

2018 No. 342

ENVIRONMENTAL PROTECTION

**The Environmental Noise (Scotland) Amendment Regulations
2018**

<i>Made</i>	- - - -	<i>6th November 2018</i>
<i>Laid before the Scottish Parliament</i>		<i>8th November 2018</i>
<i>Coming into force</i>	- -	<i>31st December 2018</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Environmental Noise (Scotland) Amendment Regulations 2018 and come into force on 31 December 2018.

Amendment of the Environmental Noise (Scotland) Regulations 2006

2. The Environmental Noise (Scotland) Regulations 2006(b) are amended as follows—

- (1) in paragraph (2) of regulation 3 (interpretation), for the definition of “Directive” substitute—
- ““Directive” means Directive 2002/49/EC of the European Parliament and of the Council relating to the assessment and management of environmental noise(c)”,
- (2) in regulation 5 (strategic noise maps: general requirements)—
- (a) in paragraph (2)(b), omit “in all cases listed as examples in paragraph 3 of Annex I to the Directive”,
- (b) in paragraph (3), for “means of the assessment methods set out in Schedule 2” substitute “computation (at the assessment position) and by means of the assessment methods set out in the Annex II to the Directive”,
- (c) after paragraph (3) insert—
- “(3A) In paragraph (3), “assessment position” means the assessment height in paragraph 7 of Annex IV to the Directive”, and
- (d) omit paragraphs (4) and (5).

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2006/465.

(c) OJ L 189, 18.7.2002, p.12, amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ L 311, 21.11.2008, p.1) and Commission Directive (EU) 2015/996 (OJ L 168, 1.7.2015, p.1).

- (3) Omit schedule 2 (assessment methods for the noise indicators).
- (4) In schedule 3 (supplementary noise indicators)—
 - (a) in paragraph 1 (interpretation), omit the definition of “ $L_{A10,18h}$ ”; and
 - (b) omit paragraph 2(a) (road traffic noise).

St Andrew’s House,
Edinburgh
6th November 2018

R CUNNINGHAM
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Noise (Scotland) Regulations 2006 (S.S.I. 2006/465) (“the 2006 Regulations”) to implement Commission Directive (EU) 2015/996 establishing common noise assessment methods according to Directive 2002/49/EC of the European Parliament and of the Council (OJ L 168, 1.7.2015, p.1).

These Regulations provide for new common noise assessment methods as set out in Annex II to Directive 2002/49/EC of the European Parliament and of the Council relating to the assessment and management of environmental noise (OJ L 189, 18.7.2002, p.12), the text of which was replaced by Commission Directive (EU) 2015/996.

Regulation 2(1) amends the definition of “Directive” in regulation 3 of the 2006 Regulations to narrate amendments made to Directive 2002/49/EC, including by Commission Directive (EU) 2015/996.

The Regulations also make an amendment to regulation 5(2)(b) of the 2006 Regulations to clarify the intended application of the supplementary noise indicators defined in schedule 3 of those Regulations.

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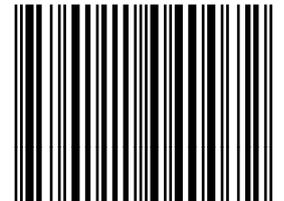
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