

2005 No. 43

ANTISOCIAL BEHAVIOUR

**The Antisocial Behaviour (Noise Control) (Scotland)
Regulations 2005**

<i>Made</i> - - - -	<i>27th January 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>28th January 2005</i>
<i>Coming into force</i> - -	<i>28th February 2005</i>

The Scottish Ministers, in exercise of the powers conferred by sections 48, 49 and 141(2)(a) and (b) of the Antisocial Behaviour etc. (Scotland) Act 2004(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Antisocial Behaviour (Noise Control) (Scotland) Regulations 2005 and shall come into force on 28th February 2005.

Interpretation

2.—(1) In these Regulations:

“the Act” means the Antisocial Behaviour etc. (Scotland) Act 2004;

“approved device” means a device approved under regulation 4 or 5;

“A-weighted sound pressure level” means the A-weighted sound pressure level in decibels calculated in accordance with the formula set out in paragraph 3.3 of BS 7445;

“BS 7445” means the British Standard entitled “Description and measurement of environmental noise – Part 1: Guide to quantities and procedures”, published by the British Standards Institution and numbered BS 7445-1: 2003(b);

“BS 7580” means the British Standard entitled “Specification for the verification of sound level meters – Part 1 Comprehensive Procedure”, published by the British Standards Institution and numbered BS 7580: Part 1: 1997(c);

“BS EN 60942” means the British Standard entitled “Electroacoustics – Sound calibrators”, published by the British Standards Institution and numbered BS EN 60942: 2003(d);

“BS EN 61672” means the British Standard entitled “Electroacoustics – sound level meters – Part 1: Specifications”, published by the British Standards Institution and numbered BS EN 61672-1: 2003(e);

“EEA State” means a Member State, Norway, Iceland or Liechtenstein;

(a) 2004 asp 8.
(b) ISBN 0 580 43032 4.
(c) ISBN 0 580 20908 3.
(d) ISBN 0 580 42229 1.
(e) ISBN 0 580 41452 3.

“equivalent continuous A-weighted sound pressure level” means the equivalent continuous A-weighted sound pressure level in decibels, calculated in accordance with the formula set out in paragraph 3.5 of BS 7445;

“ $L_{AN,T}$ ” means the measurement of the A-weighted sound pressure level, calculated in accordance with paragraph 3.4 of BS 7445;

“sound calibrator” has the meaning given in paragraph 3.1 of BS EN 60942 and for the purposes of regulation 8 a sound calibrator must comply with the requirements of Class 1 of that standard;

“time-weighting” has the meaning given in paragraph 3.4 of BS EN 61672 and for the purposes of these Regulations time-weighting ‘F’ is calculated using a specified time constant of 0.125 seconds;

“underlying level of noise” means the level of ambient noise expressed in decibels and measured by an approved device used in accordance with the provisions of regulation 7.

(2) In these Regulations, any reference to a British Standard shall include a reference to:

- (a) a relevant standard or code of practice of a national standards body or equivalent body of any EEA State or of Turkey^(a);
- (b) any relevant international standard recognised for use as a standard by any EEA State or of Turkey; or
- (c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State or of Turkey,

in so far as the standard, code of practice, international standard or technical specification in question enables the objectives of these Regulations to be met in an equivalent manner.

Permitted levels

3. For the purposes of section 48 of the Act (permitted level of noise), the permitted levels prescribed in Column 2 of the Schedule to these Regulations may be emitted from relevant property during the periods prescribed in the corresponding entry in Column 1 of that Schedule.

Approved measuring devices - noise emitted from relevant property

4. For the purposes of section 49(1) of the Act (approval of measuring devices) sound level meters which comply with the requirements of Class 1 of BS EN 61672 are devices approved for the measurement of noise emitted from relevant property, when used in accordance with the requirements of regulations 6 and 8.

Approved measuring devices - underlying level of noise

5.—(1) For the purposes of section 49(1) of the Act (approval of measuring devices), subject to paragraph (2), sound level meters which:

- (a) comply with the requirements of Class 1 of BS EN 61672; and
- (b) are capable of determining the A-weighted sound pressure level using time-weighting ‘F’,

are devices approved for the measurement of the underlying level of noise, when used in accordance with the requirements of regulations 7 and 8.

(2) Where $L_{AN,T}$ measurements are used to determine the underlying level of noise, the devices specified in paragraph (1) must in addition:

- (a) sample the sound pressure level at a rate of not less than 10 times per second; and
- (b) use in the statistical calculation a class interval of no greater than 0.5 decibels.

(a) Decision 1/95 of the EC-Turkey Association Council of 22nd December 1995 (O.J. L 35 13.2.96, p.1) on implementing the final phase of the Customs Union provides for the removal of measures having an effect equivalent to quantitative restrictions between the European Union and Turkey.

