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STATUTORY INSTRUMENTS

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**1994 No. 14**

**ROAD TRAFFIC**

**The Road Vehicles (Construction and Use) (Amendment) Regulations 1994**

*Made* - - - - *10th January 1994*  
*Laid before Parliament* *19th January 1994*  
*Coming into force* - - *1st July 1994*

The Secretary of State for Transport,—

- (a) in exercise of the powers conferred by sections 41(1), (2) and (5) of the Road Traffic Act 1988(1) (“the 1988 Act”) as read with section 43 of the 1988 Act, and
- (b) being a Minister designated(2) for the purposes of section 2(2) of the European Communities Act 1972(3) in relation to the regulation of the construction and equipment of vehicles and of components of vehicles, in exercise of the powers conferred by that section,

and in exercise of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of the 1988 Act, hereby makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) Regulations 1994 and shall come into force on 1st July 1994.

(2) The Secretary of State is satisfied that—

- (a) it is requisite that the provisions of regulation 3 of these Regulations shall apply as from 1st July 1994 to vehicles registered under the Vehicles (Excise) Act 1971(4) 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.

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(1) 1988 c. 52; section 41 is amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.  
(2) S.I. 1972/1811.  
(3) 1972 c. 68.  
(4) 1971 c. 10; the Act was extended to Northern Ireland by section 10 of the Finance Act 1991 (c. 31).

**Preliminary**

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986(5) shall be further amended in accordance with the following provisions of these Regulations.

(2) So far as any requirement is imposed by virtue of these Regulations, that requirement is imposed in exercise of the powers conferred by section 41 of the Road Traffic Act 1988 to the exclusion of the powers conferred by section 2(2) of the European Communities Act 1972.

**Amendments relating to motor cycle noise and silencers**

3.—(1) In regulation 4(4)—

- (a) in items 1, 2 and 3 of the Table, for the expression “, 53 and 57(3) and (4)” in each place where it occurs, there shall be substituted “and 53”;
- (b) in item 4 of the Table, the expression “, 57(3), and (4)” shall be omitted; and
- (c) in item 5 of the Table, the words “except regulations 57(3) and (4)” shall be omitted.

(2) For the heading “Silencers” immediately preceding regulation 54 there shall be substituted “Silencers-general”.

(3) In regulation 54(2) for the words “shall not be altered” there shall be substituted the words “shall not after the date of manufacture be altered”.

(4) In regulation 55(6), for the words “regulations 56(2)(a) and 57(1A)(a)” there shall be substituted the words “regulation 56(2)(a) and Schedule 7A”.

(5) For regulation 57 there shall be substituted the provisions set out in Schedule 1 to these Regulations.

(6) In regulation 58(2), in sub-paragraph (d), for the words “specified in regulation 57(1A) and (2A)” there shall be substituted the words “of item 1 or 2 of the Table in Part I of Schedule 7A”.

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

(8) After Schedule 7 there shall be inserted the Schedule set out in Schedule 2 to these Regulations.

**Amendments to Schedule 2**

4. In Table I of Schedule 2, item 56A shall be re-numbered 56AA and after item 56 there shall be inserted the following item—

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“56A	89/235	13.3.89	L98, 11.4.89. p.1	The permissible sound level and exhaust systems of motor cycles	78/1015 amended by 87/56	—	—”
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(5) S.I. 1986/1078; relevant amending instrument is S.I. 1989/1865.

Signed by authority of the Secretary of State for Transport

10th January 1994

*Robert Key*  
Parliamentary Under Secretary of State,  
Department of Transport

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## 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<sup>(6)</sup> 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.

<sup>(6)</sup> “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(7).

### **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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(7) 1938 c. 22.

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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.”

SCHEDULE 2

Regulation 3(8)

“SCHEDULE 7A

Regulations 57, 57A and 57B

MOTOR CYCLE NOISE AND MOTOR CYCLE SILENCERS

PART I

1.—(1) For the purposes of these Regulations a vehicle meets the requirements of an item in the Table below if its sound level does not exceed by more than 1 dB(A) the relevant limit specified in column 2 in that item 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).

(2) In this Part of this Schedule, “moped” has the same meaning as in regulation 57.

TABLE

1	2	3	4
Item	Limits of sound level	Conditions of measurement	Methods of measurement
	Mopeds	Vehicles other than mopeds	
1	73 dB(A)	Limit determined in accordance with paragraph 2.1.1 of Annex I to Community Directive 78/1015 by reference to the	Conditions specified in paragraph 2.1.3 of Annex I to Community Directive 78/1015
			Methods specified in paragraph 2.1.4 of Annex I to Community Directive 78/1015

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1	2	3	4	
Item	Limits of sound level	Vehicles other than mopeds	Conditions of measurement	Methods of measurement
2	73 dB(A)	cubic capacity of the vehicle First stage limit determined in accordance with paragraph 2.1.1 of Annex I to Community Directive 87/56 by reference to the cubic capacity of the vehicle	Conditions specified in paragraph 2.1.3 of Annex I to Community Directive 87/56	Methods specified in paragraph 2.1.4 of Annex I to Community Directive 87/56
3	74 dB(A)	The limit specified in item 2 plus 1 dB(A)	As in item 2	As in item 2

