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STATUTORY INSTRUMENTS

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**1989 No. 1790**

**The Noise at Work Regulations 1989**

**Exemptions**

**13.**—(1) Subject to paragraph (2), the Health and Safety Executive may, by a certificate in writing, exempt any employer from—

- (a) the requirement in regulation 7, where the daily personal noise exposure of the relevant employee, averaged over a week and ascertained in accordance with Part II of the Schedule to these Regulations, is below 90 dB(A) and there are adequate arrangements for ensuring that that average will not be exceeded; or
- (b) the requirement in regulation 8(2), where—
  - (i) the daily personal noise exposure of the relevant employee, averaged over a week and ascertained in accordance with Part II of the Schedule to these Regulations, is below 90 dB(A) and there are adequate arrangements for ensuring that that average will not be exceeded,
  - (ii) the full and proper use of the personal ear protectors referred to in that paragraph would be likely to cause risks to the health or safety of the user, or
  - (iii) (subject to the use of personal ear protectors affording the highest degree of personal protection which it is reasonably practicable to achieve in the circumstances) compliance with that requirement is not reasonably practicable;

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.