STATUTORY INSTRUMENTS

1980 No. 1166

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 6) Regulations 1980

Made - - - -	*6th August* 1980
Laid before Parliament	18*th August* 1980
Coming into Operation	8*th September* 1980

The Minister of Transport, in exercise of the powers conferred by section 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 8th September 1980, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 6) Regulations 1980.

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 3 (Interpretation), in paragraph (1), after the definition of "half-decked vehicle" insert the following new definition:—

" "HP DIN" means the maximum useful power of an engine ascertained in accordance with Part 6 of the standard published in the Federal Republic of Germany by the Deutsches Institut für Normung with the number DIN 70020 and dated November 1976(**d**);".

4. In Regulation 31 (which deals with noise)—

(*a*) in paragraph (1), for the words "Except as provided in paragraph (2) of this Regulation, every motor vehicle first used after 1st April 1970" substitute the words "Except as provided in Regulation 31D(1), (2) and (3), every motor vehicle first used on or after 1st April 1970, not being a vehicle to which Regulation 31A, 31B, 31C or 31E applies"; and

(*b*) omit paragraph (2).

(**a**) 1972 c. 20. (**b**) S.I. 1979/571

(**c**) S.I. 1978/1017, to which there are amendments not relevant to these Regulations.

(**d**) This document is obtainable from the British Standards Institution.

5. After Regulation 31 insert the following new Regulations:—

"**31A.**—(1) Except as provided in Regulation 31D(1) and (3), this Regulation applies to every motor vehicle, other than a motor vehicle to which Regulation 31E applies, being—

(*a*) a vehicle within the scope of Article 1 of the Council Directive, namely any motor vehicle intended for use on the road, with or without bodywork, having at least four wheels and a maximum design speed exceeding 25 kilometres per hour, with the exception of vehicles which run on rails, agricultural or forestry tractors and machinery and public works vehicles—

(i) in the case of a vehicle to which paragraph I.1.1; I.1.2; I.1.3; I.1.5; I.1.6 and I.1.7 of the Annex to the Council Directive applies, if manufactured on or after 1st April 1983 and first used on or after 1st October 1983,

(ii) in the case of a vehicle to which paragraph I.1.4 of the Annex to the Council Directive applies—

(*a*) being a vehicle manufactured by British Leyland Limited and known as the Atlantean Bus, if manufactured on or after 1st October 1983 and first used on or after 1st October 1984;

(*b*) being any other vehicle, if manufactured on or after 1st April 1983 and first used on or after 1st October 1983;

(*b*) a vehicle not being within the scope of Article 1 of the Council Directive but which is manufactured on or after 1st April 1983 and first used on or after 1st October 1983 and which is:—

(i) a vehicle which has a maximum design speed of 25 kilometres per hour or less but which would, if it had a maximum design speed exceeding 25 kilometres per hour, be within the scope of Article 1 of the Council Directive, or

(ii) a vehicle which is a mechanically propelled vehicle with three wheels (not being a motor cycle with a side-car attached),

(iii) a vehicle, not being a vehicle within the scope of sub-paragraph (i) and (ii) above, which is

(*a*) engineering plant;

(*b*) a locomotive, other than a land locomotive,

(*c*) a motor tractor other than an industrial tractor or a land tractor,

(*d*) a public works vehicle, or

(*e*) a works truck.

(2) Every vehicle to which this Regulation applies and which is a vehicle within the scope of Article 1 of the Council Directive shall be so constructed that when the conditions of measurement specified in paragraph I.3 of the Annex to the Council Directive exist and the method of measurement specified in paragraph I.4.1 of that Annex is applied, its sound level when measured by an instrument specified in paragraph I.2 of that Annex does not exceed the limits specified in paragraph I.1 of that Annex, and that the device designed to reduce the exhaust noise meets the requirements specified in paragraph II.1 of that Annex and, if fibrous absorbent material is used, the requirements specified in paragraphs II.4.1 to II.4.3 of that Annex.

