

## MOTOR CYCLE NOISE

### STATUTORY CONTROLS ON NOISE LIMITS AND SILENCER/EXHAUST SYSTEMS

[Note: This note and its annex are intended as a general guide to the noise regulation applicable to motorcycles and mopeds. Interpretation of the regulations referred to below is ultimately a matter for the Courts].

#### 1. INTRODUCTION

The Road Vehicles (Construction and Use) Regulations 1986, as amended, specify the noise limits and other standards to which mopeds, motor cycles and their silencer/exhaust systems must be constructed, maintained and used. The Motor Cycles Etc (EC Type Approval) Regulations 1999 specify the noise limits to which mopeds and motor cycles first used from 17 June 2003 must be constructed. Enforcement is a matter for the type approval authority and the police.

The Motor Cycle Silencer Regulations 1995 specify the marking requirements which replacement silencers must meet at point of sale. Enforcement is a matter for Trading Standard Offices.

#### 2. CONSTRUCTION REQUIREMENTS

##### 2.1 Noise limits:

There are no static noise limits for any vehicle. However, new machines are subjected to a drive-by noise test and are required to meet specific noise limits (dB(A)). These limits are specified in regulation 57 and Schedule 7A of C&U and in the Motor Cycle Etc (EC Type Approval) Regulations and apply at time of first use/registration. The requirements are as follows:

- No limits apply to motor cycles or mopeds first used before 1 April 1983.
- Mopeds first used on or after 1 April 1983 must meet a drive-by limit of 74dBA.
- Motor cycles first used from 1 April 1983 to 31 March 1991 must meet the drive-by limits specified in directive 78/1015/EEC.
- Motor cycles first used on or after 1 April 1991 must meet the drive-by limits specified in directive 87/56/EEC.
- Mopeds and motor cycles first used on or after 17 June 2003 must meet the drive-by limits specified in directive 97/24/EC

##### 2.2 Silencers/exhaust systems:

Construction requirements are specified in Regulation 57A and Schedule 7A of the Construction and Use Regulations. In summary, these are:

- **Original equipment silencers** fitted to motor cycles or mopeds first used on or after 1 April 1983 must comply with:-

- British Standard AU 193:1983 or
  - BS AU 193/1990 T2 or T3, or
  - EC Directives, 78/1015, 87/89, 89/235EEC,  
as relevant and dependent on the date of first use of the machine.
- Silencers must also be marked as prescribed in those documents.
  - **Replacement silencers** (i.e. any silencer not fitted to the vehicle when it was originally manufactured), intended for use on motor cycles or mopeds first used on or after 1 January 1985 must be constructed so that were they to be fitted to an unused motor cycle or moped of the same model the machine would comply with the directive or BS requirements specified for that machine, at the time of first use. The silencers must also to be marked with a BS mark or 'e' mark. [Note: Replacement silencers may also comply with "equivalent provisions in a corresponding standard", e.g. a standard of a national standards body of a Member State which provides an equivalent level of noise limitation and safety and equivalent marking requirements as the BS standard.]
  - Replacement silencers fitted to machines before 1 February 1997 are exempt from certain marking requirements.
  - The Construction and Use Regulations require silencer markings to be visible, even when fitted.

### **3. MAINTENANCE/IN-USE REQUIREMENTS**

#### **3.1 Silencers**

- Under regulation 54 exhaust systems and silencers must be maintained in good and efficient working order and not altered after the date of manufacture so as to increase the noise made the escape of exhaust gases.
- In-service noise requirements for motor cycles and mopeds first used on or after 1 April 1983 are specified in regulation 57B. An offence is committed if the noise of machines with original or replacement silencers would be materially less had the machine been in good and efficient working order or had not been modified.
- Under regulation 57A, it is an offence to use a motorcycle or moped on a road if it is fitted with an exhaust system marked "NOT FOR ROAD USE", or words to that effect.

#### **3.2 Miscellaneous**

- Under Regulation 97 vehicles must not be used on the road in such a manner as not to cause excessive noise, which could have been avoided by the exercise of reasonable care on the part of the driver.
- Under Regulation 98 the driver of a vehicle is required to stop the engine when stationary (except in traffic) so far as may be necessary for the prevention of noise or excessive emissions.

- Under Regulation 99 horns should not be sounded when a vehicle is stationary on a road, at any time except at times of danger due to another vehicle on the road or, when in motion, between the hours of 23.30 and 07.00. on a restricted road.

### **3.3. Penalties**

Contravention of or failure to comply with a construction or use requirement is an offence under section 42 of the Road Traffic Act 1988. On summary conviction a fine of up to £1,000 may be incurred. A police constable may alternatively issue a fixed penalty notice to a person believed to be committing or who s/he believes to have committed an offence under these Regulations. Payment of the fixed penalty (currently set at £20) within the suspended enforcement period (normally 28 days) would prevent proceedings being brought.

## **4. POINT OF SALE CONTROL ON REPLACEMENT SILENCERS**

### **4.1 Motor Cycle Noise Act**

- Point of sale control is provided under the Motor Cycle Silencer Regulations 1995, which are made under the Motor Cycle Noise Act 1987. Under the Act the supply of motor cycle exhaust systems and silencers which are likely to result in excessive noise is prohibited. Under the Act references to a motorcycle include references to a moped or a motor scooter.

