

SCHEDULE 8

Amendment of the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001

Insertion of Schedule 12A

26. After Schedule 12 insert—

“SCHEDULE 12A

Regulation 14

Approved body requirements

1.—(1) The body, its director and its staff responsible for carrying out verification operations may be neither the designer, builder, supplier or installer of the equipment nor the authorised representative established in the United Kingdom of any of those parties. They may become involved neither directly nor as authorised representatives in the design, construction, marketing or maintenance of such equipment nor represent the parties engaged in these activities.

(2) Sub-paragraph (1) does not preclude the possibility of exchange of technical information between the manufacturer and the body.

2. The body and its staff must carry out the assessments and verifications with the highest degree of professional integrity and technical competence and must be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their work, especially from persons or groups of persons with an interest in the results of verification.

3. The body must have at its disposal the necessary staff and possess the necessary facilities to enable it to perform properly the technical and administrative tasks connected with inspection and surveillance operations; it must also have access to the equipment required for any special verification.

4. The staff responsible for inspection must have—

- (a) sound technical and professional training;
- (b) satisfactory knowledge of the requirements for the assessment of technical documentation;
- (c) satisfactory knowledge of the requirements for the tests they carry out and adequate practical experience of such tests;
- (d) the ability to draw up the certificates, records and reports required to authenticate the performance of the tests.

5. The body must be able to demonstrate the impartiality of its inspection staff.

6. The remuneration of the inspection staff must not depend on the number of tests carried out or the results of such tests.

7. The body must have, and must satisfy the Secretary of State that it has, adequate civil liability insurance in respect of its activities.

8. The body must ensure that its staff observe professional secrecy with regard to all information gained in carrying out its tests under these Regulations.

9. Paragraph 8 does not prevent the staff from providing the information to the Secretary of State.”.