(3) Every vehicle mentioned in paragraph 1(*b*) above shall be so constructed that its sound level when the conditions of measurement specified in paragraph I.3 of the Annex to the Council Directive exist and the method of measurement specified in paragraph I.4.1 of that Annex is applied, when measured by an instrument specified in paragraph I.2 of that Annex does not exceed:—

(*a*) in the case of a vehicle referred to in paragraph (1)(*b*)(i) or (ii) above, the limits specified in paragraph I.1 of that Annex; and

(*b*) in the case of a vehicle referred to in paragraph (1)(*b*)(iii) above, 89dB(A).

(4) In this Regulation—

"the Council Directive" means Council Directive 70/157/EEC of 6th February 1970 on the approximation of the laws of Member States relating to the permissable sound level and the exhaust system of motor vehicles (**a**), as amended by Commission Directive 73/350/EEC of 7th November 1973(**b**) and by Council Directive 77/212/EEC of 8th March 1977(**c**);

"public works vehicle" means any mechanically propelled vehicle which is constructed for use on a road by any statutory undertaker (as defined in section 262(13) of the Local Government Act 1972(**d**)), highway authority, local authority, or the Post Office or the police for the purpose of works which such undertaking, authority or other body has a duty or a power to carry out.

31B.—(1) Except as provided in Regulation 31D(1), this Regulation applies to every vehicle manufactured on or after 1st October 1982 and first used on or after 1st April 1983 being—

(*a*) a motorcycle,

(*b*) a moped, or

(*c*) any other mechanically propelled vehicle with two wheels.

(2) Every motorcycle to which this Regulation applies shall be so constructed that when the conditions of measurement specified in paragraph 2.1.3 of Annex 1 to the Council Directive exist and the method of measurement specified in paragraphs 2.1.4 and 2.1.5.2 to 2.1.5.4 of that Annex is applied the sound level specified in paragraph 2.1.1 of that Annex is not exceeded when measured by an instrument specified in paragraph 2.1.2 of that Annex, and that the device designed to reduce the exhaust noise meets the requirements specified in paragraph 3.1 of that Annex and, if fibrous absorbent material is used, the requirements specified in paragraphs 3.4.1 to 3.4.3 of that Annex.

(3) Every moped to which this Regulation applies shall be so constructed that its sound level satisfies requirements identical to those specified, in relation to motorcycles, in paragraph (2) above save that the maximum permissible sound level in dB(A) when all the conditions and methods of testing there specified, in relation to motorcycles, are employed shall not exceed 73.

(4) Every other vehicle to which this Regulation applies shall be so constructed that its sound level satisfies requirements identical to those

(**a**) O.J. L42 23.2.70, p. 16. (S.E. 1970(I) p.111).
(**b**) O.J. L321 22.11.73, p. 33.
(**c**) O.J. L66 12.3.77, p.33.
(**d**) 1972 c. 70.

specified, in relation to motorcycles, in paragraph (2) above save that the maximum permissible sound level in dB(A) when all the conditions and methods of testing specified in that paragraph, in relation to motorcycles, are employed shall not exceed in the case of a vehicle with an engine the capacity of which is specified in an item in column 2 of the Table below the level specified in that item in column 3 of that Table.

TABLE

1	2	3
Item No.	Engine capacity of vehicle in cubic centimetres	Maximum permissible sound level in dB(A)
1.	80 or less	78
2.	More than 80 but not more than 125	80
3.	More than 125 but not more than 350	83
4.	More than 350 but not more than 500	85
5.	More than 500	86

(5) In this Regulation—

"moped" has the meaning assigned to that expression in Regulation 46(4);

"motorcycle" has the meaning assigned to that expression in Article 1 of the Council Directive, namely, any two-wheeled vehicle, with or without a side-car, fitted with an engine, intended for use on the road and having a maximum design speed of more than 50 kilometres per hour;

"the Council Directive" means Council Directive 78/1015/EEC of 23rd November 1978 on the approximation of laws of Member States on the permissible sound level and exhaust system of motorcycles(**a**).

