



FEDERAL SUBSIDIARY LEGISLATION

ENVIRONMENTAL QUALITY ACT 1974 [ACT 127]

P.U.(A) 464/2003

ENVIRONMENTAL QUALITY (CONTROL OF EMISSION FROM MOTORCYCLES) REGULATIONS 2003

Incorporating latest amendments - P.U.(A) 74/2004

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ARRANGEMENT OF REGULATIONS

[Preamble](#)

- Regulation 1. [Citation and commencement.](#)
- Regulation 2. [Interpretation.](#)
- Regulation 3. [Application.](#)
- Regulation 4. [Authorised officer.](#)
- Regulation 5. [Gaseous emission limit for motorcycle engines in type approval test.](#)
- Regulation 6. [Non-application of regulation 5.](#)
- Regulation 7. [Tests to be conducted by manufacturer.](#)
- Regulation 8. [Acceptance of equivalent or more stringent standards.](#)
- Regulation 9. [Approved facility.](#)
- Regulation 10. [Idling gaseous emission limit for motorcycle in use.](#)

Regulation 11. [Engine to be switched off in enclosed area.](#)

Regulation 12. [Grant of licence for contravention of acceptable conditions.](#)

Regulation 13. [Fee.](#)

Regulation 14. [Compound.](#)

[FIRST SCHEDULE](#)

[SECOND SCHEDULE](#)

[THIRD SCHEDULE](#)

[FOURTH SCHEDULE](#)

[FIFTH SCHEDULE](#)

[SIXTH SCHEDULE](#)

[SEVENTH SCHEDULE](#)

[LIST OF AMENDMENTS](#)

Preamble

IN exercise of the powers conferred by sections 21, 22, 45, 49 and 51 of the Environmental Quality Act 1974 [*Act 127*], the Minister, after consultation with the Environmental Quality Council, makes the following regulations:

Regulation 1. Citation and commencement.

(1) These regulations may be cited as the **Environmental Quality (Control of Emission From Motorcycles) Regulations 2003**.

(2) These Regulations come into operation on 1 January 2004.

Regulation 2. Interpretation.

In these Regulations, unless the context otherwise requires—

"new model" means any model of motorcycle manufactured or assembled after 1 January 2004 and equipped with an engine type which is designed after 1 January 2004;

"current model" means any model of motorcycle manufactured or assembled after 1 January 2004 and equipped with an engine type which was designed on or before 1 January 2004;

"authorised officer" means any officer appointed under section 3 of the Act and any officer authorised by the Director General under regulation 4;

"gaseous emission" means the emission of any pollutants into the atmosphere from any portion of a motorcycle engine including the exhaust assembly, engine crankcase, ventilation or lubrication system;

"manufacturer" means a manufacturer licenced under section 4 of the Industrial Co-ordination Act 1975 [*Act 156*];

"type approval test" means the type approval test referred to in regulation 7.

Regulation 3. Application.

These Regulations apply to a motor vehicle registered as a motorcycle under section 11 of the Road Transport Act 1987 [Act 333].

Regulation 4. Authorised officer.

The Director General may authorise any officer appointed under section 3 of the Act or any other officer to whom the Director General has delegated his power under section 49 of the Act for the purposes of these Regulations.

Regulation 5. Gaseous emission limit for motorcycle engines in type approval test.

(1) Any manufacturer of any current or new model, the engine type of which is as prescribed in column 2(a) of the First Schedule, shall ensure that the gaseous emission limit of such model in a type approval test comply with the gaseous emission limit as prescribed in the Second Schedule with effect from the date specified in column 2(b) of the First Schedule.

(2) Any person who intends to import any current or new model, the engine type of which is as prescribed in column 2(a) the First Schelude, shall submit a report to the Director General on the type approval test conducted on such model relating to the gaseous emission limit of such model for the purposes of compliance with the gaseous emission limit as prescribed in the Second Schedule with effect from the date specified in column 2(b) of the First Schedule.

(3) Upon being satisfied with the report submitted under subregulation (2), the Director General shall approve such report.

(4) Any manufacturer or person who fails to comply with the requirement in subregulation (1) or (2) or any person who fabricates the test report submitted to the Director General under subregulation (2) commits an offence and shall on convictions be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment not exceeding five years or to both.

Regulation 6. Non-application of regulation 5.

Regulation 5 shall not apply to any motorcycle used for racing purposes in the racing circuit as specified in the Third Schedule or in any racing event approved by the Director General.

