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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 104**

**PUBLIC HEALTH**

**The Control of Noise (Codes of Practice for  
Construction and Open Sites) (Scotland) Order 2002**

<i>Made</i>	- - - -	<i>7th March 2002</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th March 2002</i>
<i>Coming into force</i>	- -	<i>29th March 2002</i>

The Scottish Ministers, in exercise of the powers conferred by sections 71 and 104(1) of the Control of Pollution Act 1974(1) and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Control of Noise (Codes of Practice for Construction and Open Sites) (Scotland) Order 2002 and shall come into force on 29th March 2002.

(2) This Order extends to Scotland only.

**Approval of Codes of Practice**

2. The following British Standards Institution Codes of Practice are approved as being suitable for the purpose of giving guidance on appropriate methods for minimising noise:—

- (a) the Code of Practice for basic information and procedures for noise and vibration control, numbered BS 5228: Part 1: 1997 incorporating Amendment No. 1, which came into effect on 15 April 1999 (and which is concerned, amongst other things, with the carrying out of works to which section 60 of the Control of Pollution Act 1974 applies);
- (b) the Code of Practice applicable to surface coal extraction by opencast methods, numbered BS 5228: Part 3: 1997, which came into effect on 15 May 1997;
- (c) the Code of Practice for noise and vibration control applicable to piling operations, numbered BS 5228: Part 4: 1992, which came into effect on 1 May 1992, as amended by Amendment No. 1 which came into effect on 15 July 1993, (and which is concerned, amongst other things, with the carrying out of works to which section 60 of the Control of Pollution Act 1974 applies); and

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(1) 1974 c. 40. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (d) the Code of Practice applicable to surface mineral extraction (except coal) sites, numbered BS 5228: Part 5: 1997, which came into effect on 15 November 1997.

**Revocation**

**3.** The Control of Noise (Codes of Practice for Construction and Open Sites) (Scotland) Order 1985<sup>(2)</sup> and the Control of Noise (Code of Practice for Construction and Open Sites) Order 1987<sup>(3)</sup> are hereby revoked.

St Andrew's House,  
Edinburgh  
7th March 2002

*ALLAN WILSON*  
Authorised to sign by the Scottish Ministers

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(2) S.I.1985/145.  
(3) S.I. 1987/1730.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Under section 71 of the Control of Pollution Act 1974, the Scottish Ministers may give guidance on appropriate methods for minimising noise (which includes vibration) by approving codes of practice.

Section 71(1)(b) allows the Scottish Ministers to approve codes of practice which are issued otherwise than by the Scottish Ministers as in their opinion are suitable for the purpose.

Section 71(2) requires the Scottish Ministers to approve a code for the carrying out of works to which section 60 of the Act applies. These include building and roadworks, demolition, dredging and other works of engineering construction.

This Order (which extends to Scotland only) approves the four codes mentioned in article 2. The Code of Practice for basic information and procedures for noise and vibration control mentioned in article 2(a) covers all construction sites and other open sites.

This Order replaces in Scotland the Control of Noise (Codes of Practice for Construction and Open Sites) (Scotland) Order 1985 and the Control of Noise (Code of Practice for Construction and Open Sites) Order 1987.

The approved codes of practice can be obtained in person or by post from the British Standards Institution at the Customer Services Sales Department, BSI, 389 Chiswick High Road, London W4 4AL; telephone 020 8996 7000.

The ISBN numbers for the approved codes of practice are as follows:

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BS 5228: Part 1:1997 (with Amendment 1)	ISBN 0 580 26845 4
BS 5228: Part 3: 1997	ISBN 0 580 26874 8
BS 5228: Part 4: 1992 (with Amendment 1)	ISBN 0 580 20381 6
BS 5228: Part 5: 1997	ISBN 0 580 28306 2

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