31C.—(1) Except as provided in Regulation 31D(1), this Regulation applies to every vehicle manufactured on or after 1st October 1982 and first used on or after 1st April 1983 being a land locomotive or a land tractor or an industrial tractor.

(2) Every vehicle to which this Regulation applies shall be so constructed that when the conditions of measurement specified in paragraph I.3 of Annex VI of Council Directive 74/151/EEC(**b**) exist and the method of measurement specified in paragraph I.4.1 of that Annex is applied, its sound level when measured by an instrument specified in paragraph I.2 of that Annex does not exceed—

(*a*) in the case of a vehicle with HP DIN of less than 90, 89dB(A), and

(*b*) in the case of a vehicle with HP DIN of 90 or more, 92dB(A),

and that the device designed to reduce the exhaust noise meets the requirements specified in paragraph II.1 of that Annex and, if fibrous absorbent material is used, the requirements specified in paragraphs II.4.1 to II.4.3 of that Annex.

(**a**) O.J. L349 13.12.78, p. 21. (**b**) O.J. L84, 28.3.74, p 25.

31D.—(1) Regulations 31, 31A, 31B, 31C, and 31E shall not apply to—

(*a*) a motor vehicle proceeding to a place where, by previous arrangement—

(i) noise emitted by it is about to be measured for the purpose of ascertaining whether or not that vehicle complies with Regulation 31 or, as the case may be 31A, 31B, 31C or 31E, or

(ii) the vehicle is about to be mechanically adjusted, modified or equipped for the purpose of securing that it so complies; or

(*b*) a motor vehicle returning from such a place immediately after the noise had been so measured.

(2) Regulation 31 shall not apply to—

(*a*) a vehicle propelled by a compression ignition engine and which is of a type in respect of which a type approval certificate has been issued under the Motor Vehicles (Type Approval) (Great Britain) Regulations 1979(**a**);

(*b*) a motorcycle (as defined in Regulation 31B(5)) which—

(i) is first used on or after 1st October 1980;

(ii) has an engine capacity not exceeding 50 cubic centimetres, and

(iii) complies with the requirements specified (in relation to a vehicle to which Regulation 31B applies) in Regulation 31B(2); or

(*c*) an agricultural or forestry tractor manufactured on or after 7th February 1975 and which complies with the requirements specified (in relation to the vehicle to which Regulation 31C applies) in Regulation 31C(2).

(3) Regulations 31 and 31A shall not apply to—

(*a*) a road roller; or

(*b*) 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, and having an engine power exceeding 300 HP DIN.

31E. Except as provided in Regulation 31D(1), 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

shall be so constructed that its sound level does not exceed 82dB(A) when the conditions of measurement specified in paragraph I.3 of the Annex to the Council Directive (as defined in Regulation 31A(4)) exist and the method of measurement specified in paragraph I.4.1 of that Annex is applied and the sound level is measured by an instrument specified in paragraph I.2 of that Annex and that the device designed to reduce the exhaust noise meets the requirements specified in paragraph II.1 of that Annex and, if fibrous

(a) S.I. 1979/1092, as amended by S.I. 1980/879 and 1165.

absorbent material is used, the requirements specified in paragraphs II.4.1 to II.4.3 of that Annex.".

