



Notification Number: 1994/281/UK

## THE MOTOR CYCLE SILENCER REGULATIONS 1994.

Date received : 13/09/1994

End of Standstill : 15/12/1994

### Message

MINISTERE DE L'INDUSTRIE ET DE LA RECHERCHE  
ATT. M. MORTUREUX

INSTITUT BELGE DE NORMALISATION,  
ATT. M. CROON

INSPECTION DU TRAVAIL ET DES MINES  
VIA MINISTERE DES AFFAIRES ETRANGERES  
ATT. M. A. SCHUSTER

MINISTERE DE L'INDUSTRIE  
ATT. M. CAVANNA

DEPT. OF TRADE AND INDUSTRY, QUALITY AND EDUCATION DIVISION,  
ATT. MR. K. LAWLESS

GOVERNMENT SERVICE OF INDUSTRY AND COMMERCE, NSAI  
ATT. MR. J. NULTY

MINISTERIE VAN ECONOMISCHE ZAKEN, (DG BEB),  
ATT. MR. B. SIEBRING

ERHVERVSFREMME STYRELSEN  
INDUSTRIMINISTERIET  
ATT. MR. KELD DYBKJAER AND KLAUS SPOEHR

MINISTRY OF INDUSTRY, ENERGY & TECHNOLOGY  
ATT. MR. Z.P. MAVROUKAS

HELLINIKOS ORG. TYPOPISOES  
ATT. MR. MELAGRAKIS

MIN WIRTSCHAFT  
ATT. DR. WINKEL

MIN PARA RELACIONES CON LA COMUNIDA  
ATT MR. D. ALFREDO RAMBLA JOVANI



MIN INDUSTRIA  
ATT MR. ADALBERTO PEREA MARTIN, ESPAGNE

DIRECCIO GERAL QUALIDAD  
ATT MR. CANDIDO DOS SANTOS, PORTUGAL

DGS INTERNATIONAL BELGIUM

REP PERMANENTE ROYAUME UNI

REP PERMANENTE IRLANDE

REP PERMANENTE GRECE

EUROPEAN FREE TRADE ASSOCIATION SURVEILLANCE AUTHORITY  
ATT. M. BOHR

EUROPEAN FREE TRADE ASSOCIATION  
ATT. MS. MEADEN

TELEX 001

COMMUNICATION FROM THE COMMISSION - SG (94) D/51392  
DIRECTIVES 83/189/EEC AND 88/182/EEC

NOTIFIKATION - NOTIFIZIERUNG - NOTIFICATION - NOTIFICACION  
NOTIFICATION - NOTIFICA - KENNISGEVING - NOTIFICACAO 94/0281/UK

FRISTERNE INDLEDES IKKE -KEIN FRISTBEGINN - DOES NOT OPEN THE  
DELAYS - NO ABRE EL PLAZO - N'OUVRE PAS DE DELAIS - NON FA  
DECORRERE LA MORA - GEEN TERMIJNBEGIN - NAO INICIA O PRAZO

- 3B1 : 9401392.EN

**1. Structured Information Line**

TLX 001 IND- 94 0281 UK- EN ----- 940914 --- ---

**2. Member State**

UNITED KINGDOM.

**3. Department Responsible**

DEPARTMENT OF TRADE AND INDUSTRY: STANDARDS POLICY UNIT.

**3. Originating Department**

THE DEPARTMENT OF TRANSPORT.

**4. Notification Number**

94/0281/UK

**5. Title**

THE MOTOR CYCLE SILENCER REGULATIONS 1994.



## **6. Products Concerned**

MOTOR CYCLE SILENCERS.

## **7. Notification Under Another Act**

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## **8. Main Content**

A. THE MAIN AIM OF THE DRAFT REGULATIONS IS TO INTRODUCE INTO UNITED KINGDOM LAW, REQUIREMENTS THAT AFTER-MARKET OR REPLACEMENT SILENCERS FOR EXHAUST SYSTEMS, ARE NOT SOLD OR OTHERWISE SUPPLIED UNLESS THEY ARE MARKED, PACKAGED, LABELLED AND SUPPLIED WITH INFORMATION IN ACCORDANCE WITH EC DIRECTIVE 89/235/EEC, BRITISH STANDARD SPECIFICATIONS AU 193:1983 T2 OR BSS AU 193/1990 T2 OR T3.

