STATUTORY INSTRUMENTS

1968 No. 362

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) Regulations 1968

Made - - - -	11*th March* 1968
Laid before Parliament	25*th March* 1968
Coming into Operation	1*st July* 1968

The Minister of Transport, in exercise of her powers under section 64(1) of the Road Traffic Act 1960(a) as amended by section 51 of, and Schedule 4 to, the Road Traffic Act 1962(b) and of all other powers her enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the said Act of 1960, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on 1st July 1968, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations 1968.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(3) In these Regulations the expression "the Principal Regulations" means the Motor Vehicles (Construction and Use) Regulations 1966(d), as amended(e).

2. The Principal Regulations shall be varied by inserting in Regulation 3(1) next after the definition of the expression "dual-purpose vehicle", the two following definitions:—

" "engineering plant" has the same meaning as in Part III of the Motor Vehicles (Authorisation of Special Types) General Order 1966(f);

"exhaust brake" means a device with which a vehicle is fitted as a means of using cylinder pressure or exhaust back pressure so as to provide for the vehicle a retarding force greater than would ordinarily result for a vehicle not so fitted;."

3. The Principal Regulations shall be varied by inserting next after Regulation 21 the following Regulation:—

(a) 8 & 9 Eliz. 2. c. 16.
(b) 10 & 11 Eliz. 2. c. 59.
(c) 52 & 53 Vict. c. 63.
(d) S.I. 1966/1288 (1966 III. p. 3493).
(e) There is no relevant amending instrument.
(f) S.I. 1966/1289 (1966 III. p. 3579).

"*Noise*

21A.—(1) Except as provided in the next following paragraph of this Regulation, every motor vehicle registered after 1st April 1970 shall be so constructed that, at a time when the noise emitted by it is measured under the specified conditions by an apparatus of the kind prescribed by paragraph (3) of this Regulation, the sound level (A weighting) in decibels indicated by that apparatus in relation to the said noise so measured does not exceed the sound level which appears in Column 2 of Schedule 9 as the maximum sound level (A weighting) in decibels permitted for the relevant class or description of vehicle shown against that sound level in Column 1 of that Schedule.

(2) This Regulation shall not apply—

(*a*) to 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 this Regulation, or

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

(*b*) to a motor vehicle returning from such a place immediately after the noise has been so measured, or the vehicle has been so adjusted, modified or equipped, or

(*c*) to a road roller.

(3) The apparatus prescribed for the purposes of paragraph (1) of this Regulation shall be a noise meter—

(*a*) which, at the time when it is used for those purposes, is in good working order and complies with the requirements laid down by the British Standards Institution for vehicle noise meters in Part I of the British Standard Specification for Sound Level Meters published on 7th September 1962 under the number B.S. 3539: 1962, and

(*b*) of which the overall performance and calibration have been checked as provided by clause 7 of that British Standard in a test of the meter conducted not more than 12 months before the date of the measurement made in accordance with the said paragraph (1), and

(*c*) in respect of which a certificate recording the date on which the calibration has been so checked has been issued by the National Phsyical Laboratory, the British Standards Institution or the Minister.

(4) In this Regulation, "the specified conditions" means the method of measuring the noise emitted by motor vehicles (excluding signalling devices) which is described by the British Standard Method for the Measurement of Noise Emitted by Motor Vehicles published on 24th June 1966 under the number B.S. 3425: 1966.

(5) The definition of sound level (A weighting) in decibels contained in clause 2 of the British Standard numbered B.S. 3539: 1962 shall apply for the purposes of this Regulation and Schedule 9."

4. The Principal Regulations shall have effect as though from Regulation 86 (which relates to excessive noise) there were omitted the words "either directly or indirectly as a result of" (which occur in the second and third lines of the Regulation) and the two sub-paragraphs (*a*) and (*b*) which immediately follow those words.

5. The Principal Regulations shall be varied by inserting next after Regulation 87 the following Regulation:—

"*Limitation of noise by measurement*

87A.—(1) Except as provided in paragraph (4) of this Regulation, this Regulation applies to any vehicle which is a motor vehicle registered on or after 1st January 1931 or which is a trailer.

