction and Use) Regulations 1986(b) are amended as follows.

Tyre Noise

3. After regulation 25, insert—

“Tyre Noise

25A.—(1) Subject to paragraphs (2) and (3), any replacement tyre (not being a retreaded or part-worn tyre) must be marked with an S mark where it is to be fitted to an axle of—

- (a) a passenger vehicle with 4 wheels or more,
- (b) a goods vehicle,
- (c) a dual-purpose vehicle, or

(a) 1988 c.52; section 41 was amended by the Road Traffic Act 1991 (c.40), sections 48 and 83, Schedule 4, paragraph 50 and Schedule 8.

(b) S.I. 1986/1078; relevant amending instruments are 1987/676, 1988/1524, 1989/1478, 1989/1695, 1990/1131, 1990/1981, 1991/2003, 1991/2710, 1992/352, 1992/646, 1992/2016, 1992/2137, 1992/3088, 1993/2199, 1993/2946, 1994/14, 1994/3270, 1995/551, 1995/2210, 1996/2064, 1996/2329, 1996/3017, 1996/3033, 1996/3133, 1998/1188, 1998/1281, 1998/2429, 2000/3197, 2001/1043, 2001/1825, 2001/3208, 2001/1474, 2002/2126, 2003/1690, 2005/3165, 2006/2565, 2007/3132, 2009/142, 2009/2165 and 2009/2196.

- (d) a trailer constructed or adapted for use with a passenger vehicle, a goods vehicle or a dual-purpose vehicle.
- (2) Paragraph (1) applies to—
- (a) Class C1d tyres on or after 1st October 2010; and
 - (b) Class C1e tyres on or after 1st October 2011.
- (3) Paragraph (1) does not apply to—
- (a) tyres whose speed rating is less than 80 km/h;
 - (b) tyres whose nominal rim diameter does not exceed 254mm (code 10) or is 635mm (code 25) or more;
 - (c) T-type temporary-use spare tyres; or
 - (d) tyres designed only to be fitted to vehicles described in paragraph (1) that were registered for the first time before 1st October 1980.
- (4) In this regulation—
- “Class C1d tyre” means a tyre designed for a passenger vehicle with a nominal section width greater than 185mm but less than or equal to 215mm;
- “Class C1e tyre” means a tyre designed for a passenger vehicle with a nominal section width greater than 215mm;
- “nominal rim diameter” has the same meaning as in section 2.18 of Annex II of Community Directive 92/23;
- “part-worn tyre” means a tyre that is not new when fitted;
- “replacement tyre” means—
- (a) a Class C1d tyre sold, or intended to be sold, on or after 1st October 2010;
 - (b) a Class C1e tyre sold, or intended to be sold, on or after 1st October 2011; or
 - (c) any other tyre sold, or intended to be sold, on or after the date these Regulations come into force,
- where that tyre replaces, or is intended to replace, a tyre fitted to the axle of any vehicle to which paragraph (1) applies.
- “rim” has the same meaning as in section 2.19 of Annex II of Community Directive 92/23;
- “S mark” means a designated approval mark of a description specified in item 30B of Schedule 2 or item 33 of Schedule 4 of the Approval Marks Regulations including the relevant suffix indicating conformity with the requirements on tyre noise emissions;
- “section width” has the same meaning as in section 2.12 of Annex II of Community Directive 92/23; and
- “T-type temporary-use spare tyre” has the same meaning as in section 2.3.6 of Annex II of Community Directive 92/23, and “temporary-use spare tyre” has the same meaning as in section 2.3.5 of Annex II of Community Directive 92/23.”.

Amendment of Schedule 2

- 4.—(1) Schedule 2 shall be amended as follows.
- (2) In Table 1—
- (a) after item 82 insert—

“82A.	2001/43	4.8.2001	L211, 4.8.2001, p.25	Tyres for motor vehicles and their trailers and to their fitting	92/23	”
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(3) In Table 2—

(a) after item 28 add—

“29	117.01	117	6.4.2005	Tyres – Rolling sound emissions and adhesion to wet surfaces	2.2.2007	—	—”
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Signed by authority of the Secretary of State

9th February 2010

Sadiq Khan
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles (Construction and Use) Regulations 1986 (“1986 Regulations”) by inserting regulation 25A which requires that tyres fitted to certain vehicles are marked with an S mark to show that they comply with the noise emission requirements of Directive 92/23/EEC as amended by Directive 2001/43/EC.

These Regulations implement Article 10a(5) of Council Directive 92/23/EEC of 31 March 1992 (OJ No. L129, 14.5.1992, p.95) as amended by Directive 2001/43/EC of the European Parliament and the Council of 27 June 2001 (OJ No. L211, 4.8.2001, p.25) (“Tyres Directive”) relating to tyres for motor vehicles and their trailers and to their fitting. In particular, Article 10a(5) prohibits the entry into service and sale of tyres that do not meet the requirements set out in Annex II and V of the Tyres Directive. Prohibitions on the entry into service and sale of tyres that fail to meet the EC type approval requirements in Annex II are already in place. These Regulations transpose the prohibition on the sale of tyres that do not comply with the noise emission requirements in Annex V. Regulation 25A places a construction and use requirement on replacement tyres ensuring that they are marked to show compliance with the requirements of the Tyres Directive. It is an offence to supply tyres that do not meet construction and use requirements by virtue of section 76 of the Road Traffic Act 1988, which is enforced under the Road Traffic Offenders Act 1988.

Regulation 3 inserts regulation 25A into the 1986 Regulations. Paragraph (1) of regulation 25A provides that replacement tyres for certain vehicles must be marked with an S mark to show that they comply with the requirements on noise emissions. Paragraph (2) delays the application of the S mark requirement for C1d and C1e tyres until 1st October 2010 and 1st October 2011 respectively. Paragraph (3) lists those tyres that are exempt from the requirements of paragraph (1). For the purpose of these Regulations, a replacement tyre is any tyre sold, or intended to be sold, on or after these Regulations come into force, or in the case of C1d and C1e tyres, sold or intend to be sold on or after the date from which these Regulations apply to them. This definition of a replacement tyre is included in paragraph (4) along with the other definitions.

Regulation 4 amends the Table 1 of the 1986 Regulations by adding Directive 2001/43/EC and amends Table 2 of the 1986 Regulations by adding UNECE Regulation 117.

European Directives may be downloaded without charge from the European Union Law Website (EURLEX): <http://eur-lex.europa.eu/en/index.htm>.

A transposition note setting out how these Regulations transpose the provisions of the Tyres Directive is available from Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR, and is annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website (www.opsi.gov.uk). A impact assessment has been produced for this instrument but little or no impact on the private or voluntary sectors is foreseen.

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