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.

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