(2) Subject to the following provisions of this Regulation, no person shall use or cause or permit to be used on a road any vehicle to which this Regulation applies if—

(*a*) at a time when the noise emitted by that vehicle is measured under the conditions set out in Schedule 10 by an apparatus of the kind prescribed by paragraph (5) of this Regulation, there is indicated by that apparatus in relation to the said noise so measured a sound level (A weighting) in decibels which exceeds the maximum sound level permitted in relation to that vehicle by the next following paragraph, and

(*b*) the sound level of such noise as is described in paragraph 4 of Schedule 10 when measured in accordance with the provisions of that paragraph is found to be at least 10 decibels (A weighting) below the sound level indicated as hereinbefore provided by the said apparatus in relation to the noise emitted by the vehicle.

(3) The maximum permitted sound level for the purposes of the last preceding paragraph shall be—

(*a*) if the vehicle to which this Regulation applies is a motor vehicle registered before 1st November 1970, the sound level (A weighting) in decibels which appears in Column 3 of Schedule 9 as the maximum sound level permitted for the relevant class or description of vehicle shown against that sound level in Column 1 of that Schedule, and

(*b*) if the vehicle to which this Regulation applies is a motor vehicle registered on or after 1st November 1970, the sound level (A weighting) in decibels which appears in Column 4 of Schedule 9 as the maximum sound level permitted for the relevant class or description of vehicle shown against that sound level in Column 1 of that Schedule.

(4) This Regulation shall not apply—

(*a*) to 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 21A, or

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

(*b*) to a motor vehicle returning from such a place immediately after the noise has been so measured, or the vehicle has been so adjusted, modified or equipped, or

(*c*) to a vehicle at a time when it is stationary otherwise than through enforced stoppage owing to the necessities of traffic and at the same time Regulation 88, by virtue of the proviso thereto, does not apply in relation to that vehicle, or

(*d*) to a motor vehicle registered before the date mentioned in paragraph (3)(*a*) of this Regulation at a time when an exhaust brake with which that vehicle is fitted is in operation, or

(*e*) to a road roller.

(5) The apparatus prescribed for the purposes of paragraph (2) of this Regulation shall be a noise meter of the same kind as that prescribed for the purposes of paragraph (1) of Regulation 21A and paragraph (3) of that Regulation shall have effect in relation to this Regulation as if any references therein to paragraph (1) of Regulation 21A were references to paragraph (2) of this Regulation.

(6) It shall be a good defence to proceedings taken in respect of the use of a vehicle which does not comply with this Regulation to prove the matters which would, by virtue of either proviso (i) or proviso (ii) to Regulation 86, constitute a good defence to proceedings taken in respect of the use of a motor vehicle which does not comply with that Regulation.

(7) The definition of sound level (A weighting) in decibels specified in Regulation 21A (5) shall apply for the purposes of this Regulation and Schedules 9 and 10.

(8) In this Regulation and Schedule 10, any reference to noise emitted by a vehicle shall be construed as including a reference to noise howsoever arising which is attributable to any load, burden or goods carried on or by the vehicle or to anything (other than an audible warning instrument fitted in accordance with Regulation 20(1) or an instrument or apparatus fitted in accordance with Regulation 20(5)) fitted to it, or attributable to the manner in which the vehicle is loaded or fitted.

(9) Where any motor vehicle to which this Regulation applies is drawing a trailer, this Regulation and Schedules 9 and 10 shall have effect in relation to that motor vehicle as if any reference to it were a reference both to the motor vehicle and to the trailer drawn thereby."

6. The Principal Regulations shall be varied by adding after Schedule 8 the following Schedules:—

SCHEDULE 9

Maximum Sound Levels (A weighting) in Decibels (dBA)

Column 1	Column 2	Column 3	Column 4
Class or description of vehicle	Regulation 21A Maximum (dBA)	Regulation 87A(3)(*a*) Maximum (dBA)	Regulation 87A(3)(*b*) Maximum (dBA)
1. Motor cycle of which the cylinder capacity of the engine does not exceed 50 cubic centimetres	77	80	80
2. Motor cycle of which the said cylinder capacity exceeds 125 cubic centimetres	86	90	89
3. Any other motor cycle	82	90	85
4. Goods vehicle to which Regulation 28 applies and which is equipped with a plate complying with the requirements of paragraph (2) of that Regulation and showing particulars of a maximum gross weight of more than 3½ tons	89	92	92
5. Goods vehicle registered before 1st January 1968 which complies with the requirements of Regulation 70(3)(*c*) and is equipped with such a plate as aforesaid notwithstanding that Regulation 28 does not apply to that vehicle by reason only that it was so registered	89	92	92
6. Motor tractor	89	92	92
7. Locomotive	89	92	92
8. Land tractor	89	92	92
9. Works truck	89	92	92
10. Engineering plant	89	92	92

