

1988 No. 2000

BUILDING AND BUILDINGS

The Noise Insulation (Amendment) Regulations 1988

Made - - - - *14th November 1988*

Coming into force *20th November 1988*

The Secretary of State for Transport (as respects England) and the Secretary of State for Wales (as respects Wales), in exercise of their powers under section 20 of the Land Compensation Act 1973^(a), and of all other enabling powers, hereby make the following regulations:

1. These regulations may be cited as the Noise Insulation (Amendment) Regulations 1988 and shall come into force on the sixth day after the date on which they are made.

2. The Noise Insulation Regulations 1975^(b) shall be amended as follows:—

(1) In regulation 2 in paragraph (1), in the definition of “highway”, for the words “295(1) of the Highways Act 1959” there shall be substituted the words “329(1) of the Highways Act 1980”^(c).

(2) In regulation 4, in paragraph (3), for the words “295(1) of the Highways Act 1959” there shall be substituted the words “329(1) of the Highways Act 1980”.

(3) In regulation 6, in paragraph (1), for the words “advice and instruction contained in the technical memorandum entitled “Calculation of Road Traffic Noise” published by Her Majesty’s Stationery Office (1975)” there shall be substituted the words “provisions of regulation 15”.

(4) In regulation 7, in paragraph (2):—

(a) in sub-paragraph (a), for the words “paragraph 3(1)(a) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946” there shall be substituted the words “section 11 of the Acquisition of Land Act 1981 or, as the case may be, paragraph 2 of Schedule 1 to that Act”^(d);

(b) for sub-paragraph (c) there shall be substituted the following new sub-paragraph:—

^(a) 1973 c.26.
^(b) S.I. 1975/1763.
^(c) 1980 c.66.
^(d) 1981 c.67.

- “(c) any building which is subject to
- (i) a demolition order under Part IX of the Housing Act 1985(a),
 - (ii) a closing order under Part IX of that Act,
 - (iii) a closing order under section 368(4) of that Act,
 - (iv) an undertaking accepted under section 264(4) of that Act, or
 - (v) an undertaking accepted under section 368(2) of that Act;”;
- (c) in sub-paragraph (d) for the words “ 42 of the Housing Act 1957 ” there shall be substituted the words “ 289 of the Housing Act 1985 ”.

(5) In regulation 14, in paragraph (5)(b), the words “ the Greater London Council ” shall be omitted.

(6) After regulation 14 there shall be added the following regulation:—

“ 15.—(1) Save as provided in paragraph (2) of this regulation, in relation to any offer made before 1st December 1988 by the appropriate highway authority in pursuance of any duty or power under regulation 3, 4 or 13 as provided in regulation 8:—

- (a) if the relevant date relating to that offer fell on or before 1st December 1987 the matter shall be determined in accordance with the 1975 Code;
- (b) if the relevant date relating to that offer falls after 1st December 1987 but before 1st December 1988 the matter shall be determined—
 - (i) in the case of an offer made in pursuance of regulation 3 or 4, in accordance with the 1975 Code,
 - (ii) in the case of an offer made in pursuance of regulation 13, in accordance with the 1988 Code.

(2) In any case where before 1st December 1988 the appropriate highway authority in pursuance of any duty or power under regulation 3, 4 or 13 has made or makes an offer as provided in regulation 8 on the basis of the 1975 Code the matter shall be determined in accordance with the 1975 code.

(3) In relation to any offer made on or after 1st December 1988 by the appropriate highway authority in pursuance of any duty or power under regulation 3, 4 or 13 as provided in regulation 8, the matter shall be determined in accordance with the 1988 code.

(4) In this regulation:—

“ the 1975 code ” means the advice and instruction contained in the technical memorandum entitled “ Calculation of Road Traffic Noise ” published by Her Majesty’s Stationery Office (1975); and

“ the 1988 code ” means the advice and instruction contained in the technical memorandum entitled “ Calculation of Road Traffic Noise ” published by Her Majesty’s Stationery Office (1988).”.

14th November 1988

Paul Channon
Secretary of State for Transport

14th November 1988

Peter Walker
Secretary of State for Wales

(a) 1985 c. 68.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Noise Insulation Regulations 1975.

The amendments up-date references to other legislation (regulation 2(1), (2), (4) and (5)). They also provide that for the purpose of determining whether in relation to insulation work or grants:-

- (a) a duty under regulation 3,
- (b) a power under regulation 4 or
- (c) a reconsideration under regulation 13

“ the 1988 Code ” instead of “ the 1975 Code ” (both as defined in the new regulation 15(4)) shall apply according to the circumstances set out in the new regulation 15, (regulation 2(3) and (6)).