(3) When time-weighting 'F' is used for the purposes of paragraph (1) it shall not exceed 0.6 seconds in a period of no shorter than one minute and no longer than 5 minutes.

Measurement of noise emitted from relevant property

6.—(1) The provisions of this regulation shall apply when a device is used to measure noise emitted from relevant property.

(2) If the measurement of noise is made within a room in the relevant place, the windows and doors in that room shall be closed.

(3) The measuring microphone of the approved device shall be positioned at least 0.5 metres away from any surface in the room (including the floor) and from any items of furniture.

(4) Within a period of no more than 15 minutes beginning with the time at which the measurement of noise is made, the equivalent continuous A-weighted sound pressure level of the noise emitted from the relevant property shall be measured for a period of 5 minutes, except where pauses are required to exclude from the measurement any significant noise other than the noise causing complaint.

(5) Where the measurement obtained under paragraph (4) is not a whole number, it shall be rounded down to the nearest whole number.

Measurement of the underlying level of noise

7.—(1) The provisions of this regulation shall apply when a device is used to measure the underlying level of noise.

(2) If the measurement is made within a room in the relevant place, the windows and doors in that room shall be closed.

(3) The measuring microphone of the approved device shall be positioned at least 0.5 metres away from any surface in the room (including the floor) and from any items of furniture.

(4) The A-weighted sound pressure level shall be measured using time-weighting 'F'.

(5) Where a measurement obtained under paragraph (4) is not a whole number, it shall be rounded up to the nearest whole number.

(6) The measurement under paragraph (4) shall be made at the same time as the measurement under regulation 6(4).

Verification and testing of approved devices

8.—(1) The sensitivity of a device approved under regulation 4 or 5 must be verified before and after its use, using a sound calibrator.

(2) Where—

(a) the sensitivity of the device has been verified after the measurement of noise in accordance with paragraph (1); and

(b) the sensitivity level of the device has changed by 0.5 decibels or more from the level indicated when the sensitivity of the device was verified before the measurement of noise,

that measurement may not be used for any of the purposes set out in these Regulations.

(3) A device approved under regulation 4 or 5 and the sound calibrator used in relation to it, must be tested in accordance with the requirements of BS 7580—

(a) no more than 2 years before it is used for any of the purposes set out in these Regulations; and

(b) at least once every 2 years following that test.

St Andrew's House,
Edinburgh
27th January 2005

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 3

PERMITTED LEVELS

<i>Column 1</i>	<i>Column 2</i>
<i>Periods of the day</i>	<i>Permitted level</i>
7 am to 7 pm in any day	41 decibels, where the underlying level of noise does not exceed 31 decibels; or where the underlying level of noise exceeds 31 decibels, 10 decibels in excess of that underlying level of noise.
7 pm to 11 pm in any day	37 decibels, where the underlying level of noise does not exceed 27 decibels; or where the underlying level of noise exceeds 27 decibels, 10 decibels in excess of that underlying level of noise.
11 pm on any day to 7 am in the following day	31 decibels, where the underlying level of noise does not exceed 21 decibels; or where the underlying level of noise exceeds 21 decibels, 10 decibels in excess of that underlying level of noise.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set down the maximum levels of noise which may be emitted at specified times of the day (referred to as “permitted levels”) from property which is subject to the noise nuisance provisions in Part 5 of the Antisocial Behaviour etc. (Scotland) Act 2004 (referred to as “relevant property”).

These Regulations also approve specified types of device for use in the measurement of noise emitted from relevant property, and contain provisions on the manner in which such devices are to be used and the testing of such devices.

Regulation 3 gives effect to the Schedule which sets out the permitted levels which apply during specified periods of the day. The permitted levels are set by reference to the underlying level of noise.

Regulation 4 approves for the measurement of noise from relevant property sound level meters which comply with Class 1 of British Standard 61672.
Regulation 5 sets down the conditions with which devices must comply before they are approved for the measurement of the underlying level of noise.

Regulation 6 contains provisions concerning the manner in which an approved device is to be used for the measurement of noise emitted from relevant property and the manner in which such measurements are to be undertaken.

Regulation 7 contains provisions concerning the manner in which an approved device is to be used for the measurement of the underlying level of noise and the manner in which such measurements are to be undertaken.

Regulation 8 contains conditions on the verification and testing of approved devices before and after the measurement of noise.

Copies of the British Standards referred to in these Regulations can be purchased from the British Standards Institution ‘BSI’ sales department either by telephone on 0208-996-9901 or by post from the BSI, Standards House, 389 Chiswick Road, London W4 4AL.

£3.00

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