STATUTORY INSTRUMENTS

1984 No. 679

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 1984

Made - - -	15*th May* 1984
Laid before Parliament	24*th May* 1984
Coming into Operation	15*th June* 1984

The Secretary of State for Transport, in exercise of the powers conferred by sections 40(1) and (3) and 41(3) of the Road Traffic Act 1972(**a**) now vested in him(**b**), and of all other enabling powers, and after consultation with representative organisations in accordance with section 199(2) of that Act, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 15th June 1984, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 1984.

2. As regards the provisions of Regulations 116C(1) of the Motor Vehicles (Construction and Use) Regulations 1978(**c**) which are provided by virtue of Regulation 3 below, the Secretary of State is satisfied that —

(*a*) it is requisite that those provisions shall apply as from the date on which these Regulations come into operation to vehicles registered before the expiration of 1 year from the making of these Regulations, and

(*b*) notwithstanding that those provisions will then apply to those vehicles no undue hardship or inconvenience will be caused thereby.

3. The Motor Vehicles (Construction and Use) Regulations 1978 are further amended so that after Regulation 116B there is inserted the following new Regulation:—

"**116C.**—(1) No person shall use, or cause or permit to be used, on a road any motorcycle or moped first used on or after 1st January 1985 if the silencer which forms part of its exhaust system is not either —

(**a**) 1972 c.20. (**b**) S.I. 1979/571 and 1981/238.
(**c**) S.I. 1978/1017; the relevant amending Instruments are S.I. 1980/1166, 1981/1189, 1982/1422 and 1984/386.

(*a*) that with which the vehicle was fitted when it was first used; or

(*b*) clearly and indelibly marked with either —

(i) the relevant British Standard marking indicating that it has been tested in accordance with test 2, or

(ii) a reference to its make and type specified by the manufacturer of the vehicle.

(2) No person shall use, or cause or permit to be used, on a road any motorcycle or moped which is fitted with an exhaust system any part of which is marked with the words "NOT FOR ROAD USE" or words to the like effect.

(3) In this Regulation —

"British Standard marking" means a marking specified in paragraph 6.1 of the British Standard Specification for replacement motorcycle and moped exhaust systems, which came into effect on 30th September 1983 issued by the British Standard Institution under reference number BS AU 193: 1983, and "test 2" means the test so described in that Specification and therein specified;

"exhaust system" means a complete set of components through which the exhaust gases escape from the engine unit of a motorcycle or moped including those which are necessary to limit the noise caused by the escape of those gases; and

"moped" and "motorcycle" have the same meanings as in Regulation 31B.

(4) Nothing in this Regulation derogates from any requirement specified in Regulation 116, 116A, or 116B.".

4. In Regulation 130, in paragraph (1)(*e*)(v), for "greater" substitute "least".

Nicholas Ridley,
Secretary of State for Transport.

15th May 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 by inserting, by virtue of Regulation 3, a new Regulation numbered 116C. This new Regulation requires that no person shall use, or cause or permit to be used, on a road any motorcycle or moped first used on or after 1st January 1985 if the silencer which forms part of its exhaust system is not either that with which the vehicle was fitted when it was first used or marked with either a British Standard marking or a reference to its make and type specified by the manufacturer of the vehicle.

2. The new Regulation numbered 116C also provides that no person shall use, or cause or permit to be used, on a road any motorcycle or moped which is fitted with an exhaust system any part of which is marked with the words "NOT FOR ROAD USE" or words to the like effect.

3. Regulation 2 provides, with reference to section 41(3) of the Road Traffic Act 1972, that the Secretary of State is satisfied that it is requisite that the provisions mentioned in paragraph 1 shall apply before the expiration of 1 year from the date when these Regulations are made, and that no undue hardship or inconvenience will be caused thereby.

4. A minor error is corrected by Regulation 4.

5. Enquiries about the British Standard mentioned in Regulation 116C should be made to the British Standard Institution at Lindford Wood, Milton Keynes, MK14 6CG.

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