

STATUTORY INSTRUMENTS

2001 No. 1701

**The Noise Emission in the Environment by
Equipment for use Outdoors Regulations 2001**

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001.

(2) This regulation, regulations 2 and 14 shall come into force on 4th June 2001, except that regulation 2(1)(b) shall not have effect until the date of the coming into force of the Decision by the EEA Joint Committee by which the application of the Directive is extended to the EEA.

(3) The remaining regulations shall come into force on 3rd July 2001.

(4) The Construction Plant and Equipment (Harmonization of Noise Emission Standards) Regulations 1985 ^{F1}, the Construction Plant and Equipment (Harmonisation of Noise Emission Standards) Regulations 1988 ^{F2}, the Lawnmowers (Harmonization of Noise Emission Standards) Regulations 1992 ^{F3} and the Construction Plant and Equipment (Noise Emission) Regulations (Northern Ireland) 1987 ^{F4} are revoked with effect from 3rd January 2002.

Textual Amendments

- F1 S.I. 1985/1968, amended by S.I. 1989/1127.
- F2 S.I. 1988/361, amended by S.I. 1992/488, 1992/3043, 1995/2357.
- F3 S.I. 1992/168, amended by S.I. 1997/876.
- F4 S.R. 1987 No. 328, amended by S.R. 1990 No. 102 and S.R. 1999 No. 123.

Interpretation **E+W+S**

2.—(1) In these Regulations—

(a) “the Directive” means Directive [2000/14/EC](#) of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors ^{F5}[^{F6}as it has effect immediately before IP completion day];

^{F7}(b)

[^{F8}(c) unless the context otherwise requires, a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations and a reference to a paragraph in a regulation is a reference to a paragraph in that regulation.]

(2) In these Regulations, unless the context otherwise requires—

[^{F9}“approved body” has the meaning given to it in regulation 13];

“CE marking” means the CE marking referred to in [^{F10}Article 3(c) of the Directive] consisting of the initials “CE” in the form shown in [^{F11}Annex IV to the Directive];

^{F12} ...

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“enforcement authority” shall be construed in accordance with paragraph 1(1) of Schedule 13;

“equipment” means equipment for use outdoors;

[^{F13}“equipment for use outdoors” means ^{F14}...—

- (a) assemblies which fall within one of the following descriptions—
 - (i) an assembly, fitted with or intended to be fitted with a drive system other than directly applied human or animal effort, consisting of linked parts or components, at least one of which moves, and which are joined together for a specific application;
 - (ii) an assembly as referred to in sub-paragraph (i), missing only the components to connect it on site or to sources of energy and motion;
 - (iii) an assembly as referred to in sub-paragraph (i) or (ii), ready to be installed and able to function as it stands only if mounted on a means of transport, or installed in a building or structure;
 - (iv) assemblies of machinery as referred to in sub-paragraphs (i), (ii) and (iii) or partly completed machinery, which, in order to achieve the same end, are arranged and controlled so that they function as an integral whole;
 - (v) an assembly of linked parts or components, at least one of which moves and which are joined together, intended for lifting loads and whose only power source is directly applied human effort;
- (b) devices which, after the putting into service of machinery or of a tractor, are assembled with that machinery or tractor by operators themselves in order to change its function or attribute a new function, in so far as they are not tools (“interchangeable equipment”); and
- (c) components—
 - (i) which serve to fulfil a safety function;
 - (ii) which are independently placed on the market;
 - (iii) the failure or malfunction of which endangers the safety of persons; and
 - (iv) which are not necessary in order for the machinery to function, or for which other components which do not fall within sub-paragraphs (i) to (iii) may be substituted in order for the machinery to function,

to the extent that they are either self-propelled or can be moved and which, irrespective of the driving element(s), are intended to be used, according to their type, in the open air and which contribute to environmental noise exposure, including non-powered equipment for industrial or environmental applications which is intended, according to its type, to be used outdoors and which contributes to environmental noise exposure;]

“indication of the guaranteed sound power level” means the indication referred to in regulation 11 in the form shown in Schedule 7;

“open air” includes the use of equipment in an ambience where the transmission of sound is not or not significantly affected (for instance, under tents, under roofs for protection against rain or in the shell of houses);

