STATUTORY INSTRUMENTS

1982 No. 1422

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1982

Made - - - -	*1st October* 1982
Laid before Parliament	*14th October* 1982
Coming into Operation	*5th November* 1982

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

1. These Regulations shall come into operation on 5th November 1982 and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1982.

2. The Motor Vehicles (Construction and Use) Regulations 1978(**c**) shall be further amended so as to have effect in accordance with the following provisions of these Regulations.

3. In Regulation 5 (Application and Exemptions—Type approval), in the Table—

(a) in item 1B, in column 5, after "31" add "31A in so far as it relates to vehicles specified in paragraph (1)(*a*) thereof, and 31E".

(b) after item 1B insert the following new item:—

(**a**) 1972 c. 20.
(**b**) S.I. 1979/571 and 1981/238.
(**c**) S.I. 1978/1017; the relevant amending Regulations are S.I. 1978/1233, 1979/1062, 1980/139, 1166, 1981/1189, 1580.

"1C	and as amended by 81/334/EEC	13th O.J. April L131, 1981 p.6.	The permissible sound level and the exhaust system of motor vehicles	1st January 1982			31, 31A in so far as it relates to vehicles specified in paragraph (1)(*a*) thereof, and 31E	";

(c) after item 14 add the following new items—

"15	78/1015/EEC	23rd November 1978	O.J.L349 13.12.78, p.21	The permissible sound level and exhaust system of motorcycles.	1st October 1980			31B
16	74/151/EEC	4th March 1974	O.J. L84, 28.3.74, p.25	Parts and characteristics of wheeled agricultural or forestry tractors.	1st September 1975			31C ".

4. In Regulation 31A—

(a) for paragraph (2) substitute the following paragraph:—

"(2) Every vehicle mentioned in paragraph (1)(*a*) above shall be so constructed that if the conditions of measurement specified in an item in column (2) of the Table below exist, and the method of measurement specified in that item in column (3) of that Table is used and, in a case to which item 2 applies, the results are interpreted as specified in that item, its sound level, when measured by an instrument specified in that item in column (4) of that Table, does not exceed the limits specified in that item in column (5) of that Table, and the device designed to reduce the exhaust noise meets the requirements specified in that item in column (6)(*a*) of that Table if fibrous absorbent material is not used and in column (6)(*b*) of that Table if fibrous absorbent material is used.

TABLE

(1)	(2)	(3)	(4)	(5)	(6)	
					Requirements of exhaust device	
					(a)	(b)
Item No.	Conditions of Measurement	Method of Measurement and Interpretation of Results	Instrument of Measurement	Limits of sound level	If fibrous absorbent material is not used	If fibrous absorbent material is used
1.	Conditions specified in paragraph I.3 of the Annex to the Council Directive.	Method specified in paragraph I.4.1 of the Annex to the Council Directive.	Instrument specified in paragraph I.2 of the Annex to the Council Directive.	Limits specified in paragraph I.1 of the Annex to the Council Directive	Requirements specified in paragraph II.1 of the Annex to the Council Directive (except in so far as that paragraph refers to paragraphs II.2, II.4, II.5 and II.6).	Requirements specified in column 6(a) of this item plus those specified in paragraphs II.4 to II.4.1.4 and II.6 of the Council Directive.
2.	Conditions specified in paragraph 5.2.2.3 of Annex 1 to the Commission Directive.	Method specified in paragraph 5.2.2.4 of Annex 1 to the Commission Directive; Interpretation of results as specified in paragraph 5.2.2.5 of that Annex.	Instrument specified in paragraph 5.2.2.2 of Annex 1 to the Commission Directive.	Limits specified in paragraph 5.2.2.1 of Annex 1 to the Commission Directive.	Requirements specified in paragraph 5.1 of Annex 1 to the Commission Directive, and the marking requirements in paragraph 3 of that Annex.	Requirements specified in column 6(a) of this item plus those specified in paragraph 5.3.1 of Annex 1 to the Commission Directive."