Regulation 7. Tests to be conducted by manufacturer.

(1) For the purpose of verifying the gaseous emission limits for motorcycle engines as prescribed in column 2(a) of the First Schedule, the manufacturer shall conduct type approval gaseous emission tests for every current and new model of motorcycles and shall forthwith submit the result of such tests to the Director General.

(2) The manufacturer shall conduct a type approval gaseous emission test in accordance with the The European Economic Committee ("EEC") Council Directive 97/24/EC of 17 June 1997.

(3) In addition to the requirement under subregulation (1), the manufacturer shall conduct an idling gaseous emission test on a monthly basis to verify that the idling gaseous emission limit of any current and new model the engine type of which is as prescribed in column (4)(a) of the First Schedule, comply with the limit prescribed in the Fourth Schedule and shall submit the result of such tests to the Director General on a quarterly basis with effect from the date specified in column 4(b) of the First Schedule.

(4) For the purposes of subregulation (3), the manufacturer shall select at random samples of not less than one per cent of the annual projected number of motorcycles assembled or manufactured.

(5) The Director General may direct any manufacturer to conduct an idling gaseous emission test in the presence of an authorised officer, at the cost of the manufacturer and in accordance with the procedure specified in the Fifth Schedule at any facility designated or approved by the Director General under regulation 9.

(6) Any manufacturer who fabricates the test result submitted to the Director General pursuant to subregulation (1) or (3), or who fails to conduct the test or who conducts the test not in accordance with the requirement under subregulation (2), or who fails to comply with the direction of the Director General under subregulation (5), commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment not exceeding five years or to both.

Regulation 8. Acceptance of equivalent or more stringent standards.

Notwithstanding regulations 5 and 7, the Director General may accept an engine type complying with such emission standards and test procedures which the Director General considers to be equivalent or more stringent than the test procedures and specifications prescribed in these Regulations.

Regulation 9. Approved facility.

The Director General may designate, or on application approve, any facility which is equipped with the necessary gaseous meter and trained personnel, as an approved facility for carrying out the idling emission test for the purpose of verifying the gaseous emission limits for motorcycle engines.

Regulation 10. Idling gaseous emission limit for motorcycle in use.

(1) Any registered owner or rider of any motorcycle in use the engine type of which is as prescribed in column 4(a) of the First Schedule shall ensure that such motorcycle in use does not emit gaseous pollutant exceeding the emission limit as prescribed in the Fourth Schedule with effect from the date specified in column 4(b) of the First Schedule.

(2) Any person who contravenes subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit.

(3) In this regulation, a motorcycle in use includes a motorcycle which is in a stationary position whether or not the engine of such motorcycle is running.

(4) An authorised officer may conduct an idling gaseous emission test for any motorcycle in use engine type of which is as prescribed in column 4(a) of the First Schedule and the result of such test shall be recorded in a Test Certificate as shown in the Sixth Schedule.

(5) A copy of the Test Certificate shall be issued to the registered owner or rider of the motorcycle which has been tested pursuant to subregulation (4).

(6) Any person who obstructs any authorised officer in the exercise of his powers under this regulation commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment not exceeding two years or to both.

Regulation 11. Engine to be switched off in enclosed area.

(1) No person who is riding a motorcycle shall allow the engine of such motorcycle to run while the motorcycle is stationary for more than three minutes in an enclosed or a partially enclosed public place or parking area or any terminus.

(2) Any person who contravenes subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit.

Regulation 12. Grant of licence for contravention of acceptable conditions.

(1) The Director General may, on application and upon payment of the prescribed fee, grant a licence to contravene any of the provisions of these Regulations to any motorcycle to be used solely for the purpose of assessing the durability or emission performance of such motorcycle.

(2) The Director General may impose any conditions on the grant of the licence including conditions relating to the place of the assessment and the person to be responsible for the custody of the motorcycle for the period of the assessment referred to in subregulation (1).

(3) Any person who contravenes any of the conditions of the licence granted under this regulation commits an offence under section 22 of the Act.

Regulation 13. Fee.

The fee payable under these Regulations shall be as prescribed in the Seventh Schedule.

Regulation 14. Compound.

(1) The offences under these Regulations, except the offence under regulations 5 and 7 and subregulation 10(6), may be compounded under section 45 of the Act.

(2) The compounding of any offence under these Regulations shall be in accordance with the procedure prescribed in the Environmental Quality (Compounding Offences) Rules 1978 [*P.U.(A) 281/1978*].

