



# Motor Cycle Noise Act 1987

## 1987 CHAPTER 34

An Act to prohibit the supply of motor cycle exhaust systems and silencers likely to result in the emission of excessive noise; and for connected purposes. [15th May 1987]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Prohibition of supply of exhaust systems etc. not complying with prescribed requirements.**

- (1) Subject to subsections (3) and (4) below, no person shall, in the course of carrying on a business, supply or offer or agree to supply or expose or have in his possession for the purpose of supplying—
  - (a) an exhaust system for a motor cycle; or
  - (b) a silencer, or any component other than a silencer or fixing, for such a system, unless the system, silencer or component complies with such requirements as may be prescribed by regulations made by the Secretary of State and, as respects such a system or silencer, the requirements of the regulations as to packaging, labelling and the provision of accompanying instructions are complied with.
- (2) The regulations made by the Secretary of State for the purposes of this section shall be such as he considers necessary for preventing the supply of exhaust systems, silencers and components which are likely to result in motor cycles to which they are fitted emitting excessive noise; and those regulations may—
  - (a) prescribe requirements by reference to any British Standard Specification, any regulations made under section 40 of the Road Traffic Act 1972, any Community instrument or any other instrument issued by an international authority; and
  - (b) make different provision for different cases.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Exemptions from this section or any requirements imposed under it may be conferred by regulations made by the Secretary of State or, in the case of an exemption applying to a particular person, by a notice in writing given by him to that person.
- (4) Subsection (1) above does not apply in any case in which the person in question reasonably believes that the exhaust system, silencer or component will not be used in the United Kingdom.
- (5) Before making any regulations under this section the Secretary of State shall consult such representative organisations as he thinks fit.
- (6) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The Schedule to this Act shall have effect with respect to contraventions of this section and the enforcement of its provisions.

## **2 Short title, interpretation, commencement and extent.**

- (1) This Act may be cited as the Motor Cycle Noise Act 1987.
- (2) In this Act references to a motor cycle include references to a moped and a motor scooter and references to supply include references to gratuitous supply.
- (3) This Act shall come into force on such day as may be appointed by the Secretary of State by an order made by statutory instrument; and different days may be appointed for different provisions or different purposes.
- (4) This Act does not extend to Northern Ireland.

## SCHEDULE

### OFFENCES AND ENFORCEMENT

#### *Offences*

- 1 (1) Any person who contravenes section 1 of this Act shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the fifth level on the standard scale.
- (2) Where the commission by any person of such an offence is due to the act or default of some other person the other person shall be guilty of the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the first-mentioned person.
- (3) It shall be a defence to a charge of committing an offence under this paragraph that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.
- 2 (1) Where an offence under paragraph 1 above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members sub-paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### *Enforcement*

- 3 It shall be the duty of each weights and measures authority to enforce this Act within its area.
- 4 (1) Schedule 2 to the Consumer Safety Act 1978 (which confers power to enter premises and seize goods) shall have effect in relation to a weights and measures authority exercising its functions under this Act as it has effect in relation to an enforcement authority within the meaning of that Schedule.
- (2) In its application by virtue of this paragraph that Schedule shall have effect as if the provisions of section 1 of this Act were relevant provisions.
- 5 Nothing in the preceding provisions of this Schedule authorises a weights and measures authority to institute proceedings in Scotland for an offence.