
STATUTORY INSTRUMENTS

1995 No. 2370

ROAD TRAFFIC

**The Motor Cycle Silencer and
Exhaust Systems Regulations 1995**

Made - - - - - *30th August 1995*
Laid before Parliament *14th September 1995*
Coming into force - - - *1st August 1996*

The Secretary of State for Transport,—

- (a) in exercise of the powers conferred by section 1 of the Motor Cycle Noise Act 1987(1), and after consultation with representative organisations in accordance with section 1(5) of that Act, and
- (b) being a Minister designated(2) for the purposes of subsection (2) of section 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 sub-section, and in exercise of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Preliminary

1.—(1) These Regulations may be cited as the Motor Cycle Silencer and Exhaust Systems Regulations 1995 and shall come into force on 1st August 1996.

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

Interpretation

2.—(1) In these Regulations—

“the Act” means the Motor Cycle Noise Act 1987;

(1) 1987 c. 34.
(2) S.I.1972/1811.
(3) 1972 c. 68.

“the Directive” means Council Directive [78/1015/EEC](#)(4) as amended by Council Directive [87/56/EEC](#)(5) and Council Directive [89/235/EEC](#)(6);

“exhaust system” means an exhaust system for a motor cycle;

“road” has the same meaning as in the Road Traffic Act 1988(7);

“silencer” means a silencer for an exhaust system; and

“trade mark” has the same meaning as in the Trade Marks Act 1994(8).

(2) A reference in these Regulations to the British Standard Specifications is a reference to—

(a) 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, and

(b) 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,

and a reference to “a British Standard Specification” shall be construed accordingly.

The requirements relating to silencers

3.—(1) The requirements with which a silencer must comply for the purposes of section 1(1) of the Act are that the silencer must be—

(a) clearly and indelibly marked in accordance with paragraphs 3.1 to 3.1.3 of Annex II to the Directive, or

(b) clearly and indelibly marked “BS AU 193/T2”, “BS AU 193a: 1990/T2” or “BS AU 193a: 1990/T3” (being marks referred to in the British Standard Specifications indicating that certain requirements specified in those instruments are met).

(2) As respects a silencer, the requirements as to packaging, labelling and the provision of accompanying instructions which must be complied with for the purposes of section 1(1) of the Act are the requirements of Schedule 1 to these Regulations.

(3) For the purposes of this regulation Annex II to the Directive has effect as if at the beginning of paragraph 3.1.1 there were inserted the words “the name,”.

The requirements relating to exhaust systems

4.—(1) Without prejudice to regulation 3, the requirements with which an exhaust system must comply for the purposes of section 1(1) of the Act are that the silencer comprised in the exhaust system must be—

(a) clearly and indelibly marked in accordance with paragraphs 3.1 to 3.1.3 of Annex II to the Directive, or

(b) clearly and indelibly marked “BS AU 193/T2”, “BS AU 193a: 1990/T2” or “BS AU 193a: 1990/T3” (being marks referred to in the British Standard Specifications indicating that certain requirements specified in those instruments are met).

(2) As respects an exhaust system the requirements as to packaging, labelling and the provision of accompanying instructions which must be complied with for the purposes of section 1(1) of the Act are the requirements of Schedule 2 to these Regulations.

(4) OJ No. L349, 13.12.78, p. 21.

(5) OJ No. L24, 27.1.87, p. 42.

(6) OJ No. L98, 11.4.89, p. 1.

(7) [1988 c. 52](#); the definition of “road” in section 192(1) was amended by paragraph 78 of Schedule 4 to the Road Traffic Act 1991 (c. 40) and Schedule 8 to that Act.

(8) [1994 c. 26](#).

(3) For the purposes of this regulation Annex II to the Directive has effect as if at the beginning of paragraph 3.1.1 there were inserted the words “the name,”.