FIRST SCHEDULE

[Regulation 5 and subregulations 7(1), 7(2) and 10(1)]

(1) <i>Category of Motorcycle</i>	(2) <i>Type Approval Gaseous Emission Test</i>		(3) <i>Emission Limits</i>	(4) <i>Idling Gaseous Emission Test</i>		(5) <i>Emission Limits</i>
	(a) <i>Engine Type</i>	(b) <i>Date Of Operation</i>		(a) <i>Engine Type</i>	(b) <i>Date Of Operation</i>	
1. Imported						
(a) New model	2 and 4 stroke	1-1-2005	Second Schedule	2 and 4 stroke	1-1-2004	Fourth Schedule
(b) Current model	2 and 4 stroke	1-7-2005	Second Schedule	4 stroke	1-1-2004	Fourth Schedule
2. Locally manufactured or assembled						
(a) New model	2 and 4 stroke	1-7-2005	Second Schedule	2 and 4 stroke	1-1-2004	Fourth Schedule
(b) Current model	2 and 4 stroke	1-7-2006	Second Schedule	2 and 4 stroke	1-1-2004	Fourth Schedule
3. Motorcycle in use	—	—	—	4 stroke	1-1-2004	Fourth Schedule

SECOND SCHEDULE

[Regulation 5 and subregulation 7(1)]

GASEOUS EMISSION LIMIT FOR MOTORCYCLE ENGINES

The emission of Carbon Monoxide (CO), Hydrocarbons (HC) and Nitrogen Oxides (NO_x) shall not exceed the following limits as measured by The European Economic Committee ("EEC") Council Directive 97/24/EC of 17 June 1997 on the approximation of the laws of the member states relating to the measures to be taken against air pollution caused by two or three wheel motor vehicles:

<i>Engine Type</i>	<i>CO (g/km)</i>	<i>HC (g/km)</i>	<i>NOx (g/km)</i>
2 stroke	8	4	0.1
4 stroke	13	3	0.3

THIRD SCHEDULE

[Regulation 6]

Racing Circuit

1. Sepang Circuit, Sepang, Selangor
2. Johor Circuit, Pasir Gudang, Johor

FOURTH SCHEDULE

[Subregulations 7(3) and 10(1)]

IDLING GASEOUS EMISSION LIMITS FOR MOTORCYCLE ENGINES

<i>Category of Motorcycle</i>	<i>Carbon Monoxide (CO)(%)</i>
Motorcycle in use the engine type of which is as prescribed in the First Schedule	4.5%

FIFTH SCHEDULE

[Subregulation 7(5)]

IDLING GASEOUS EMISSION TEST FOR MOTORCYCLE ENGINES

1. This test shall be carried out by using a carbon monoxide analyzer which is capable of measuring carbon monoxide in percentage.
2. The test procedures shall be as follows:
 - (a) accelerate the engine to a moderate speed with no load, maintain for at least 15 seconds, then return the engine to idle speed;
 - (b) while the engine idles, insert the sampling probe into the exhaust pipe as deeply as possible but in any case for not less than 300 mm; and
 - (c) wait for at least 20 seconds and take the reading of carbon monoxide as given by the analyzer.

SIXTH SCHEDULE

[Subregulation 10(4)]

[Am. P.U.(A) 74/2004]

MOTORCYCLE IDLING GASEOUS EMISSION TEST CERTIFICATE

Serial No.:

Motorcycle Registration No.:

Make/Model:

Date of Test:

Time of Test:

Place of Test:

Meter Used:

Serial No.:

Certificate of Fitness No. :

RECORD OF IDLING GASEOUS EMISSION TEST

Carbon Monoxide:%

Signature :

Name of Officer:

Designation :

TEST CERTIFICATE ISSUED TO

Name of Owner/*Rider of Motorcycle:

Identity card number:

Address :

Signature of Owner/*Rider:

Driving Licence No.: Expiring:

* Delete where inapplicable

SEVENTH SCHEDULE

[Regulation 13]

FEE

Fee for application for licence to contravene the acceptable conditions under subregulation 12(1) is RM300 per motorcycle.

Made 1 December 2003

[AS(S) 91/110/919/617 Jld. 3; PN(PU²)280/VIII]

DATO' SERI LAW HIENG DING

Minister of Science, Technology and the Environment

LIST OF AMENDMENTS

Amending law

Short title

In force from

[P.U.\(A\) 74/2004](#)

Corrigendum

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