

1989 No. 1127

**PUBLIC HEALTH, ENGLAND AND WALES  
PUBLIC HEALTH, SCOTLAND**

**NOISE**

**The Construction Plant and Equipment (Harmonization of  
Noise Emission Standards) (Amendment) Regulations  
1989**

<i>Made - - - -</i>	<i>5th July 1989</i>
<i>Laid before Parliament</i>	<i>10th July 1989</i>
<i>Coming into force</i>	<i>1st August 1989</i>

The Secretary of State, being a Minister designated (a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures in respect of sound power level and sound pressure level requirements for the marketing of construction plant and equipment, in exercise of the powers conferred on him by that section, and of all his other enabling powers, hereby makes the following Regulations:-

1. These Regulations, which extend to Great Britain, may be cited as the Construction Plant and Equipment (Harmonization of Noise Emission Standards) (Amendment) Regulations 1989, and shall come into force on 1st August 1989.

2. The Construction Plant and Equipment (Harmonization of Noise Emission Standards) Regulations 1985(c) are hereby amended as follows:-

(a) in regulation 2(1)-

(i) at the end of the definition of "EEC type-examination requirements" there shall be added "and, in the case of tower cranes manufactured on or after 1st August 1989 with an operator's position fixed to the structure of the tower crane, the sound pressure level of airborne noise emitted at the operator's position";

(ii) at the end of the definition of "Special Directives" there shall be added "and, in the case of tower cranes with an operator's position fixed to the structure of the tower crane, the permissible sound pressure level of airborne noise emitted at the operator's position"(d);

(b) in regulation 3(1), for "mark has" there shall be substituted "mark or marks have";

(c) in regulation 5(5), after "power" there shall be inserted "and pressure";

(d) in regulation 6-

(i) in paragraph (1), after "mark" there shall be inserted "or marks";

---

(a) S.I. 1985/749, 1987/926.

(b) 1972 c.68.

(c) S.I. 1985/1968.

(d) 87/405/EEC, OJ No. L220, 8.8.1987, p.60.

(ii) in paragraph (3), for "The EEC Mark" there shall be substituted "An EEC Mark";

(iii) after paragraph 3 there shall be added the following—

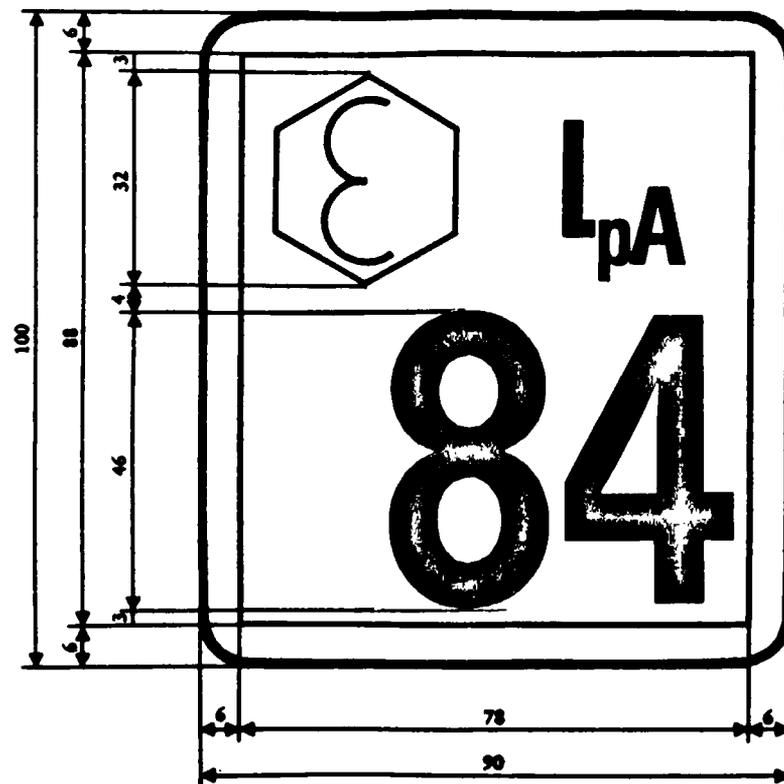
"(4) In the case of a tower crane manufactured on or after 1st August 1989 with an operator's position fixed to the structure of the tower crane an additional EEC mark shall be placed thereon indicating either—

(i) the sound pressure level of airborne noise emitted at the operator's position ascertained in accordance with the Special Directive relating to such tower cranes by the approved body or other body mentioned in Regulation 6(3)(i), or on a review of the decision of such body; or

(ii) such sound pressure level so ascertained by the manufacturer if that sound pressure level is higher than that ascertained in accordance with Regulation 6(4)(i)."

(e) in Schedule 4 at the end there shall be added—

"ADDITIONAL EEC MARK TO BE PLACED ON TOWER CRANES MANUFACTURED ON OR AFTER 1ST AUGUST 1989 WITH AN OPERATOR'S POSITION FIXED TO THE STRUCTURE OF THE TOWER CRANE, STATING THE SOUND PRESSURE LEVEL OF AIRBORNE NOISE EMITTED AT THE OPERATOR'S POSITION



(Note: The figure 84 is for purposes of illustration and represents the sound pressure level as mentioned in regulation 6(4))"

5th July 1989

*Robert Atkins*  
Parliamentary Under-Secretary of State,  
Department of Trade and Industry

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Construction Plant and Equipment (Harmonization of Noise Emission Standards) Regulations 1985 ("the principal Regulations") and implement Council Directive 87/405/EEC which amends Council Directive 84/534/EEC (OJ No. L300, 19.11.1984, p.130) relating to the permissible sound power level of tower cranes.

The principal Regulations are extended so as to relate also to the permissible sound pressure level requirements of tower cranes manufactured on or after 1st August 1989 with an operator's position fixed to the structure of the tower crane.