
WELSH STATUTORY INSTRUMENTS

2002 No. 1795 (W.170)

PUBLIC HEALTH, WALES

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

Made - - - - *9th July 2002*
Coming into force - - *1st August 2002*

The National Assembly for Wales (“the National Assembly”), in exercise of the powers conferred on the Secretary of State by sections 71 and 104(1) of the Control of Pollution Act 1974⁽¹⁾ and which are now exercisable by the National Assembly⁽²⁾, hereby makes the following Order:

Citation, commencement and application

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

(2) This Order applies to Wales.

Approval of Codes of Practice

2. The following British Standards Institution Codes of Practice are approved as being suitable for giving guidance on 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

(1) 1974 c. 40.

(2) The powers of the Secretary of State in so far as exercisable in relation to Wales have been transferred to the National Assembly for Wales: see Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

Status: This is the original version (as it was originally made).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

- (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) Order 1984⁽³⁾ and the Control of Noise (Codes of Practice for Construction and Open Sites) Order 1987⁽⁴⁾ are revoked in relation to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁵⁾

9th July 2002

John Marek
The Deputy Presiding Officer of the National
Assembly

⁽³⁾ S.I. 1984/1992.
⁽⁴⁾ S.I. 1987/1730.
⁽⁵⁾ 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Order)

Under sections 71 and 104(1) of the Control of Pollution Act 1974, the Secretary of State may approve codes of practice for the purpose of giving guidance on appropriate methods for minimising noise (which includes vibration) and the Secretary of State must approve such a code of practice for the carrying out of works to which section 60 of the Act applies. These works include building and roadworks, demolition, dredging and other works of engineering construction.

The Secretary of State's powers to approve codes of practice are exercisable by the National Assembly for Wales in relation to Wales.

This Order approves the four codes mentioned in Article 2. The code of practice for basic information and procedures for noise vibration and control mentioned in Article 2(a) applies to all construction sites and other open sites. The codes of practice mentioned in Article 2(b), (c) and (d) apply, in addition, in relation to surface coal extraction, piling operations and surface mineral extraction sites respectively.

This Order replaces, in relation to Wales, the Control of Noise (Codes of Practice for Construction and Open Sites) Order 1984 and the Control of Noise (Codes 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:

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	ISBN 0 580 20381 6
BS 5228: Part 5: 1997	ISBN 0 580 28306 2
