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 S T A T U T O R Y   I N S T R U M E N T S
 

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1980 No. 765

## ROAD TRAFFIC

**The Motorcycles (Sound Level Measurement Certificates)  
Regulations 1980**
*Made* - - - - 19th May 1980*Laid before Parliament* 12th June 1980*Coming into Operation* 3rd July 1980

## ARRANGEMENT OF REGULATIONS

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The Minister of Transport, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme, in exercise of the powers conferred on him by the said section 2(2) and of all other enabling powers, hereby makes the following Regulations:—

### *Commencement and citation*

1. These Regulations shall come into operation on 3rd July 1980 and may be cited as the Motorcycles (Sound Level Measurement Certificates) Regulations 1980.

### *Interpretation*

2.—(1) In these Regulations—

“information document” means a document in the form specified in Schedule 1;

“Member State” means any State which is a member of the European Economic Community;

“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;

“road” has the meaning assigned to that expression in section 196(1) of the Road Traffic Act 1972(c);

“sound level measurement certificate” means a certificate in the form specified in Schedule 2 and “an affirmative sound level measurement certificate” means a sound level measurement certificate which indicates that the type of vehicle to which it relates complies with the harmonized requirements specified in the Council Directive;

“the Council Directive” means Council Directive 78/1015/EEC of 23rd November 1978 on the approximation of the laws of Member States on the permissible sound level and exhaust system of motorcycles(d);

“the Minister” means the Minister of Transport; and

“the prescribed characteristics”, in relation to a vehicle, means the parts or characteristics specified in Schedule 3.

(2) Any notice required under these Regulations to be given by or to any person shall be given in writing.

(3) Unless the context otherwise requires, any reference in these Regulations to—

(a) a numbered Regulation or Schedule is a reference to the Regulation of or Schedule to these Regulations bearing that number;

(b) a numbered paragraph is a reference to the paragraph bearing that number in the Regulation or Schedule in which that number appears.

(a) S.I. 1972/1811.

(b) 1972 c. 68.

(c) 1972 c. 20.

(d) O.J. L349, 13.12.78, p. 21.

*Application for sound level measurement certificate*

3.—(1) An application by or on behalf of a manufacturer of a motorcycle for a sound level measurement certificate shall be made in writing to the Minister and shall be accompanied by an information document duly completed so as to furnish all the information required by that document.

(2) Where, under this Regulation, an application has been made to the Minister in respect of a motorcycle of a particular type, then until that application has been disposed of or, where an appeal is made under Regulation 9 in respect of the decision on that application, until that appeal has been disposed of no similar application in respect of a motorcycle of that type shall be made by or on behalf of the same manufacturer to the competent authority of any other Member State.

*Issue of sound level measurement certificate, and cancellation or suspension for breach of condition*

4.—(1) Subject to paragraphs (2) and (3), the Minister shall in respect of an application made to him by or on behalf of the manufacturer of a motorcycle, issue in respect of the type of vehicle of which the vehicle examined is one, a sound level measurement certificate specifying, in particular, whether or not that type of vehicle complies with the harmonized requirements.

(2) An affirmative sound level measurement certificate shall not be issued by the Minister in respect of a motorcycle unless he is satisfied that—

(a) the vehicle is one of a type which conforms with the information given in relation to the vehicle in the information document which accompanied the application, and

(b) adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle as regards the prescribed characteristics will so conform in all respects or with such variations as may be made without affecting compliance with the prescribed characteristics.

(3) An affirmative sound level measurement certificate may be issued by the Minister subject to conditions with respect to—

(a) the inspection by officers of the Minister of samples of vehicles purporting to conform with the type vehicle as regards the prescribed characteristics selected for such inspection, and for that purpose, the entry of premises where any such vehicles are manufactured; and

(b) the notification by the manufacturer of differences of the prescribed characteristics.

(4) If it appears to the Minister that there has been a breach of condition subject to which an affirmative sound level measurement certificate has been issued he may, by notice under Regulation 8, cancel or suspend the certificate.