“responsible person” means

- (a) the manufacturer;
- (b) the manufacturer’s authorised representative established in the [^{F15}United Kingdom]; or
- (c) where neither the manufacturer nor his authorised representative is established in the [^{F15}United Kingdom], the person placing the equipment on the market or putting it into service in [^{F16}Great Britain];

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“guaranteed sound power level” means a sound power level determined in accordance with the requirements laid down in Schedule 6 which includes the uncertainties due to production variation and measurement procedures and where the responsible person confirms that according to the technical instruments applied and referred to in the technical documentation it is not exceeded;

“measured sound power level” means a sound power level as determined from measurements as laid down in Schedule 6; measured values may be determined either from a single machine representative for the type of equipment or from the average of a number of machines;

F17
...

F18F19“sound power level L_{WA} ” means the A-weighted sound power level in dB in relation to $1pW$ as defined in EN ISO 3744: 1995 and EN ISO 3746: 1995;

[F20“UK marking” means the marking in the form set out in Annex 2 of Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;]

Extent Information

- E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F5 OJ L162, 3.7.2000, p.1.
- F6 Words in reg. 2(1)(a) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 2(a)(i)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), **Sch. 1 para. 1(b)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F7 Reg. 2(1)(b) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 2(a)(ii)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F8 Reg. 2(1)(c) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 2(a)(iii)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F9 Words in reg. 2(2) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 2(b)(i)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F10 Words in reg. 2(2) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 2(b)(ii)(aa)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F11 Words in reg. 2(2) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 2(b)(ii)(bb)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F12 Words in reg. 2(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 2(b)(iii)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F13 Words in reg. 2(2) substituted (29.12.2009) by The Supply of Machinery (Safety) Regulations 2008 (S.I. 2008/1597), reg. 1(1), **Sch. 7 para. 4(2)** (with reg. 28)
- F14 Words in reg. 2(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 2(b)(iv)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

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- F15** Words in reg. 2(2) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 8 para. 2(b)(v)(aa) (with Sch. 8 para. 14) (as substituted by S.I. 2020/1460, reg. 1(4), Sch. 3 para. 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 2(2) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 8 para. 2(b)(v)(bb) (with Sch. 8 para. 14) (as substituted by S.I. 2020/1460, reg. 1(4), Sch. 3 para. 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in reg. 2(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 8 para. 2(b)(vi) (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F18** EN ISO 3744:1995—Acoustics—Determination of sound power levels of noise sources using sound pressure—Engineering method in an essentially free field over a reflecting plane.
- F19** EN ISO 3746:1995—Acoustics—Determination of sound power levels of noise sources using sound pressure—Survey method using an enveloping measurement surface over a reflecting plane.
- F20** Words in reg. 2(2) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 8 para. 2(b)(vii) (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Interpretation **N.I.**

2.—(1) In these Regulations—

- (a) “the Directive” means Directive 2000/14/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors ^{F67}[^{F68}and];
- ^{F69}(b)
- (c) unless the context otherwise requires, a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations and a reference—
- (i) to a paragraph in a regulation is a reference to a paragraph in that regulation;
 - (ii) to an Annex is a reference to an Annex of the Directive: for the purposes of these Regulations, Annexes I, II, III, IV, V, VI, VII and VIII are respectively set out in Schedules 4, 5, 6, 7, 8, 9, 10 and 11;
 - (iii) to a paragraph in an Annex is a reference to a paragraph in that Annex as set out in the relevant Schedule;
 - (iv) to an Article is a reference to an Article of the Directive.

[^{F70}(1A) A reference in a Schedule to these Regulations—

- (a) to “the European Union” is to be read as a reference to the relevant market;
 - (b) to “Community Directives” is to be read as a reference to NI Protocol obligations;
 - (c) to “the Notifying Member State” is to be read as a reference to the Secretary of State.]
- (2) In these Regulations, unless the context otherwise requires—
- “CE marking” means the CE marking referred to in regulation 11 consisting of the initials “CE” in the form shown in Schedule 7;
- “the Commission” means the Commission of the [^{F71}European Union];
- “enforcement authority” shall be construed in accordance with paragraph 1(1) of Schedule 13;
- “equipment” means equipment for use outdoors;

[^{F72c}“equipment for use outdoors” means all the kinds of machinery referred to in Article 2(a), (b) and (c) of Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC, that is to say—