(b) for paragraph (3) substitute the following paragraph:—

"(3) Every vehicle mentioned in paragraph (1)(*b*) above shall be so constructed that if the conditions of measurement specified in an item in column (2) of the Table below exist, and the method of measurement specified in that item in column (3) of that Table is used and, in a case to which item 2 applies, the results are interpreted as specified in that item, its sound level, when measured by an instrument specified in that item in column (4) of that Table, does not exceed the limits specified in that item in column (5)(a) of that Table in the case of a vehicle mentioned in sub-paragraph (i) or (ii) of the said paragraph (1)(*b*) and in column (5)(*b*) of that Table in the case of a vehicle mentioned in sub-paragraph (iii) of the said paragraph (1)(*b*).

TABLE

(1)	(2)	(3)	(4)	(5)	
				Limits of Sound Level	
Item No.	Conditions of Measurement	Method of Measurement and Interpretation of Results	Instrument of Measurement	(a) Vehicle referred in paragraph (1)(b)(i) or (ii) of this Regulation	(b) Vehicle referred to in paragraph (1)(b)(iii) of this Regulation
1.	Conditions specified in paragraph I.3 of the Annex to the Council Directive.	Method specified in paragraph I.4.1 of the Annex to the Council Directive.	Instrument specified in paragraph I.2 of the Annex to the Council Directive.	Limits specified in paragraph I.1 of the Annex to the Council Directive.	89dB(A)
2.	Conditions specified in paragraph 5.2.2.3 of Annex 1 to the Commission Directive.	Method specified in paragraph 5.2.2.4 of Annex 1 to the Commission Directive; Interpretation of results as specified in paragraph 5.2.2.5 of that Annex.	Instrument specified in paragraph 5.2.2.2 of Annex 1 to the Commission Directive.	Limits specified in paragraph 5.2.2.1 of Annex 1 to the Commission Directive.	89dB(A)

(c) In paragraph (4)—

(i) in the definition of "the Council Directive", after the words "8th March 1977" add the words "but excluding any amendments made by Commission Directive 81/334/EEC of 13 April 1981(a)";

(ii) after the definition of "the Council Directive" insert the following new definition:—

"the Commission Directive" means Council Directive 70/157/EEC as amended by Commission Directive 73/350/EEC, Council Directive 77/212/EEC and Commission Directive 81/334/EEC.".

5. In Regulation 31B, in paragraph (2), after the words "paragraph 3.1 of that Annex" insert the words "(except in so far as that paragraph relates to paragraph 3.2)".

6. In Regulation 31C, in paragraph 2, after the words "paragraph II.1 of the Annex" insert the words "(except in so far as that paragraph relates to paragraph II.2)".

7. In Regulation 31D, for paragraph (3) substitute the following new paragraph:—

"(3) Regulations 31 and 31A do not apply to a vehicle specially constructed, and not merely adapted, for the purposes of fighting fires or salvage from fires on or in the vicinity of airports, having an engine power exceeding 300 HP DIN; and Regulations 31, 31A and 31C do not apply to road rollers.".

8. For Regulation 31E substitute the following Regulation:—

"31E.—(1) Except as provided in Regulation 31D(1), this Regulation applies to every vehicle which—

(a) has a compression ignition engine;

(b) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle;

(c) falls within category I.1.1, I.1.2 or I.1.3 specified in Article 1 of Council Directive 77/212/EEC of 8th March 1977; and

(d) is manufactured on or after 1st April 1983 and first used on or after 1st October 1983.

(2) Every vehicle to which this Regulation applies shall be so constructed that if the conditions of measurement specified in paragraph (2) of the Table below exist and the method of measurement specified in that item in column (3) of that Table is used and, in a case to which item 2 applies, the results are interpreted as specified in that item, its sound level when measured by an instrument specified in that item in column (4) of that Table does not exceed the limit specified in that item in column (5) of that Table and the device designed to reduce the exhaust noise meets the requirements specified in that item in column (5)(*a*) of that Table if fibrous absorbent material is not used and column (5)(*b*) of that Table if fibrous absorbent material is used.

(a) O. J. L131 18.5 1981, p. 6.