6. In Regulation 116 (Limitation of noise by measurement)—

(*a*) for paragraph (3) substitute the following paragraph:—

"(3) The maximum sound level permitted for the purpose of paragraph (2) above shall be—

(*a*) in the case of a motor vehicle first used before 1st November 1970, the sound level (A weighting) in decibels shown in an item in column 3 of Schedule 9A in relation to the class of vehicle shown in that item in column 2 of Schedule 9A;

(*b*) in the case of a motor vehicle first used on or after 1st November 1970 but not being a vehicle to which sub-paragraph (*c*) below applies, the sound level (A weighting) in decibels shown in an item in column 4 of Schedule 9A in relation to the class of vehicle shown in that item in column 2 of Schedule 9A;

(*c*) in the case of a vehicle to which Regulation 31A, 31B, 31C or 31E applies the sound level (A weighting) in decibels shown in an item in column 5 of Schedule 9A in relation to the class of vehicle shown in that item in column 2 of Schedule 9A."; and

(*b*) in paragraph (4)—

(i) for sub-paragraphs (*a*) and (*b*) substitute the following sub-paragraphs:—

"(*a*) a motor vehicle proceeding to a place where, by previous arrangement—

(i) noise emitted by it is about to be measured for the purpose of ascertaining whether or not that vehicle complies with Regulation 31 or, as the case may be 31A, 31B, 31C or 31E; or

(ii) the vehicle is about to be mechanically adjusted, modified or equipped for the purpose of securing that it so complies; or

(*b*) a motor vehicle returning from such a place immediately after the noise had been so measured; or"; and

(ii) for sub-paragraph (*e*) substitute the following sub-paragraph:—

"(*e*) a vehicle to which Regulation 31D(3) applies.";

(*c*) omit paragraph (10).

7. For Schedule 9 substitute the following Schedule:—

"SCHEDULE 9 (See Regulation 31(1))

MAXIMUM SOUND LEVELS (A WEIGHTING) IN DECIBELS (dB(A))

Column 1	Column 2
Class or description of vehicle	Regulation 31(1) Maximum dB(A)
1. Motorcycle of which the cylinder capacity of the engine does not exceed 50 cubic centimetres	77
2. Motor cycle of which the said cylinder capacity exceeds 125 cubic centimetres	86
3. Any other motor cycle	82
4. Goods vehicle to which Regulation 42 applies and which is equipped with a plate complying with the requirements of Regulation 42 and showing particulars of a maximum gross weight of more than 3560 kilograms	89
5. Motor car within the meaning of section 190(2)(*b*) of the 1972 Act not being a goods vehicle of the kind described in paragraph 4 above	85
6. Motor tractor	89
7. Locomotive	89
8. Land tractor	89
9. Works truck	89
10. Engineering plant	89
11. Passenger vehicle constructed for the carriage of more than 12 passengers exclusive of the driver	89
12. Any other passenger vehicle	84
13. Any other vehicle not elsewhere classified or described in this column	85

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8. After Schedule 9 insert the following new Schedule:—

"SCHEDULE 9A (See Regulation 116(3))

MAXIMUM SOUND LEVELS (A WEIGHTING) IN DECIBELS (dB(A))

1	2	3	4	5
Item No.	Class of vehicle	Regulation 116(3)(*a*) Maximum dB(A)	Regulation 116(3)(*b*) Maximum dB(A)	Regulation 116(3)(*c*) Maximum dB(A)
1.	Moped (as defined in Regulation46(4))	83	83	79
2.	Motor cycle of which the cylinder capacity of the engine does not exceed 50 cubic centimetres, not being a moped	83	83	81
3.	Motor cycle of which the cylinder capacity of the engine exceeds 125 cubic centimetres	90	89	89
4.	Motor cycle not being a vehicle in item 1, 2 or 3 above	90	85	83
5.	Goods vehicle having a maximum gross weight exceeding 3500 kilograms, but not being a vehicle in item 6 below	92	92	89
6.	Goods vehicle having a maximum gross weight exceeding 12000 kilograms and an engine power of 200 HP DIN or more	92	94	91
7.	Goods vehicle not being a vehicle in item 5 or 6 above	88	88	85
8.	Motor tractor (other than a land tractor or an industrial tractor), locomotive (other than a land locomotive), works truck or engineering plant	92	92	92
9.	Land tractor, land locomotive or industrial tractor with an engine power of 90 HP DIN or less	92	92	92

