The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 (“the Act”)(a).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the Act in relation to measures relating to the assessment, management and control of environmental noise(b).

These Regulations make provision for a purpose mentioned in section 2(2) of the Act and it appears to the Secretary of State that it is expedient for references to Annex 2 to Directive 2002/49/EC of the European Parliament and of the Council relating to the assessment and management of environmental noise(c) to be construed as references to that Annex as amended from time to time.

Citation and commencement

1. These Regulations may be cited as the Environmental Noise (England) (Amendment) Regulations 2018 and come into force on 31st December 2018.

Amendment of the Environmental Noise (England) Regulations 2006

2.—(1) The Environmental Noise (England) Regulations 2006(d) are amended as follows.

(a) 1972 c. 68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), the Schedule, Part 1. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act). Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28 and was amended by the European Union (Amendment) Act 2008, the Schedule, Part 1 and S.I. 2007/1388. It is prospectively repealed by the European Union (Withdrawal) Act 2018, section 1 from exit day (see section 20 of that Act). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by S.I. 2002/794.

(b) S.I. 2004/706, to which there are amendments not relevant to these Regulations.


(d) S.I. 2006/2238, as amended by S.I. 2008/375, 2010/340; there are other amending instruments but none is relevant.
(a) in paragraph (2), in the definition of “the Directive”, for the words from “of 25 June 2002” to the end substitute “relating to the assessment and management of environmental noise, as last amended by Commission Directive (EU) 2015/996”;

(b) in paragraph (3), after “Annex I” insert “, 2”.

(3) In regulation 4—

(a) in paragraph (3), for “means of” to the end substitute “computation (at the assessment position) and by means of the assessment methods set out in Annex 2 to the Directive”;

(b) after paragraph (3) insert—

“(3A) In paragraph (3), “assessment position” means the assessment height in paragraph 7 of Annex 4 to the Directive.”;

(c) omit paragraphs (4) and (5).

(4) Omit Schedule 2.

(5) In Schedule 3—

(a) in paragraph 1, omit the definition of “LA10,18h”;

(b) omit paragraph 2(a).

Thérèse Coffey
Parliamentary Under Secretary of State
15th October 2018
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE
(This note is not part of the Regulations)


An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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