
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 454

**Motor Vehicles (Construction and Use)
Regulations (Northern Ireland) 1999**

Part II

Construction, Equipment and Maintenance of Vehicles

K—

Control of Emissions

Exhaust systems — motor cycles

70.—(1) Subject to regulation 71, any original silencer forming part of the exhaust system of a vehicle to which regulation 69 applies, being a vehicle first used before 1st February 1996, shall be so constructed that—

- (a) the vehicle meets the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 78/1015 and be marked in accordance with sub-paragraph 3.3 of that Annex; or
- (b) the vehicle meets the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 89/235 and be marked in accordance with sub-paragraph 3.3 of that Annex.

(2) Any original silencer forming part of the exhaust system of a vehicle to which regulation 69 applies, being a vehicle first used on or after 1st February 1996, shall be so constructed that the vehicle meets the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 89/235 and be marked in accordance with sub-paragraph 3.3 of that Annex.

(3) A vehicle fitted with an original silencer may—

- (a) if the vehicle is first used before 1st February 1996, instead of complying with paragraph (1), comply at the time of first use with Community Directive 78/105, 87/56 or 89/235; or
- (b) if the vehicle is first used on or after that date, instead of complying with paragraph (2), comply at the time of first use with Community Directive 89/235.

(4) Where any replacement silencer forms part of the exhaust system of a vehicle to which regulation 69 applies, being a vehicle first used on or after 1st January 1985, the first requirement or the second requirement must be met in respect of the silencer.

(5) In order for the first requirement to be met in respect of a silencer forming part of the exhaust system of a vehicle (in this paragraph referred to as “the vehicle in question”)—

- (a) if the vehicle in question is first used before 1st April 1991, the silencer must be so constructed that, were it to be fitted to an unused vehicle of the same model as the vehicle in question, the unused vehicle would meet—
- (i) the requirements of item 1 or 3 of the Table in Schedule 9, and
 - (ii) the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 78/1015 or 89/235;
- and the silencer must be marked in accordance with sub-paragraph 3.3 of that Annex;
- (b) if the vehicle in question is first used on or after 1st April 1991, but before 1st February 1996, the silencer must be so constructed that, were it to be fitted to an unused vehicle of the same model as the vehicle in question, the unused vehicle would meet—
- (i) the requirements of item 3 of the Table in Part I of Schedule 9; and
 - (ii) the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 78/1015 or 89/235;
- and the silencer must be marked in accordance with sub-paragraph 3.3 of that Annex;
- (c) if the vehicle in question is first used on or after 1st February 1996, the silencer must be so constructed that, were it to be fitted to an unused vehicle of the same model as the vehicle in question, the unused vehicle would meet—
- (i) the requirements of item 3 of the Table in Part I of Schedule 9; and
 - (ii) the requirements specified in paragraph 3 (other than sub-paragraphs 3.2 and 3.3) of Annex I to Community Directive 89/235;
- and the silencer must be marked in accordance with sub-paragraph 3.3 of that Annex.
- (6) In order for the second requirement to be met in respect of a silencer forming part of the exhaust system of a vehicle (in Part II of Schedule 9 referred to as “the vehicle in question”),—
- (a) if the vehicle is first used before 1st April 1991, the silencer must meet the requirements of paragraph 1, 2 or 3 of Part II of Schedule 9; or
 - (b) if the vehicle is first used on or after that date, the silencer must meet the requirements of paragraph 3 of Part II of Schedule 9.
- (7) Any requirements specified in paragraph (5) or in Part II of Schedule 9 relating to the silencer as fitted to an unused vehicle of the same model as the vehicle in question (as defined in that paragraph or in paragraph (6) for the purposes of that Part, as the case may be) shall be deemed to be met if they are met by the silencer as fitted to the vehicle in question at the time that it is first fitted.
- (8) For the purposes of this regulation, Community Directive 89/235 shall have effect as if—
- (a) in Annex I, for sub-paragraph 3.4.1, there were substituted—
 - “(3.4.1) After removal of the fibrous material, the vehicle must meet the relevant requirements.”; and
- for sub-paragraph 3.4.3, there were substituted—
- “(3.4.3) After the exhaust system has been put into a normal state for road use by one of the following conditioning methods, the vehicle must meet the relevant requirements.”;
- (b) references in Annex I as so modified to a vehicle meeting the relevant requirements were,
 - (i) in relation to an original silencer, references to a vehicle meeting the requirements of item 2 of the Table in Part I of Schedule 9; and
 - (ii) in relation to a replacement silencer, references to a vehicle meeting the requirements of item 3 of that Table; and

(c) in Annex II there were omitted sub-paragraphs 3.1.2, 3.4 and 3.5 and in sub-paragraph 3.2—

- (i) the words “and the name referred to in 3.1.2”, and
- (ii) the words after “legible”.

(9) For the purposes of paragraphs (1)(b) and (2) in their application to vehicles with a design speed not exceeding 50 km/h, Community Directive 89/235 EEC shall have effect as if it were not only modified in accordance with paragraph (8) but were further modified by the omission of—

- (a) sub-paragraph 3.1.3 of Annex II; and
- (b) in sub-paragraph 3.2 of that Annex, the words “and 3.1.3.”

(10) In relation to a replacement silencer which is—

- (a) fitted to a vehicle before 1st February 1997; and
- (b) clearly and indelibly marked with the name or trade mark of the manufacturer of the silencer and with that manufacturer’s part number relating to it,

paragraphs (5) and (6) of this regulation and Parts II and III of Schedule 9 shall have effect as if they contained no reference to a silencer being marked.

(11) For the purposes of this regulation, a silencer forming part of the exhaust system of a vehicle shall not be regarded as being marked in accordance with sub-paragraph 3.3 of Annex I to Community Directive 78/1015 or 89/235, paragraph (10) of this regulation or any paragraph of Part II of Schedule 9 if the marking is so obscured by any part of the vehicle that it cannot easily be read.

(12) Part III of Schedule 9 shall have effect for the purpose of exempting certain silencers from the provisions of paragraph (4).

(13) No person shall use a motor cycle on a road or cause or permit such a vehicle to be so used if any part of the exhaust system has been indelibly marked by the manufacturer of that part with the words “NOT FOR ROAD USE” or words to that effect.

(14) In this regulation—

- “original silencer”, in relation to a vehicle, means a silencer which was fitted to the vehicle when it was manufactured;
- “replacement silencer”, in relation to a vehicle, means a silencer fitted to the vehicle, not being an original silencer; and
- “trade mark” has the same meaning as in the Trade Marks Act 1994(1).