*Notice by a manufacturer of alteration in the manufacture of type vehicles or of alterations in the prescribed characteristics*

5.—(1) Where a manufacturer of a type vehicle in respect of which an affirmative sound level measurement certificate is in force—

(a) intends to make any alteration in that manufacture such that any of the particulars furnished in the information document which, in

accordance with Regulation 3(1), accompanied the application under that Regulation for the sound level measurement certificate in point no longer apply in relation to the vehicle; or

(b) intends to make any alteration in any of the prescribed characteristics; that manufacturer shall, as soon as practicable after forming that intention, give notice of it to the Minister specifying the type vehicle to which it relates and particulars of the alterations and of the date or dates on which they are to be made.

(2) In addition to the notice required under paragraph (1) the manufacturer concerned shall, not later than fourteen days after the date on which he has made any alterations such as are mentioned in sub-paragraph (a) or (b) of paragraph (1), give notice of that fact to the Minister specifying—

- (i) the date (whether or not it is the same date specified in the notice under paragraph (1)) on which the alterations were made, and
- (ii) where the notice under paragraph (1) related to a type vehicle, the frame or chassis number assigned to the vehicle of that type which was last manufactured before that date.

*Cancellation, suspension or modification of a sound level measurement certificate where notice is given under Regulation 5*

6. Where a notice given by a manufacturer under Regulation 5(1) or (2) is a notice that he intends to make or, as the case may be, that he has made alterations such as are mentioned in Regulation 5(1)(a) or (b) the Minister may, by notice under Regulation 8—

- (a) cancel or suspend the sound level measurement certificate in force in respect of the vehicle to which the notice relates; or
- (b) cancel such certificate and substitute for it, without further application by the manufacturer, a new sound level measurement certificate in respect of the vehicle; or
- (c) modify the said sound level measurement certificate.

*Cancellation or suspension of a sound level measurement certificate where vehicles are not manufactured in conformity with the prescribed characteristics*

7.—(1) If the Minister—

- (a) after examination of at least two motorcycles of a particular type in respect of which an affirmative sound level measurement certificate is in force is satisfied that each of those vehicles has not been manufactured so as to conform with the prescribed characteristics; or
- (b) is notified by the competent authority of any other Member State that, in relation to any such vehicles and the manufacturer thereof as may be specified by that authority, the authority, after such examination is similarly so satisfied,

he shall give notice of that fact to the manufacturer specifying—

- (i) the particular respects in which the vehicles in question have been found (either by the Minister or, as the case may be, the said competent authority) not so to conform,
- (ii) the steps that shall be taken by the manufacturer to ensure that vehicles of that type are manufactured by him so as to conform with the prescribed characteristics and the period within which those steps shall be taken, and

(iii) that unless those steps are taken within the period the sound level measurement certificate in question may be cancelled or suspended,

and if, at any time after the expiration of that period, the Minister (whether or not after any or any further examination of any such vehicles) is not satisfied that all the steps so specified have been taken, he may, by notice under Regulation 8, cancel or suspend the sound level measurement certificate.

(2) A copy of any notice given to a manufacturer under paragraph (1) shall, within one month from the date on which it is given, be sent by the Minister to the competent authority of every other Member State.

*Notice of cancellation, suspension or modification of a sound level measurement certificate*

8.—(1) Where the Minister decides to cancel, suspend or modify an affirmative sound level measurement certificate under Regulation 4(4), (6) or 7(1) he shall—

- (a) as soon as practicable, give notice of the decision to the manufacturer to whom the certificate was issued; and
- (b) within one month from the date on which that notice is given, give the like notice to the competent authority of every other Member State.