Exemptions

5.—(1) Section 1 of the Act does not apply in a case in which a person supplies—

- (a) a silencer, or
- (b) an exhaust system,

and the silencer or the silencer comprised in the exhaust system (as the case may be) is clearly and indelibly marked in characters not less than 3mm high—

- (i) with the words “NOT FOR ROAD USE” or words to that effect; or
- (ii) with the words “PRE 1985 MC ONLY”.

(2) Section 1 of the Act does not apply in a case in which a person supplies a silencer or an exhaust system as scrap (that is to say, for the value of materials included in the silencer or exhaust system rather than the value of the silencer or exhaust system itself).

(3) For the avoidance of doubt, section 1 of the Act does not have effect, in a case in which a person supplies a motor cycle, in relation to a silencer or an exhaust system fitted to the motor cycle at the time of the supply.

(4) The requirements imposed by regulation 3(2) do not apply in a case in which a person supplies a used silencer and the requirements referred to in paragraph (6) below are met.

(5) The requirements imposed by regulation 4(2) do not apply in a case in which a person supplies a used exhaust system and the requirements referred to in paragraph (6) below are met.

(6) The requirements mentioned in paragraphs (4) and (5) above are that—

- (a) the supply is by a person who had acquired the silencer or exhaust system by purchasing a used motor cycle to which the silencer or exhaust system was then fitted, and
- (b) that person had been the owner of the silencer or exhaust system throughout the period beginning when he so purchased that motor cycle and ending when he supplies the silencer or exhaust system.

(7) For the purposes of paragraph (6)—

- (a) “motor cycle” means any motor cycle, whether or not it is in a fit state for use on roads and includes any motor cycle chassis with or without wheels; and
- (b) a person shall be regarded as purchasing a vehicle upon ownership being transferred to him in any circumstances whatsoever.

(8) For the purposes of this regulation, if a person offers or agrees to supply a silencer or an exhaust system or exposes it or has it in his possession for the purposes of supplying it, he shall be taken to be a person who supplies a silencer or an exhaust system.

(9) This regulation is without prejudice to section 1(4) of the Act.

Equivalent standards

6.—(1) The requirements imposed by regulation 3(1) do not apply to a silencer if the requirements imposed by that paragraph would be met were there substituted, for the reference to any one of the marks specified in sub-paragraph (b) of that paragraph, a reference to a mark which indicates compliance with equivalent provisions in a corresponding standard.

(2) The requirements imposed by regulation 4(1) do not apply to an exhaust system if the requirements imposed by that paragraph would be met were there substituted, for the reference to

any one of the marks specified in sub-paragraph (b) of that paragraph, a reference to a mark which indicates compliance with equivalent provisions in a corresponding standard.

(3) In this regulation, “corresponding standard” means—

- (a) a standard or code of practice of a national standards body or equivalent body of any EEA State;
- (b) an international standard recognised for use as a standard by any EEA 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 EEA State,

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

(4) In this regulation—

“the equivalent provisions in a corresponding standard”, in relation to a mark specified in regulation 3(1)(b) or 4(1)(b), means those provisions in a corresponding standard that are equivalent to the relevant provisions;

“the relevant provisions”, in relation to a mark specified in regulation 3(1)(b) or 4(1)(b), means those provisions of a British Standard Specification in respect of which the mark indicates compliance;

“EEA State” means a State which is Contracting Party to the EEA Agreement; and

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993⁽⁹⁾.

The Trade Descriptions Act 1968

7. Nothing in these Regulations requiring a silencer to bear any marking shall be taken to authorise any person to apply any such marking to a silencer in contravention of the Trade Descriptions Act 1968⁽¹⁰⁾.

Signed by the authority of the Secretary of State for Transport

30th August 1995

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

⁽⁹⁾ Cm 2073 and 2183.

⁽¹⁰⁾ 1968 c. 29.