### **4.2 Penalties**

- The supply of systems or silencers, which do not comply with the requirements prescribed is an offence. Any person guilty of such an offence is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £5,000.
- Enforcement is by trading standards officers.

### **4.3 Marking requirements**

- The Motor Cycle Silencer Regulations require that, with certain exceptions, only silencers that are marked in accordance with the British Standard or EC requirements referred to in the section on "construction requirements", may be supplied.
- The regulations also make requirements as to the packaging, labelling and the provision of accompanying instructions. These are broadly in accordance with the BS and EC requirements. Further details are contained in Table 4 of the Annex.

### **4.4 Exemptions**

The regulations do not apply the BS or EC marking requirements to replacement silencers or exhaust systems that are:

- i) supplied for fitting to machines first used before 1 January 1985 (however, they do require marking to indicate this), or
- ii) for machines not for use on the road (however, they do require marking to indicate this), or
- iii) supplied as part of a complete machine (i.e. only replacement silencers supplied as loose parts are affected), or
- iv) supplied as scrap, or
- v) supplied second hand and originally acquired by the supplier when purchasing a used motor cycle.

**SUMMARY OF NOISE REQUIREMENTS FOR MOPEDS AND TWO WHEELED  
MOTORCYCLES**

(N.B. This is a general guide to the main provisions. They are likely to apply in most cases. In the interests of simplicity certain exemptions, substitutions and omissions referred to in the regulations are not included).

**Table 1 - Noise limits (drive-by test)**

Item	Date of first use	Mopeds	Motor cycles	Reference
1	Pre 1 April 1983	No requirement	No requirement	
2	1 April 1983 to 31 March 1991	74dB(A)	Up to 80cc = 79 dB(A) 81 - 125cc = 81 dB(A) 126 - 350cc = 84 dB(A) 351 - 500cc = 86 dB(A) Over 500cc = 87 dB(A)	C&U Schedule 7A and directive 78/1015/EEC
3	1 April 1991 to 16 June 2003	75 dB(A)	Up to 80cc = 78 81 - 175cc = 80 Over 175cc = 83	C&U Schedule 7A and directive 87/56/EEC
4	From 17 June 2003	Up to 25km/h = 66dB(A) Over 25km/h =71dB(A) Three wheel mopeds =76dB(A)	Up to 80cc = 75dB(A) 81 - 175cc = 77dB(A) Over 175cc = 80dB(A)	The Motor Cycle Etc (EC Type Approval) Regulations 1999 and directive 94/24/EC.

**Table 2 - Original Equipment Silencer Marking (mopeds and motor cycles)**

Item	Date of first use	OE Marking requirements
1	Pre 1 April 1983	No requirement
2	1 April 1983 to 31 January 1996	Make and Type (clearly legible and indelible)
3	1 February 1996 to present	1. Trade name or mark of the manufacturer, and 2. Trade name given by the manufacturer, and 3. ( <i>Not mopeds &lt; 50kph</i> ) EU "e" mark or UNECE "E" mark (e.g. "e11" or "E11" for UK), together with the silencer/exhaust system approval number (e.g. "007"). 4. All to be clearly legible, even when fitted, & indelible)

**Table 3 –Marking requirements for mopeds and motor cycle silencers in-use**

Item	Date of first use	Marking requirements
1	All	No silencer used on the road must bear the marks "NOT FOR ROAD USE"
2	Pre 1 April 1983	1. No requirement. *
3	1 April 1983 to 31 December 1984	1. O.E. marking (see Table 2). 2. No requirement for replacement silencers. *
4	1 January 1985 to 31 March 1991	1. OE marking (see Table 2) or 2. If fitted as a replacement prior to 1 February 1997, name or trade mark and part number of the silencer manufacturer. 3. "BS AU 193/T2" or 4. "BS AU 193a:1990/T2" or 5. "BS AU 193a:1990/T3" or 6. An International Standard mark that is equivalent to BS
5	1 April 1991 to 31 January 1996	1. OE marking (see Table 2) or 2. If fitted as a replacement prior to 1 February 1997, name or trade mark and part number of the silencer manufacturer, or 3. "BS AU 193a: 1990/T3" or 4. An International Standard mark that is equivalent to BS
6	1 February 1996 to present	1. OE marking (see Table 2) or 2. If fitted as a replacement prior to 1 February 1997, name or trade mark and part number of the silencer manufacturer. 3. "BS AU 193a: 1990/T3" or 4. An International Standard mark that is equivalent to BS

\* Note - Some silencers may be marked "Pre 1985 MC only". This requirement is enforceable only at point of sale and not when a machine is in use (see Table 4 below).

**Table 4 - Marking requirements for silencers/exhaust systems at Point of Sale**

<b>All replacement silencers/exhaust systems offered for sale must be marked:</b>
<ol style="list-style-type: none"> <li>1. OE marking (see Table 2) or</li> <li>2. "BS AU 193/T2" or</li> <li>3. "BS AU 193a:1990/T2" or</li> <li>4. "BS AU 193a:1990/T3" or</li> <li>5. An International Standard mark that is equivalent to BS or</li> <li>6. "NOT FOR ROAD USE" or</li> <li>7. "PRE 1985 MC ONLY", unless</li> <li>8. sold for scrap.</li> </ol>
<p>Note: Packaging or labels for replacement silencers must contain the name, trade name or trademark and the address of the manufacturer of the silencer or exhaust system. Instructions as to maintenance and as to methods of fitting to certain models must also be provided in certain circumstances.</p>