



Control of Pollution Act 1974

1974 CHAPTER 40

PART III

NOISE

Noise from plant or machinery

68 Noise from plant or machinery.

(1) Provision may be made by regulations—

- (a) for requiring the use on or in connection with plant or machinery of devices or arrangements for reducing the noise caused by the plant or machinery;
- (b) for limiting the level of noise which may be caused by any plant or machinery when used for works to which section 60 of this Act applies or which may be caused outside a factory within the meaning of the ^{M1}Factories Act 1961 by the use of plant or machinery in the factory;

and regulations under this section may apply standards, specifications, descriptions or tests laid down in documents not forming part of the regulations.

(2) It shall be the duty of the Secretary of State, before he makes regulations under this section, to consult persons appearing to him to represent producers and users of plants and machinery with a view to ensuring that the regulations do not contain requirements which in his opinion would be impracticable or involve unreasonable expense.

[^{F1}(2A) Subsection (2) does not apply to regulations which apply only in relation to England.]

(3) Any person who contravenes or causes or permits another person to contravene regulations under this section shall be guilty of an offence against this Part of this Act; but in any proceedings for a contravention or regulations made in pursuance of paragraph (a) of subsection (1) of this section it shall be a defence to prove that means were used for the purpose of reducing the noise in question which were not less effective for that purpose than the means required by the regulations.

Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Cross Heading: Noise from plant or machinery. (See end of Document for details)

- (4) Without prejudice to the generality of section 104(1)(a) of this Act, different regulations may be made under this section for different localities, and it shall be the duty of each local authority to enforce the provisions of regulations under this section within its area; but nothing in this section shall be taken to authorise a local authority in Scotland to institute proceedings for any offence.
- (5) Nothing in this section or in regulations under this section shall be construed as derogating from any other provision of this Part of this Act.

Textual Amendments

F1 S. 68(2A) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(l), [Sch. 22 para. 4](#)

Marginal Citations

M1 1961 c. 64.

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