Column 1	Column 2	Column 3	Column 4
Class or description of vehicle	Regulation 21A Maximum (dBA)	Regulation 87A(3)(*a*) Maximum (dBA)	Regulation 87A(3)(*b*) Maximum (dBA)
11. Passenger vehicle constructed for the carriage of more than 12 passengers exclusive of the driver	89	92	92
12. Any other passenger vehicle	84	87	87
13. Motor car within the meaning of section 253(2)(*b*) of the 1960 Act not being a goods vehicle of either of the kinds described in paragraphs 4 and 5 of this Column	85	88	88
14. Any other vehicle not elsewhere classified or described in this column	85	92	88

SCHEDULE 10

Conditions mentioned in Regulation 87A(2)

1. At the time when the noise emitted by the vehicle is measured, the microphone of the apparatus shall be so placed that the top of the microphone is set at a height of not less than 3 feet 9 inches and not more than 4 feet 1 inch above a point at ground level which is not less than 17 feet away from the nearest part of the carriageway on which the vehicle is being used.

2.—(1) For the purposes of this paragraph, the area in the vicinity of the microphone shall be treated as comprising areas the situation and extent of which shall be determined by reference to a line joining a point at ground level above which the microphone is placed to the said nearest part of the carriageway and in accordance with the diagram at the end of this Schedule including the directions contained therein; and the said areas shown marked I, II, III or IV on the said diagram are hereafter in this Schedule respectively referred to as the areas so marked.

(2) At the time when the noise is measured there shall not be:—

(*a*) in the area marked I, any physical object higher than 2 feet above ground level;

(*b*) in the area marked II, any physical object higher than 3 feet above ground level; and

(*c*) in the areas marked III or IV, any physical object higher than 5 feet above ground level:

Provided that the requirements at (*c*) above shall not apply in relation to the following objects or to any of them, that is to say:—

(i) to plants, shrubs, trees or any other kind of vegetation, or

(ii) to any physical object, of which a continuous surface less than 1 foot wide over all its height would be visible in daylight, to a person looking at it from the point above which the microphone is placed and whose eye level is at the height of the microphone.

(3) For the purpose of sub-paragraph (2) of this paragraph, neither the vehicle nor any part thereof, nor any person nor thing in or on the vehicle, nor the apparatus nor any part thereof, nor any persons being less than 3 in number attending the apparatus, shall be taken into account.

3. At the time when the noise emitted by the vehicle is measured, the vehicle shall be wholly or partly on a part of the road which falls within the area marked IV on the said diagram.

4. As soon as the vehicle has left the area marked IV on the said diagram the apparatus shall be used to measure the sound level (A weighting) in decibels of such noise as is then capable of affecting the sound level indications of the apparatus, such measurement being carried out in the manner in which the measurement of the sound emitted by the vehicle was carried out and under the conditions applicable under the foregoing provisions of this Schedule, excluding paragraphs 2(2)(*c*) and 3.

DIAGRAM

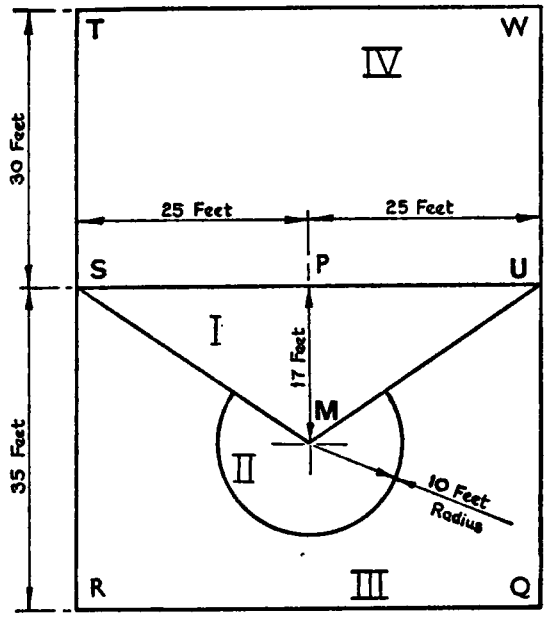


DIAGRAM DIRECTIONS (*including Key and Dimensions*)

M = a point at ground level above which the microphone is placed.