THE REGULATIONS FOLLOW THE ROAD VEHICLES (CONSTRUCTION AND USE) AMENDMENT REGULATIONS 1994, WHICH WERE THE SUBJECT OF NOTIFICATION 93/0161/UK, AND CAME INTO EFFECT IN UK LAW ON 1 JULY 1994.

THE 'C U' REGULATIONS INTRODUCED INTO UK LAW THE CONSTRUCTION REQUIREMENTS OF EC DIRECTIVE 89/235/EEC AND BRITISH STANDARD SPECIFICATION AU 193A 1990, THE EFFECT OF WHICH WAS BROADLY SIMILAR. THE DIRECTIVE, WHICH APPLIED TO BOTH ORIGINAL AND REPLACEMENT SILENCERS, FOR THE FIRST TIME PRESCRIBED THAT SILENCERS SHOULD BE MARKED 'E' TO INDICATE COMPLIANCE WITH THE DIRECTIVE. THE BRITISH STANDARD SPECIFICATION ALSO CONTAINED PROVISION FOR MARKING TO INDICATE COMPLIANCE WITH THE STANDARD AND APPLIED TO MOPEDS AS WELL AS MOTOR CYCLES.

THE 'C U' REGULATIONS ALSO REQUIRED SILENCERS FITTED TO MOTORCYCLES OR MOPEDS FIRST USED FROM 1 JANUARY 1985 TO BE MARKED TO THE 1983 BSS IF MANUFACTURED TO THAT STANDARD. UNDER THE REGULATIONS, ORIGINAL SILENCERS COULD ALSO CONTINUE TO BE MANUFACTURED AND MARKED TO EC DIRECTIVES 87/56/EEC AND 78/1015/EEC, IN RESPECT OF MOTOR CYCLES OF A CERTAIN DATE, BUT THE MARKING REQUIREMENTS OF THOSE DIRECTIVES WERE FOR INFORMATION RATHER THAN INDICATING COMPLIANCE WITH THE DIRECTIVE (NOR, OF COURSE, DID THEY CONTAIN REQUIREMENTS AS TO AS TO PACKAGING, LABELLING AND THE PROVISION OF INFORMATION).

THE CURRENT REGULATIONS PROHIBIT THE SUPPLY OR SALE OF REPLACEMENT SILENCERS UNLESS THEY ARE MARKED IN ACCORDANCE WITH AND INDICATE COMPLIANCE WITH THE LATEST EC DIRECTIVE OR THE BSS REFERRED TO ABOVE. AS INDICATED ABOVE, THE 'C U' REGULATIONS ALREADY MAKE REQUIREMENTS AS TO MARKING OF REPLACEMENT SILENCERS AT THE CONSTRUCTION/MANUFACTURE STAGE. THE CURRENT REGULATIONS



WILL ENFORCE THAT REQUIREMENT AT POINT OF SALE.

THE CURRENT REGULATIONS ALSO INTRODUCE INTO UK LAW REQUIREMENTS WITH REGARD TO THE PACKAGING, LABELLING AND SUPPLY OF INFORMATION FOR REPLACEMENT SILENCERS. THESE REQUIREMENTS, WHICH ARE DETAILED IN THE SCHEDULE, ARE BROADLY AS CONTAINED IN THE EC DIRECTIVE AND THE BSSS.

REGULATION 5(6)-(8) RECOGNISES, AS EQUIVALENT TO THE BRITISH STANDARD SPECIFICATIONS, STANDARDS OR CODES OF PRACTICES OF A NATIONAL BODY OF ANY STATE IN THE EEA, INTERNATIONAL STANDARDS RECOGNISED FOR USE AS A STANDARD BY SUCH A STATE AND TECHNICAL SPECIFICATIONS OR CODES OF PRACTICE WHICH, WHETHER MANDATORY OR NOT, ARE RECOGNISED FOR USE AS A STANDARD BY A PUBLIC AUTHORITY OF SUCH A STATE. THE EQUIVALENT OR CORRESPONDING STANDARD MUST OF COURSE PROVIDE AN EQUIVALENT LEVEL OF CONTROL OF NOISE LIMITATION AND SAFETY.

