
STATUTORY INSTRUMENTS

1995 No. 2357

ENVIRONMENTAL PROTECTION

The Construction Plant and Equipment (Harmonisation of Noise Emission Standards) (Amendment) Regulations 1995

<i>Made</i>	- - - -	<i>6th September 1995</i>
<i>Laid before Parliament</i>		<i>7th September 1995</i>
<i>Coming into force</i>	- -	<i>29th September 1995</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ 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 may be cited as the Construction Plant and Equipment (Harmonisation of Noise Emission Standards) (Amendment) Regulations 1995, and shall come into force on 29th September 1995.

2. The Construction Plant and Equipment (Harmonisation of Noise Emission Standards) Regulations 1988⁽³⁾ (hereinafter referred to as the “principal Regulations”) are hereby further amended as follows:—

(a) in regulation 2(1)—

(i) in the definition of “earth-moving machine” after the words “construction plant and equipment” and before the word “namely” there shall be inserted:—

“in which the installed power is below 500 kW;” and

(ii) at the end of the definition of “Special Directive” there shall be added:—

“and as further amended by the European Parliament and Council Directive [95/27/EC](#)”;⁽⁴⁾ and

(b) in regulation 5—

(i) for paragraph (3) there shall be substituted the following paragraph:—

“(3) An approved body which has received an application under paragraph (1) above shall, after examination of the type of earth-moving machine in respect of

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

(2) 1972 c. 68.

(3) S.I. 1988/361, as amended by S.I. 1992/488 and as further amended by S.I. 1992/3043.

(4) OJ No. L168, 18.7.95, p. 14.

which the application was made and after payment of the prescribed fee, grant an EC type-examination certificate in the form set out in Schedule 2 where it is satisfied in respect of a certificate granted—

- (a) in the period from the coming into force of the Construction Plant and Equipment (Harmonisation of Noise Emission Standards) (Amendment) Regulations 1995 until 30th December 1996, that the said type of earth-moving machine conforms with the EC type-examination requirements specified in sub-paragraph (a) of Article 3.1 of the Special Directive:

Provided that if the person making the application requests that the EC type-examination requirements specified in sub-paragraph (b) of Article 3.1 of the Special Directive should be applied, instead of those in sub-paragraph (a) of the said Article, the approved body may, where it is satisfied that the type of earth-moving machine conforms with such requirements, grant the said certificate specifying that it is so satisfied;
 - (b) in the period from 30th December 1996 until 30th December 2001, that the said type of earth-moving machine conforms with the EC type-examination requirements specified in sub-paragraph (b) of Article 3.1 of the Special Directive; and
 - (c) from 30th December 2001, that the said type of earth-moving machine conforms with the EC type-examination requirements specified in sub-paragraph (c) of Article 3.1 of the Special Directive.;
- (ii) in paragraph (4), after the words “EEC type-examination requirements” and before the words “and after payment of the prescribed fee” there shall be inserted:—
- “as applied in accordance with paragraph (3) above”; and
- (iii) for paragraph (5) there shall be substituted the following paragraph:—
- “(5) Where an EC type-examination certificate is granted—
- (a) under paragraph (3)(a) above, except where it is granted under the proviso to that paragraph, such certificate shall cease to be valid after 29th December 1997;
 - (b) under the proviso in paragraph (3)(a) above or under paragraph (3)(b) above such certificate shall, notwithstanding sub-paragraph (c) below, cease to be valid after 29th December 2002; and
 - (c) under the proviso in paragraph 3(a), paragraph (3)(b) or (3)(c) above, subject to sub-paragraph (b) above, the period of validity of any such certificate shall be limited to 5 years but the approved body may on application made to it and after payment of the prescribed fee extend the period of validity by a further 5 years provided that—
 - (i) application for such extension is made within the period of 12 months before the expiry of the certificate; and
 - (ii) the type of earth-moving machine in respect of which the EC type-examination certificate was granted conforms with the EC type-examination requirements applicable in accordance with paragraph (3) above at the date the extension enters into force;

and if the approved body refuses to grant such extension it shall inform the applicant of his right to apply for a review of the decision of the approved body under regulation 8.”.

3. References in the principal Regulations to “EEC” wherever they occur shall be substituted with “EC”.

4. Nothing in these Regulations shall affect the validity of an EC type-examination certificate which is in force at the date of the coming into force of these Regulations but any such certificate shall cease to be valid after 29th December 1997.

6th September 1995

Ian Taylor
Parliamentary Under-Secretary of State for
Science and Technology,
Department of Trade and Industry

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Construction Plant and Equipment (Harmonisation of Noise Emission Standards) Regulations 1988 as amended by the Construction Plant and Equipment (Harmonisation of Noise Emission Standards) (Amendment) Regulations 1992 and the Construction Plant and Equipment (Harmonisation of Noise Emission Standards) (Extension to Northern Ireland) Regulations 1992 (together the “principal Regulations”) implemented Council Directive [84/532/EEC](#) (OJNo. L300, 19.11.84, p.111) (“the Framework Directive”) and Council Directive [86/662/EEC](#) (OJ No. L384, 31.12.86, p.1) as amended by Commission Directive [89/514/EEC](#) (OJ No. L253, 30.8.89, p.35) (the “Special Directive”). The European Parliament and Council Directive [95/27/EC](#) (OJ No. L168, 18.7.95, p.14) (the “amending Directive”) further amends the Special Directive.

These Regulations implement the amending Directive by further amending the principal Regulations. They:

- (a) limit the application of the principal Regulations to items of construction plant and equipment (consisting of earth-moving machines as specified in the principal Regulations) in which the installed power is below 500kW;
- (b) provide, until 30th December 1996, for the continued application of the regime for permissible sound power levels for such earth-moving machines which applied under the principal Regulations before the coming into force of these Regulations, with an option during this period for the manufacturer to have applied to such machines the more stringent regime set out in sub-paragraph (b) of Article 3.1 of the Special Directive (as amended by the amending Directive);
- (c) provide, in the period from 30th December 1996 until 30th December 2001, for the application of the regime for permissible sound power levels set out in sub-paragraph (b) of Article 3.1;
- (d) provide, from 30th December 2001, for the application of the regime for permissible sound power levels set out in sub-paragraph (c) of Article 3.1, which further reduces permitted sound power levels; and
- (e) make provision for the period of validity of certificates granted under the principal Regulations (as amended by these Regulations).