

## SCHEDULE 1

Regulation 3(5)

### PROVISIONS REPLACING REGULATION 57

#### **“Noise limits construction requirements relating to motor cycles**

**57.**—(1) Subject to regulation 59, this regulation applies to every motor vehicle first used on or after 1st April 1983 which is—

- (a) a moped; or
- (b) a two-wheeled motor cycle, whether or not with sidecar attached, which is not a moped.

(2) A vehicle to which this regulation applies shall be so constructed that it meets,—

- (a) if it is first used before 1st April 1991, the requirements of item 1 or 2 of the Table in Part I of Schedule 7A;
- (b) if it is first used on or after that date, the requirements of item 2 of that Table.

(3) Instead of complying with paragraph (2), a vehicle first used before 1st April 1991 may comply at the time of its first use with Community Directive 78/1015, 87/56 or 89/235.

(4) Instead of complying with paragraph (2), a vehicle first used on or after 1st April 1991 may comply at the time of its first use with Community Directive 87/56 or 89/235.

(5) In this regulation “moped” has the meaning given to it in paragraph 5 of Schedule 9.

#### **Exhaust systems motor cycles**

**57A.**—(1) Any original silencer forming part of the exhaust system of a vehicle to which regulation 57 applies, being a vehicle first used before 1st February 1996, shall—

- (a) 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 78/1015(1) and be marked in accordance with sub-paragraph 3.3 of that Annex; or
- (b) 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.

(2) Any original silencer forming part of the exhaust system of a vehicle to which regulation 57 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 78/1015, 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 57 applies, being a vehicle first used on or after 1st January 1985, the first requirement or the second requirement as set out below must be met in respect of the silencer.

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(1) “Community Directive” is defined in regulation 3(2) of, and Schedule 2 to, the Road Vehicles (Construction and Use) Regulations 1986. Relevant amendments to that Schedule are made by regulation 4 of these Regulations.

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(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 Part I of Schedule 7A; 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 Annex I to Community Directive 78/1015 or 89/235;

(b) if the vehicle in question is first used on or after the 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 7A; 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 Annex I to Community Directive 78/1015 or 89/235;

(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 7A; 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 Annex I to that Directive.

(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 7A 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 2, 3 or 4 of Part II of Schedule 7A; or

(b) if the vehicle is first used on or after that date, the silencer must meet the requirements of paragraph 4 of Part II of Schedule 7A.

(7) Any requirements specified in paragraph (5) or in Part II of Schedule 7A relating to the silencer were it to be 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—

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“(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 7A; and
  - (ii) in relation to a replacement silencer, references to a vehicle meeting the requirements of item 3 of that Table;
- (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) 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 7A shall have effect as if they contained no reference to a silencer being marked.

(10) 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 (9) of this regulation or any paragraph of Part II of Schedule 7A if the marking is so obscured by any part of the vehicle that it cannot easily be read.

(11) Until 1st February 1996, for the purposes of paragraph (6), a vehicle first used on or after 1st April 1991 shall be treated as a vehicle first used before 1st April 1991.

(12) Part III of Schedule 7A 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 1938(2).

### **Noise limits maintenance requirements relating to motor cycles**

**57B.**—(1) No person shall use or cause or permit to be used on a road a motor cycle to which regulation 57 applies if the three conditions specified below are all fulfilled.

(2) The first condition is fulfilled if the vehicle does not meet the noise limit requirements.

(3) The second condition is fulfilled if—

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- (a) any part of the vehicle is not in good and efficient working order, or
  - (b) the vehicle has been altered.
- (4) The third condition is fulfilled if the noise made by the vehicle would have been materially less (so far as applicable)—
- (a) were all parts of the vehicle in good and efficient working order, or
  - (b) had the vehicle not been altered.
- (5) For the purposes of this regulation, a vehicle meets the noise limit requirements if,—
- (a) in the case of a vehicle first used before 1st April 1991 and not fitted with a replacement silencer, it meets the requirements of item 1 or 2 of the Table in Part I of Schedule 7A;
  - (b) in the case of a vehicle first used before 1st April 1991 and fitted with a replacement silencer, it meets the requirements of item 1 or 3 of that Table;
  - (c) in the case of a vehicle first used on or after 1st April 1991 and not fitted with a replacement silencer, it meets the requirements of item 2 of that Table;
  - (d) in the case of a vehicle first used on or after 1st April 1991 and fitted with a replacement silencer, it meets the requirements of item 3 of that Table.
- (6) In this regulation, “replacement silencer” has the same meaning as in regulation 57A.”