

1989 No. 1865

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) (Amendment)
(No. 3) Regulations 1989**

<i>Made</i> - - - -	<i>10th October 1989</i>
<i>Laid before Parliament</i>	<i>18th October 1989</i>
<i>Coming into force</i>	<i>8th November 1989</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988(a), as read with section 43 of that Act, and all other enabling powers, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:—

Citation, commencement and introduction

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1989 and shall come into force on 8th November 1989.

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986(b) shall be further amended in accordance with the following provisions of these Regulations.

(2) The Secretary of State is satisfied that—

- (a) it is requisite that the provisions of regulations 4 to 9 shall apply as from 8th November 1989 to vehicles registered under the Vehicles (Excise) Act 1971(c) before the expiration of one year from the making of these Regulations; and
- (b) notwithstanding that the said provisions will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby.

Amendments relating to Interpretation

3. In the Table in paragraph (2) of regulation 3—

- (a) the meaning specified in column 2 for the expression “Community Directive, followed by a number” shall be amended by the substitution for the words “the reference to it means” of the words “the reference to the amending Directive includes a reference to”; and
- (b) the meaning specified in column 2 for the expression “the Community Recording Equipment Regulation” shall be substituted by the following—
“Council Regulation (EEC) 3821/85 of 20th December 1985 on recording equipment in road transport(d), as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986(e).”

(a) 1988 c.52.

(b) S.I. 1986/1078.

(c) 1971 c.10.

(d) OJ No. L370, 31.12.85, p.8.

(e) S.I. 1986/1456, as amended by S.I. 1986/1669, 1987/805 and 1988/760.

Amendment relating to compliance with Community Directives and ECE Regulations

4. In regulation 6(2) the word "or" immediately following sub-paragraph (b) shall be omitted and after sub-paragraph (c) there shall be added the following words—

“; or

- (d) a sound level measurement certificate issued by the Secretary of State under regulation 4 of the Motorcycles (Sound Level Measurement Certificates) Regulations 1980(a);”.

Amendments relating to noise limits—motor cycles

5. In regulation 55(6) for “57(2)(a)” there shall be substituted “57(1A)(a)”.

6. In regulation 57—

- (a) for paragraphs (1) and (2) and the Table in paragraph (2) there shall be substituted—

“(1) Save as provided in regulation 59, the requirements specified in paragraph (1A) apply to every motor vehicle first used on or after 1st April 1983 but not later than 31st March 1991 which is—

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

(1A) The requirements referred to in paragraph (1) are that—

- (a) the vehicle shall be so constructed that its sound level does not exceed the relevant limit specified in column 2 of item 1 or 2 of the Table when measured under the conditions specified in column 3 in that item by the method specified in column 4 in that item using the apparatus prescribed in regulation 55(6); and
(b) the device designed to reduce the exhaust noise meets the requirements specified in column 5.

TABLE

Regulation 57 (1A)

1	2		3	4	5
Item	<i>Limits of sound level</i>		<i>Conditions of measurement</i>	<i>Methods of measurement</i>	<i>Requirements for exhaust device</i>
	<i>Vehicle referred to in paragraph 1(a) or 2(a)</i>	<i>Vehicle referred to in paragraph 1(b) or 2(b)</i>			
1	73dB(A)	Limits specified in paragraph 2.1.1 of Annex I to Community Directive 78/1015(b)	Conditions specified in paragraph 2.1.3 of Annex 4 to Community Directive 78/1015	Methods specified in paragraph 2.1.4 of Annex I to Community Directive 78/1015. Interpretation of results as in paragraphs 2.1.5.2, 2.1.5.3 and 2.1.5.4 of that Annex	Requirements as specified in paragraph 3 at Annex I to Community Directive 78/1015 except for sub-paragraph 3.2
2	73dB(A)	First stage limits specified in paragraph 2.1.1 of Annex I to Community Directive 87/56	Conditions specified in paragraph 2.1.3 of Annex I to Community Directive 87/56	Method specified in paragraph 2.1.4 of Annex I to Community Directive 87/56. Interpretation of results as in paragraphs 2.1.5.2, 2.1.5.3 and 2.1.5.4 of that Annex	Requirements as specified in paragraph 3 of Annex I to Community Directive 87/56 except for sub-paragraph 3.2

(a) S.I. 1980/765, as amended by S.I. 1988/1640, 1989/713 and 1591.

(b) “Community Directive” is defined in regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986. The definition is amended by regulation 3(a) of these Regulations.

(1B) Instead of complying with paragraph (1), a vehicle referred to in paragraph (1)(b) may comply at the time of its first use with Community Directive 78/1015 or 87/56.

(2) Save as provided in regulation 59, the requirements specified in paragraph (2A) apply to every motor vehicle first used on or after 1st April 1991 which is—

(a) a moped; or

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

(2A) The requirements referred to in paragraph (2) are those mentioned in paragraph (1A) save that for the reference to item 1 or 2 of the Table there is substituted a reference to item 2 of the Table.

(2B) Instead of complying with paragraph (2), a vehicle referred to in paragraph (2)(b) may comply at the time of its first use with Community Directive 87/56.”; and

(b) paragraph (5) shall be omitted.

7. In regulation 58(2)(d) for “ regulation 57(2) ” there shall be substituted “ regulation 57(1A) and (2A) ”.

8. In regulation 59 for “ 57(2) ” there shall be substituted “ 57(1A) and (2A) ”.

9. In Table 1 of Schedule 2 after item 51 there shall be added the following item—

“51A	87/56	18.12.86	L24, 27.1.87, p.42.	The permissible sound level and exhaust system of motorcycles	78/1015			”.
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Signed by authority of the Secretary of State

10th October 1989

Robert Atkins
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles (Construction and Use) Regulations 1986 ("the principal regulations").

The principal amendments are to regulation 57 (noise limits—motorcycles), which is amended in two respects.

1. Compliance with the sound level limits permitted by E.E.C. Council Directive 87/56 at its first stage of implementation will be compulsory for motorcycles first used on or after 1st April 1991.

2. Previously a vehicle was treated as complying with the principal regulations if a sound level measuring certificate ("a certificate") was issued in relation to the vehicle by reason of the vehicle's conforming with the requirements of E.E.C Council Directive 78/1015. By virtue of these Regulations a vehicle first used not later than 31st March 1991 may be treated as complying with the principal regulations if a certificate has been issued in relation to the vehicle by reason of the vehicle's conforming with either the requirements of Directive 78/1015 or 87/56. A vehicle first used on or after 1st April 1991 however may only be treated as complying with the principal regulations if a certificate has been issued in relation to the vehicle by reason of the vehicle's conforming with the requirements of Directive 87/56. In this connection the omission of the sound level measuring certificate from regulation 6 in the principal regulations is corrected.

There are also provisions to clarify the meaning given in the principal regulations for "Community Directive, followed by a number", to update the meaning given in the principal regulations for "the Community Recording Equipment Regulation", and to effect consequential amendments.

Copies of the EEC Regulation and Directives referred to in these Regulations can be obtained from Her Majesty's Stationery Office. Details of the EEC Regulation and Directives are set out in the Table below.

<i>Principal Instrument</i>	<i>Relevant Amending Instrument</i>
1. Council Regulation (EEC) No. 3821/85 of 20 December 1985 (OJ No L370, 31.12.85, p.8).	—
2. Council Directive 78/1015/EEC of 23 November 1978 (OJ No L349, 13.12.78, p.21).	Council Directive 87/56/EEC of 18 December 1986 (OJ No L24, 27.1.87, p.42).

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