(2) A notice under paragraph (1) shall specify the date on which the cancellation, suspension or modification of the certificate to which the notice relates shall take effect and shall specify—

- (a) in the case of cancellation, the grounds for the decision to cancel;
- (b) in the case of suspension,
  - (i) the grounds for the decision to suspend,
  - (ii) the conditions which must be fulfilled before the suspension can cease to have effect; and
  - (iii) that the suspension shall have effect until such time as the Minister gives notice to the manufacturer under this sub-paragraph that he is satisfied that the said conditions have been fulfilled; and

(c) in the case of modification, particulars of the modifications,

and shall inform the manufacturer concerned of his right of appeal under Regulation 9 in respect of the decision.

*Appeals*

9.—(1) A person who is aggrieved by a decision given by or on behalf of the Minister with respect to a sound level measurement certificate may within the time and in the manner respectively specified in paragraphs (2) and (3) appeal to the Minister, and on the appeal the Minister—

- (a) shall have the like powers and duties as he has on an original application for a sound level measurement certificate;
- (b) may hold an inquiry in connection therewith; and
- (c) may appoint an assessor for the purpose of assisting him with the appeal or any such inquiry.

(2) An appeal under paragraph (1) shall be made by notice to the Minister which shall be lodged with him not later than fourteen days from the date on which notice of the decision in respect of which the appeal is made was given.

- (3) A notice of appeal under this Regulation shall state the grounds on which the appeal is made and shall be accompanied by the following documents—
- (a) a copy of the information document which, in accordance with Regulation 3(1) accompanied the application under that Regulation for the sound level measurement certificate in question; and
  - (b) where the appeal relates to the cancellation, suspension or modification of an affirmative sound level measurement certificate, a copy of that certificate.

#### *Provision of testing stations*

10. The Minister may provide and maintain stations where examinations of motorcycles may be carried out for the purposes of these Regulations, and may provide and maintain the apparatus for carrying out such examinations.

#### *Duplicate certificates*

11.—(1) If a sound level measurement certificate is lost or defaced, application for the issue of a duplicate may be made to the Minister.

(2) Where a certificate has been lost, the application for the issue of a duplicate shall give particulars of the vehicle to which the original related and shall either state the serial number of the original certificate or give such other information with respect to the original certificate as is available and is reasonably required for enabling the records with respect to the original certificate to be searched and particulars of the original certificate traced.

(3) Where a certificate has been defaced, the application for the issue of a duplicate shall be accompanied by the defaced certificate and, if the serial number of that certificate is no longer legible, by a statement of such other information with respect of the original certificate as is mentioned in paragraph (2).

(4) Every duplicate certificate issued under this Regulation shall be marked "Duplicate".

(5) Every application under this Regulation for a duplicate certificate shall be accompanied by a remittance for the prescribed fee.

**SCHEDULE 1**  
**FORM OF INFORMATION DOCUMENT**

1. Motorcycle:
  - 1.1. Manufacturer:
    - 1.1.1. Authorised agent:
  - 1.2. Type:
  - 1.3. Model:
    - 1.3.1. Version:
  - 1.4. Frame No:
2. Engine:
  - 2.1. Manufacturer:
  - 2.2. Type:
  - 2.3. Model:
  - 2.4. Maximum output (indicate standard used):.....(kW) at.....r/min.
  - 2.5. Maximum design speed:
3. Gears                    non-automatic gearbox/automatic gearbox<sup>(1)</sup>.
4. Fitted with:
  - 4.1. Exhaust silencer:    Manufacturer or authorised agent:  
   Model:  
   Type:                    According to drawing No:
  - 4.2. Intake silencer:     Manufacturer:  
   Model:  
   Type:                    According to drawing No:
- 4.3. Tyre size:

Date: \_\_\_\_\_

Signed on behalf of the.....Company.

<sup>(1)</sup> Delete whichever is inapplicable.