## PART II

2. The requirements of this paragraph are that the silencer—
  - (a) is so constructed that—
    - (i) it meets the requirements of paragraphs 3 and 4 of British Standard BS AU 193: 1983;
    - (ii) were it to be fitted to an unused vehicle of the same model as the vehicle in question, the unused vehicle would meet the requirements of paragraph 5.2 of that Standard; and
  - (b) is clearly and indelibly marked “BS AU 193/T2”.
3. The requirements of this paragraph are that the silencer—
  - (a) is so constructed that—
    - (i) it meets the requirements of paragraphs 3 and 4 of British Standard BS AU 193a: 1990;
    - (ii) were it to be fitted to an unused vehicle of the same model as the vehicle in question, the unused vehicle would meet the requirements of paragraph 5.2 of that Standard; and
  - (b) is clearly and indelibly marked “BS AU 193a: 1990/T2”
4. The requirements of this paragraph are that the silencer—
  - (a) is so constructed that—
    - (i) it meets the requirements of paragraphs 3 and 4 of British Standard BS AU 193a: 1990;
    - (ii) were it to be fitted to an unused vehicle of the same model as the vehicle in question, the unused vehicle would meet the requirements of paragraph 5.3 of that Standard; and



(b) is clearly and indelibly marked “BS AU 193a: 1990/T3”.

5. In this Part of this Schedule—

- (a) “British Standard BS AU 193: 1983” means the British Standard Specification for replacement motor cycle and moped exhaust systems published by the British Standards Institution under reference number BS AU 193: 1983;
- (b) “British Standard BS AU 193a: 1990” means the British Standard Specification for replacement motor cycle and moped exhaust systems published by the British Standards Institution under reference number BS AU 193a: 1990.

### PART III

6. Paragraph (4) of regulation 57A shall not apply to a replacement silencer if the second requirement referred to in that regulation would be met were there substituted in Part II of this Schedule,—

- (a) for the references to provisions in either of the British Standard Specifications, references to equivalent provisions in a corresponding standard; and
- (b) for the references to a mark, references to a mark made pursuant to that corresponding standard indicating that the silencer complies with those equivalent provisions.

7. In this Part of this Schedule, “corresponding standard”, in relation to a British Standard Specification, means—

- (a) a standard or code of practice of a national standards body or equivalent body of any member State;
- (b) any international standard recognised for use as a standard by any member State; or
- (c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any member State,

where the standard, code of practice, international standard or technical specification provides, in relation to motor cycles, a level of noise limitation and safety equivalent to that provided by the British Standard Specification and contains a requirement as respects the marking of silencers equivalent to that provided by that instrument.

8. A reference in this part of this Schedule to a British Standard Specification is a reference to British Standard BS AU 193: 1983 or British Standard BS AU 193a: 1990; and “either of the British Standard Specifications” shall be construed accordingly.

9. In this Part of this Schedule, “British Standard BS AU 193: 1983” and “British Standard BS AU 193a: 1990” have the same meanings as in Part II of this Schedule.”

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Road Vehicles (Construction and Use) Regulations 1986.

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Regulation 3 gives effect to Schedules 1 and 2 to the Regulations. Regulation 4 makes some minor and consequential amendments to the 1986 Regulations.

Schedules 1 and 2 to the Regulations replace regulation 57 of the 1986 Regulations with new regulations 57, 57A and 57B and with a new Schedule 7A.

The new regulation 57 requires motor cycles to be so constructed that they meet specified noise limit requirements. These requirements are unchanged. As before, there is an exemption for vehicles first used before 1st April 1991 that have been approved under Council Directive [78/1015/EEC](#) or that Directive as amended by Council Directive [87/56/EEC](#). Also, as before, there is an exemption for vehicles first used on or after 1st April 1991 that have been approved under the 1978 Directive as amended by the 1987 Directive. There is, however, in both cases a new exemption for vehicles approved under the 1978 Directive as further amended by Council Directive [89/235/EEC](#).

Previously, regulation 57 required original silencers fitted to motor cycles to meet certain requirements in Annex I to the 1978 Directive. The new regulation 57A(1) requires an original silencer fitted to a motor cycle first used before 1st February 1996 to meet those same requirements. However, new regulation 57A(2) requires such a silencer fitted to a motor cycle first used on or after that date to comply with certain requirements of the 1978 Directive as amended by the 1989 Directive. The new regulation 57A(3) contains exemptions for vehicles approved under the Directives.

New regulation 57A(4) replaces regulation 57(3)(b). It requires a replacement silencer to meet certain technical and noise requirements. The requirements are based on the Directives referred to above and British Standards BS AU 193: 1983 and BS AU 193a: 1990. The requirements vary according to the date of first use of the motor cycle to which a silencer is fitted. There are also transitional provisions.

New regulation 57A(13) replaces regulation 57(4) and prohibits the use of a motor cycle on a road if any part of the exhaust system is marked “not for road use” or words to that effect.

New regulation 57B imposes a new prohibition on the use of a motor cycle if it does not meet certain requirements and would make materially less noise if it were in good and efficient working order or had not been altered.

A compliance cost assessment has been prepared and copies can be obtained from the Department of Transport, Room C19/08, 2 Marsham Street, London SW1P 3EB. A copy has been placed in the library of each House of Parliament.

Copies of the EEC Directives can be obtained from Her Majesty’s Stationery Office. Copies of the British Standards can be obtained from the British Standards Institution, Sales Department, Linford Wood, Milton Keynes MK14 6LE (telephone: 0908 221166). The details of the EEC Directives are set out below.

Principal Instrument	Amending Instruments
Council Directive <a href="#">78/1015/EEC</a> of 23rd November 1978 (O. J. No. L349, 13.12.78, p. 21)	Council Directive <a href="#">87/56/EEC</a> of 18th December 1986 (O. J. No. L24, 27.1.87, p.42) and Council Directive <a href="#">89/235/EEC</a> of 13th March 1989 (O. J. No. L98, 11.4.89, p.1).