SCHEDULE 1

Regulation 3(2)

REQUIREMENTS AS TO PACKAGING, LABELLING AND THE PROVISION OF ACCOMPANYING INSTRUCTIONS IN RELATION TO SILENCERS

1. The requirements of this Schedule are as follows.
- 2.—(1) The silencer must be contained in packaging that bears the information specified in sub-paragraph (2) below or be labelled with such information.
 - (2) The information mentioned in sub-paragraph (1) above is—
 - (a) the name, trade name or trade mark of the manufacturer of the silencer; and
 - (b) the address of that manufacturer.
3. If the silencer is of a type which needs regular maintenance in order to retain its efficiency in controlling noise, the silencer must be accompanied by instructions describing in detail how it should be maintained in order to retain such efficiency.
4. If it is indicated—
 - (a) by any mark on the silencer or other component of an exhaust system attached to or otherwise accompanying the silencer;
 - (b) on any packaging, labelling, instructions or other document accompanying the silencer,that the silencer is suitable for fitting to one or more particular models of motor cycle, the silencer must be accompanied by instructions describing in detail an appropriate method of fitting it to each such model.

SCHEDULE 2

Regulation 4(2)

REQUIREMENTS AS TO PACKAGING, LABELLING AND THE PROVISION OF ACCOMPANYING INSTRUCTIONS IN RELATION TO EXHAUST SYSTEMS

1. The requirements of this Schedule are as follows.
- 2.—(1) The exhaust system must be contained in packaging that bears the information specified in sub-paragraph (2) below or be labelled with such information.
 - (2) The information mentioned in sub-paragraph (1) above is—
 - (a) the name, trade name or trade mark of the manufacturer of the silencer comprised in the exhaust system;
 - (b) the address of that manufacturer; and
 - (c) a list of the component parts of the system excluding mounting parts.
3. If the silencer comprised in the exhaust system is of a type which needs regular maintenance in order to retain its efficiency in controlling noise, the exhaust system must be accompanied by instructions describing in detail how the silencer comprised in the exhaust system should be maintained in order to retain such efficiency.
4. If it is indicated—
 - (a) by any mark on any part of the exhaust system; or
 - (b) on any packaging, labelling, instructions or other document accompanying the system,

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that the exhaust system is suitable for fitting to one or more particular models of motor cycle, the exhaust system must be accompanied by instructions describing in detail an appropriate method of fitting it to each such model.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations prescribe requirements to be met by motorcycle silencers and exhaust systems supplied in the course of carrying on a business. As a consequence of these Regulations it will generally be an offence under section 1 of the Motor Cycle Noise Act 1987 for a person to supply, offer or agree to supply, or expose or possess for supply a silencer or exhaust system comprising a silencer for a motor cycle, motor scooter or moped unless—

- (a) the silencer is marked in accordance with Council Directive [78/1015/EEC](#) (OJNo. L349, 13. 12. 78. p. 21) as amended, or marked “BS AU 193/T2” or “BS AU 193a: 1990/T2” or “BS AU 193a: 1990/T3” or equivalent;
- (b) the silencer is marked “NOT FOR ROAD USE” or words to that effect; or
- (c) the silencer is marked “PRE 1985 MC ONLY”.

2. The marking “BS AU 193/T2” is mentioned in the British Standard Specification for replacement motor cycle and moped exhaust systems published by the British Standards Institution under reference No. BS AU 193: 1983. “BS AU 193a: 1990/T2” and “BS AU 193a: 1990/T3” are markings mentioned in the British Standard Specification for replacement motor cycle and moped exhaust systems published by the British Standards Institution under reference No. BS AU 193a: 1990.

3. The Regulations also impose requirements as to packaging, labelling and instructions.

4. A compliance cost assessment has been prepared and copies can be obtained from the Department of Transport, Zone 2/04, Great Minster House, 76 Marsham Street, London SW1P 4DR (Tel: 0171-271 4632). A copy has been placed in the Library of each House of Parliament.

5. Copies of the Directives referred to in these Regulations can be obtained from Her Majesty’s Stationery Office. Copies of the British Standards referred to in these Regulations can be obtained from both the British Standards Institution, Sales Department, 389 Chiswick High Road, London W4 4AL (Tel: 0181-996 9000) and Her Majesty’s Stationery Office.