THE CORRESPONDING STANDARDS REFERRED TO IN REGULATION 5(7) ARE - WITH THE EXCEPTION OF THE ADDITIONAL REFERENCE TO THE EEA - AS AGREED WITH THE COMMISSION FOR INCLUSION IN THE TYRES (SAFETY) (AMENDMENT) (REGULATIONS) (NOTIFICATION 93/0075). IN OUR VIEW SIMILAR CONSIDERATIONS APPLY. THESE PROVISIONS WERE ALSO INCLUDED IN THE ROAD VEHICLES (CONSTRUCTION AND USE) (AMENDMENT) REGULATIONS 1994 (NOTIFICATION 93/0161/UK) WHICH, AS INDICATED ABOVE, INITIALLY IMPOSED THE MARKING REQUIREMENTS FOR SILENCERS AT THE CONSTRUCTION/MANUFACTURE STAGE AND WHICH THE NEW REGULATIONS WILL ENFORCE AT THE POINT OF SALE.

THE REGULATIONS WILL NOT IMPOSE REQUIREMENTS ON REPLACEMENT SILENCERS SUPPLIED FOR FITTING TO MACHINE FIRST USED BEFORE 1 JANUARY 1985, OTHER THAN THAT THE SILENCER IS MARKED OR LABELLED TO INDICATE THIS AS PROVIDED IN THE REGULATIONS. THE REGULATIONS WILL ALSO NOT APPLY TO A SILENCER SUPPLIED AS PART OF A COMPLETE MACHINE.(I.E. ONLY REPLACEMENT SILENCERS ARE AFFECTED).

THE REGULATIONS ALLOW UNTIL 1 AUGUST 1996 FOR SILENCERS NOT MARKED IN COMPLIANCE WITH THE CONSTRUCTION AND USE REGULATIONS TO BE SOLD.

B. THE UNITED KINGDOM WOULD LIKE TO BE INFORMED BY OTHER MEMBER STATES OF THEIR OWN STANDARDS OR REGULATIONS OFFERING AN EQUIVALENT LEVEL OF SAFETY AND SECURITY.

#### **9. Brief Statement of Grounds**

TO INTRODUCE INTO UK LAW THE MARKING ETC REQUIREMENTS OF EC DIRECTIVE 89/235/EEC, BSS AU 193:1983 AND BSS AU 1990 T2 AND T3 IN RELATION TO THE SUPPLY OR SALE OF REPLACEMENT



SILENCERS. UNDERLYING THE REGULATIONS IS THE UK GOVERNMENT'S CONCERN TO REFLECT THE INCREASING CONCERN BY THE PUBLIC AT LARGE FOR IMPROVEMENTS IN THE ENVIRONMENT. THE REGULATIONS WILL ENABLE MORE EFFECTIVE ENFORCEMENT OF THE SALE OF REPLACEMENT/AFTER - MARKET SILENCERS AT POINT OF SALE BY TRADING STANDARDS OFFICERS.

THE REGULATIONS WILL SUSTAIN, IN USE, THE IMPROVEMENTS IN NOISE EMISSIONS NOW BEING ACHIEVED THROUGH THE PROGRESSIVE REDUCTION OF NOISE LIMITS FOR NEW MACHINES.

#### **10. Reference Documents - Basic Texts**

DRAFT DOCUMENTS

THE DRAFT MOTOR CYCLE SILENCER REGULATIONS 1994

BASIC TEXTS:

THE ROAD VEHICLES (CONSTRUCTION AND USE) (AMENDMENT) REGULATIONS 1994 (NOTIFICATION 93/0161/UK

COPIES OF THE BRITISH STANDARD SPECIFICATIONS:

BS AU 193 1983 - BS AU 193A 1990

THE MOTOR CYCLE NOISE ACT 1987 (UNDER WHICH THE REGULATIONS ARE TO BE MADE).

TRADE DESCRIPTIONS ACT 1968: CHAPTER 29

#### **11. Invocation of the Emergency Procedure**

NO

#### **12. Grounds for the Emergency**

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D. WILLIAMSON  
COMEUR  
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