1	2	3	4	5
Item No.	Class of vehicle	Regulation 116(3)(*a*) Maximum dB(A)	Regulation 116(3)(*b*) Maximum dB(A)	Regulation 116(3)(*c*) Maximum dB(A)
10.	Land tractor, land locomotive or industrial tractor with an engine power greater than 90 HP DIN	92	92	95
11.	Passenger vehicle constructed for the carriage of more than 8 passengers (exclusive of the driver), or to which Regulation 31E applies but not being a vehicle in item 12 below	92	92	85
12.	Passenger vehicle constructed for the carriage of more than 8 passengers (exclusive of the driver), and having an engine power equal to or exceeding 200 HP DIN	92	94	88
13.	Passenger vehicle not being a vehicle in item 11 or 12 above	87	87	83
14.	Vehicle not being a vehicle in any item above	92	92	92

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Norman Fowler,
Minister of Transport.

6th August 1980.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

1. These Regulations amend the Motor Vehicles (Construction and Use) Regulations 1978 by introducing new requirements relating to permissible sound levels and exhaust systems.

2. Council Directive 70/157/EEC (as amended by Council Directives 73/350/EEC and 77/212/EEC) provides harmonised requirements relating to

the permissible sound level and the silencers of certain motor vehicles. Regulation 31A(1)(*a*) and (2) provides that a vehicle to which the Regulation applies and which is in the scope of that Directive, in some cases if manufactured on or after 1st April 1983 and first used on or after 1st October 1983 and some cases if manufactured on or after 1st October 1983 and first used on or after 1st October 1984, shall be so constructed that when certain conditions and methods of measurement are applied the device designed to reduce the exhaust noise meets certain requirements specified in the Directive. Regulation 31A(1)(*b*) and (3) provides that a vehicle to which the Regulation applies but which is not in the scope of that Directive if manufactured on or after 1st April 1983 and first used on or after 1st October 1983 shall be so constructed that when certain conditions and methods of measurement are applied its sound level shall not exceed certain limits.

3. Council Directive 78/1015/EEC provides harmonised requirements relating to the permissible sound level of motorcycles. To comply with the new Regulation 31B every motorcycle within the scope of that Directive and manufactured on or after 1st October 1982 and first used on or after 1st April 1983 must be so constructed as to satisfy the requirements specified in those of the paragraphs of the Annex to the Directive which are mentioned in paragraph (2) of Regulation 31B if tested in the circumstances and by the methods mentioned in that paragraph. And certain other vehicles (specified in Regulation 31B(1)(*b*) and (*c*)) must be constructed so that their sound level satisfies the requirements specified in paragraph (3) or (4) of Regulation 31B when tested in those circumstances and by those methods.

4. Council Directive 74/151/EEC provides harmonised requirements relating to certain parts and characteristics (including the permissible sound level and the silencers) of certain agricultural or forestry tractors. To comply with the new Regulation 31C every vehicle manufactured on or after 1st October 1982 and first used on or after 1st April 1983 being an agricultural or forestry tractor and a land locomotive or a land tractor, or an industrial tractor, must be so constructed that its sound level satisfies the requirements specified in paragraph (2) of that Regulation when certain conditions and methods of measurement are applied.

5. The new Regulation 31D contains certain exemptions from the requirements mentioned in paragraphs 2, 3 and 4 above and 6 below.

6. The new Regulation 31E provides that certain all-wheel drive vehicles manufactured on or after 1st April 1983 and first used on or after 1st October 1983 shall be so constructed that their sound level does not exceed 82dB(A) when certain conditions and methods of measurement are applied.

7. Regulation 116 (which impses in-use requirements relating to the limitation of noise by measurement) is amended, and a new Schedule 9A is introduced, so as to take account of the new requirements introduced by Regulations 31A, 31B, 31C and 31E.

8. Minor consequential amendments are made to Regulations 3 and 31 and to Schedule 9.