TABLE

(1)	(2)	(3)	(4)	(5)	(6)	
					Requirements of exhaust device	
					(a)	(b)
Item No.	Conditions of Measurement	Method of Measurement and Interpretation of Results	Instrument of Measurement	Limit of Sound level	If fibrous absorbent material is not used	If fibrous absorbent material is used
1.	Conditions specified in paragraph I.3 of the Annex to the Council Directive.	Method specified in paragraph I.4.1 of the Annex to the Council Directive.	Instrument specified in paragraph I.2 of the Annex to the Council Directive.	82dB(A)	Requirements specified in paragraph II.1 of the Annex to the Council Directive (except in so far as that paragraph refers to paragraphs II.2, II.4, II.5 and II.6).	Requirements specified in column (6)(a) of this item plus the requirements specified in paragraphs II.4 to II.4.1.4 and II.6 of the Annex to the Council Directive.
2.	Conditions specified in paragraph 5.2.2.3 of Annex 1 to the Commission Directive.	Method specified in paragraph 5.2.2.4 of Annex 1 to the Commission Directive; Interpretation of results as specified in paragraph 5.2.2.5 of that Annex.	Instrument specified in paragraph 5.2.2.2 of Annex 1 to the Commission Directive.	82dB(A)	Requirements specified in paragraph 5.1 of Annex 1 to the Commission Directive, and the marking requirements in paragraph 3 of that Annex.	Requirements specified in column (6)(a) of this item plus those specified in paragraph 5.3.1 of Annex 1 to the Commission Directive.

"

9. Regulation 106 is revoked.

10. After Regulation 116 insert the following new Regulations:—

"Other limitations as to noise

116A. No person shall use or cause or permit to be used on a road any vehicle propelled by an internal combustion engine—

(a) so that the exhaust gases from the engine escape into the atmosphere without first passing through the silencer, expansion chamber or other contrivance with which the vehicle is required by Regulation 30 to be fitted;

(b) with any such silencer, expansion chamber or other contrivance altered or replaced in such a way that the alteration or replacement increases the noise made by the escape of the exhaust gases so that the vehicle does not comply with regulation 116B; or

(c) with any such silencer, expansion chamber or other contrivance which is not in good and efficient working order.

116B.—(1) No person shall use or cause or permit to be used on a road any motor vehicle—

(a) to which Regulation 31, 31A, 31B, 31C or 31E applies or

(b) to which any of those Regulations would apply save for the provisions of Regulation 5

unless it is fitted with such parts as are required to enable it to comply—

(i) if the vehicle is one mentioned in sub-paragraph (*a*) above, with requirements specified in the Regulation mentioned in that sub-paragraph which applies to the vehicle; or

(ii) if the vehicle is one mentioned in sub-paragraph (*b*) above, with the requirements specified in the community directive mentioned in the Table in Regulation 5 with reference to which the vehicle is exempt from the Regulation in question.

(2) Nothing in paragraph (1) above derogates from any requirement specified in Regulation 116.".

David Howell,
Secretary of State for Transport.

1st October 1982.

III/1n

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 as follows:—

(1) the requirements relating to the construction of the vehicles to which Regulations 31A and 31E apply so as to satisfy provisions as to the permissible sound level and the exhaust system are amended so as to admit of the conditions and method of measurement provided for in Commission Directive 81/334/EEC (see Regulations 4 and 8);

(2) the specification of requirements in Regulations 31A, 31B, 31C and 31E by reference to paragraphs in various Council Directives has been more finely stated (see Regulations 4, 5, 6 and 8);

(3) the exemption of road rollers from the provisions of Regulations 31 and 31A has been extended to the provisions of Regulation 31C (see Regulation 7);

(4) the exemptions which result from compliance with the requirements of Community Directives are up-dated so as to take account of those of the provisions of Regulations 31, 31A, 31B, 31C and 31E as relate to those requirements (see Regulation 3); and

(5) the requirements relating to the use and maintenance of vehicles so as to avoid excessive noise are revised by the revocation of the existing Regulation 106 (see Regulation 9) and the introduction of new Regulations 116A and 116B (see Regulation 10). In the new Regulation 116B an addition is made expressly embodying the provision that it is unlawful to use on a road vehicle to which Regulation 31, 31A, 31B, 31C or 31E applies unless the vehicle complies with the constructional requirements specified in those Regulations (or with provisions to be satisfied in order to gain exemption therefrom) so that when the appropriate conditions and methods of measurement are applied the specified limits of sound level are not exceeded and, where appropriate, the requirements specified as to the exhaust device are met.

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