1995 No. 94

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1995

Made	*14th March 1995*
Coming into operation . .	*1st May 1995*

The Department of the Environment, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation of the construction or equipment of vehicles and of components of vehicles, in exercise of the powers conferred on it by that section and by Articles 28(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**c**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 1st May 1995.

Interpretation

2.—(1) In these Regulations "the principal Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**d**).

(2) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these Regulations as it applies to a measure of the Northern Ireland Assembly.

Amendments relating to motor-cycle noise and silencers

3. The principal Regulations shall be amended as follows—

(1) In regulation 3(4) (application and exemptions)—

(*a*) in items 1, 2 and 3 of the Table, for ", 53 and 59(3) and (4)" there shall be substituted "and 53";

(*b*) in item 4 of the Table, omit ", 59(3) and (4)"; and

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68
(**c**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department"
(**d**) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1991 No. 147, S.R. 1991 No. 420, S.R. 1992 No. 509 and S.R. 1994 No. 452
(**e**) 1954 c. 33 (N.I.)

(*c*) in item 5 of the Table, omit the words "except regulations 59(3) and (4)".

(2) For the heading preceding regulation 56 there shall be substituted "Silencers — general".

(3) In regulation 56(2) (silencers) for the words "shall not be altered" there shall be substituted "shall not after the date of manufacture be altered".

(4) In regulation 57(6) (noise limits — general) for the words "regulations 59(1A)(*a*)(**a**) and 59(2)(*a*)" there shall be substituted the words "regulation 58(2)(*a*) and Schedule 6A".

(5) For regulation 59 (noise limits — motor-cycles) there shall be substituted the provisions set out in Schedule 1 to these Regulations.

(6) In regulation 60(2) (noise limits — vehicles not subject to regulations 57 to 59, first used on or after 1st April 1970), in sub-paragraph (*d*), for the words "specified in regulation 59(1A) and (2A)" there shall be substituted "the requirements of item 1 or 2 of the Table in Part I of Schedule 8A".

(7) In regulation 61 (exception to regulations 57 to 60), for "59(1A) and (2A)" there shall be substituted "59, 59A and 59B".

(8) In Table I of Schedule 1—

(*a*) in column 1, for "56A"(**b**) there shall be substituted "56B"; and

(*b*) after item 56(**c**), there shall be inserted the following item—

"56A	89/325	13.3.89	L98, 11.4.89 p. 1	The permissible sound level and exhaust systems of motorcycles	78/1015 as amended by 87/56	— —".

(9) After Schedule 6 there shall be inserted the Schedule set out in Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department of the Environment on 14th March 1995.

(L.S.)

Trevor Pearson
Assistant Secretary

(**a**) Regulation 59(1A) was inserted by S.R. 1991 No. 147, reg. 2(7)
(**b**) Item 56A was inserted by S.R. 1992 No. 509, reg. 11(1)
(**c**) Item 56 was inserted by S.R. 1991 No. 420, reg. 8(1)

Provisions replacing regulation 59

"Noise limits — construction requirements relating to motor-cycles

59.—(1) Subject to regulation 61, 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 side car 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 6A;

(*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(**a**).

(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 7 of Schedule 8.

Exhaust systems — motor-cycles

59A.—(1) Any original silencer forming part of the exhaust system of a vehicle to which regulation 59 applies, being a vehicle first used before 1st February 1996, shall be so constructed that—

(*a*) 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 and be marked in accordance with sub-paragraph 3.3 of that Annex; or

(*b*) 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 59 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 78/105, 87/56 or 89/235; or

(a) "Community Directive" is defined in regulation 2(2) and table 1 of Schedule 1 to the principal Regulations. Relevant amendments to that Schedule are made by regulation 3(8) of these Regulations

(*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 59 applies, being a vehicle first used on or after 1st January 1985, the first requirement or the second requirement must be met in respect of the silencer.

(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 Schedule 6A, 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 that Annex;

(*b*) if the vehicle in question is first used on or after 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 6A; 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 that Annex;

(*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 6A; 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 that Annex.

(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 6A 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 1, 2 or 3 of Part II of Schedule 6A; or

(*b*) if the vehicle is first used on or after that date, the silencer must meet the requirements of paragraph 3 of Part II of Schedule 6A.

(7) Any requirements specified in paragraph (5) or in Part II of Schedule 6A relating to the silencer as 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—

"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 6A; and

(ii) in relation to a replacement silencer, references to a vehicle meeting the requirements of item 3 of that Table; and

(*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 6A 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 6A 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 6A 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(**a**).

(**a**) 1938 c. 22