P = the nearest part of the carriageway to the microphone.

The area marked I consists of the triangle MSU.

The area marked II consists of so much of the circle of radius 10 feet with centre at M as does not enclose any part of the area marked I.

The area marked III consists of so much of the rectangle RSUQ as does not enclose any parts of the areas marked I or II.

The area marked IV consists of the rectangle STWU.

DIMENSIONS

The distance MP is not less than 17 feet.

The lengths of SR, and UQ are each 35 feet.

The lengths of TW, SU, and RQ are each 50 feet.

The lengths of SP, and PU are each 25 feet.

The lengths of TS, and WU are each 30 feet.

Given under the official Seal of the Minister of Transport the 11th March 1968.

(L.S.) *Barbara Castle,*
Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1966 by—

(i) requiring that every motor vehicle registered after 1st April 1970 shall be so constructed that when the noise emitted by it is measured under specified conditions by an apparatus of a prescribed kind the sound level indicated by the apparatus in relation to that noise does not exceed the maximum sound level (A weighting) in decibels which appears in Schedule 9 for the class or description of motor vehicle to which it belongs—(Regulation 21A(1));

(ii) providing for Regulation 21A not to apply to vehicles undertaking journeys for certain purposes and to road rollers—(Regulation 21A(2));

(iii) prescribing as the kind of apparatus mentioned in (i) above a noise meter, its specification, performance and calibration—(Regulation 21A(3));

(iv) defining the specified conditions referred to in paragraph (i) above as the method of measuring the noise emitted by motor vehicles described by British Standard B.S. 3425:1966 and prescribing the definition of "sound level (A weighting) in decibels" to apply for the purposes of this Regulation and of Schedule 9 (Regulation 21A(4) and (5));

(v) omitting from Regulation 86 certain provisions with regard to potential causes of excessive noise;

(vi) requiring that there shall not be used or permitted to be used on a road a motor vehicle registered after 1930 or trailer if—

(*a*) when the noise emitted by it is measured under the conditions set out in Schedule 10 by an apparatus of a prescribed kind there is indicated by the apparatus in relation to that noise a sound level which exceeds, in the case of a motor vehicle registered before 1st November 1970 the maximum sound level prescribed in column 3 of Schedule 9 and in the case of a motor vehicle registered after 31st October 1970 the level prescribed in column 4 of Schedule 9, and

(*b*) the sound level of such noise as is described in paragraph 4 of Schedule 10 and measured in accordance with that paragraph is found to be at least 10 decibels (A weighting) below the sound level indicated by the apparatus in relation to the noise emitted by the vehicle—(Regulation 87A(2) and (3));

(vii) providing for Regulation 87A not to apply to vehicles undertaking journeys for certain purposes, to road rollers and to certain vehicles while stationary or while using an exhaust brake—(Regulation 87A(4));

(viii) prescribing as the kind of apparatus mentioned in (vi) above a noise meter as provided by Regulation 21A(3) see paragraph (iii) above—(Regulation 87A(5));

(ix) providing certain defences in the event of proceedings, making provision for a definition of the expression "sound level (A weighting) in decibels" for the purposes of Regulation 87A and Schedules 9 and 10, and for the way in which references in Regulation 87A and Schedule 10 to the expression "noise emitted by a vehicle" are to be construed—(Regulation 87A(6),(7) and (8));

(x) providing for the case where a motor vehicle is drawing a trailer that Regulation 87A and Schedules 9 and 10 are to have effect in relation to the motor vehicle as if references to it were references both to that vehicle and to the trailer drawn by it—(Regulation 87A(9));

(xi) setting out the maximum sound levels permitted for each listed class or description of vehicle—(Schedule 9); and lastly

(xii) providing the conditions under which noise is measured for the purposes of Regulation 87A(2) (Schedule 10).