**SCHEDULE 2**  
**SOUND LEVEL MEASUREMENT CERTIFICATE—MOTORCYCLE**

(in accordance with Council Directive 78/1015/EEC of 23rd November 1978 on the approximation of the laws of the Member States on the permissible sound level and exhaust system of motorcycles)

Drawn up on the basis of:

|   |           |
|---|-----------|
| Report No.....of the technical service..... | Date..... |
|---|-----------|

1. Motorcycle:
  - 1.1. Manufacturer:
    - 1.1.1. Authorised agent:
  - 1.2. Type:
  - 1.3. Model:
    - 1.3.1. Version:
  - 1.4. Frame No:

2. Engine:
- 2.1. Manufacturer:
- 2.2. Type:
- 2.3. Model:
- 2.4. Maximum output (indicate standard used):.....(kW) at..... r/min.
- 2.5. Maximum design speed:
3. Gears non-automatic gearbox/automatic gearbox<sup>(1)</sup>.
4. Fitted with:
- 4.1. Exhaust silencer: Manufacturer or authorised agent:  
Model:  
Type: According to drawing No:
- 4.2. Intake silencer: Manufacturer:  
Model:  
Type: According to drawing No:
- 4.3. Tyre size:
5. Measurements:
- 5.1. Sound level of motorcycle in motion:

|                    | Measurement results       |                            | Position of gear change |
|--------------------|---------------------------|----------------------------|-------------------------|
|                    | left dB(A) <sup>(2)</sup> | right dB(A) <sup>(2)</sup> |                         |
| First measurement  |                           |                            |                         |
| Second measurement |                           |                            |                         |
| Third measurement  |                           |                            |                         |
| Fourth measurement |                           |                            |                         |
| Test result:       | dB(A)/E <sup>(3)</sup>    |                            |                         |

5.2. Sound level of stationary motorcycle:

|                    | dB(A)                  | Test engine speed r/min | Test conditions <sup>(1)</sup> |
|--------------------|------------------------|-------------------------|--------------------------------|
| First measurement  |                        |                         | $n = \frac{S}{2}$              |
| Second measurement |                        |                         |                                |
| Third measurement  |                        |                         |                                |
| Test result:       | dB(A)/E <sup>(3)</sup> |                         | $n = \frac{3 S}{4}$            |

6. The type of motorcycle conforms/does not conform<sup>(1)</sup> with the requirements of Council Directive 78/1015/EEC.
7. Place:
8. Date:
9. Signature:

<sup>(1)</sup> Delete whichever is inapplicable.

<sup>(2)</sup> The values indicated are the measurements obtained minus 1 dB(A).

<sup>(3)</sup> 'E' indicates that measurements have been taken in accordance with Directive 78/1015/EEC.



## SCHEDULE 3

## THE PRESCRIBED CHARACTERISTICS

*Vehicle*

Motorcycle.

Manufacturer.

Authorised agent.

*Characteristics*

Type.

Model.

Version.

Engine.

Manufacturer.

Type.

Model.

Maximum output.

Maximum design speed.

Gears.

Exhaust silencer.

Intake silencer.

Tyre size.

Manufacturer or authorised agent.

Model.

Type.

Manufacturer.

Model.

Type.

## EXPLANATORY NOTE

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

1. Under the European Communities Act 1972 these Regulations make provision, as required under Council Directive 78/1015/EEC of 23rd November 1978 (on the approximation of the laws of the Member States on the permissible sound level and exhaust system of motorcycles), for the issue of sound level measurement certificates to signify whether or not certain types of motorcycles comply with the harmonized requirements specified in that Directive.

2. Regulation 3 prescribes requirements relating to applications for certificates. Regulation 4 contains provisions as to the issue of certificates and their cancellation or suspension for the breach of a condition subject to which they were issued. Under Regulation 5 a manufacturer is required to give notice of cessation of, or alteration in, the manufacture of type vehicles or alterations in the prescribed characteristics. Regulations 6 and 7 contain provisions relating to the cancellation, suspension or modification of certificates, and Regulation 8 contains provisions as to notice of such cancellation, suspension or modification. Regulation 9 contains provisions as to appeals by a person who is aggrieved by a decision relating to a certificate. Regulation 10 contains provisions as to stations where examination of vehicles may be carried out for the purposes of these Regulations. Regulation 11 contains provisions as to the issue of duplicate certificates.