- (a) assemblies which fall within one of the following descriptions—
 - (i) an assembly, fitted with or intended to be fitted with a drive system other than directly applied human or animal effort, consisting of linked parts or components, at least one of which moves, and which are joined together for a specific application;
 - (ii) an assembly as referred to in sub-paragraph (i), missing only the components to connect it on site or to sources of energy and motion;
 - (iii) an assembly as referred to in sub-paragraph (i) or (ii), ready to be installed and able to function as it stands only if mounted on a means of transport, or installed in a building or structure;
 - (iv) assemblies of machinery as referred to in sub-paragraphs (i), (ii) and (iii) or partly completed machinery, which, in order to achieve the same end, are arranged and controlled so that they function as an integral whole;
 - (v) an assembly of linked parts or components, at least one of which moves and which are joined together, intended for lifting loads and whose only power source is directly applied human effort;
- (b) devices which, after the putting into service of machinery or of a tractor, are assembled with that machinery or tractor by operators themselves in order to change its function or attribute a new function, in so far as they are not tools (“interchangeable equipment”); and
- (c) components—
 - (i) which serve to fulfil a safety function;
 - (ii) which are independently placed on the market;
 - (iii) the failure or malfunction of which endangers the safety of persons; and
 - (iv) which are not necessary in order for the machinery to function, or for which other components which do not fall within sub-paragraphs (i) to (iii) may be substituted in order for the machinery to function,

to the extent that they are either self-propelled or can be moved and which, irrespective of the driving element(s), are intended to be used, according to their type, in the open air and which contribute to environmental noise exposure, including non-powered equipment for industrial or environmental applications which is intended, according to its type, to be used outdoors and which contributes to environmental noise exposure;]

“indication of the guaranteed sound power level” means the indication referred to in regulation 11 in the form shown in Schedule 7;

[^{F73c}“NI Protocol obligation” means any obligation created or arising by or under the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;]

“open air” includes the use of equipment in an ambience where the transmission of sound is not or not significantly affected (for instance, under tents, under roofs for protection against rain or in the shell of houses);

[^{F74c}“relevant market means—

- ((a)) the market of Northern Ireland; and
- ((b)) the markets of the EEA states;]

“responsible person” means

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- (a) the manufacturer;
- (b) the manufacturer’s authorised representative established in the [^{F75}relevant market]; or
- (c) where neither the manufacturer nor his authorised representative is established in the [^{F75}relevant market], the person placing the equipment on the market or putting it into service in the [^{F75}relevant market];

“guaranteed sound power level” means a sound power level determined in accordance with the requirements laid down in Schedule 6 which includes the uncertainties due to production variation and measurement procedures and where the responsible person confirms that according to the technical instruments applied and referred to in the technical documentation it is not exceeded;

“measured sound power level” means a sound power level as determined from measurements as laid down in Schedule 6; measured values may be determined either from a single machine representative for the type of equipment or from the average of a number of machines;

“notified body” shall be construed in accordance with regulation 13;

^{F76F77cc}“sound power level L_{WA} ” means the A-weighted sound power level in dB in relation to 1pW as defined in EN ISO 3744: 1995 and EN ISO 3746: 1995;

[^{F78cc}“UK(NI) indication” means the marking in the form set out in Schedule 1 to Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020.]

Extent Information

- E10** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F67** OJ L162, 3.7.2000, p.1.
- F68** Word in reg. 2(1)(a) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 2 para. 1(2)(a)(i)**
- F69** Reg. 2(1)(b) omitted (N.I.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 2 para. 1(2)(a)(ii)**
- F70** Reg. 2(1A) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 2 para. 1(2)(b)**
- F71** Words in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2-68-10
- F72** Words in reg. 2(2) substituted (29.12.2009) by [The Supply of Machinery \(Safety\) Regulations 2008 \(S.I. 2008/1597\)](#), reg. 1(1), **Sch. 7 para. 4(2)** (with reg. 28)
- F73** Words in reg. 2(2) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 2 para. 1(2)(c)(i)**
- F74** Words in reg. 2(2) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 2 para. 1(2)(c)(ii)**
- F75** Words in reg. 2(2) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 2 para. 1(2)(c)(iii)**
- F76** EN ISO 3744:1995—Acoustics—Determination of sound power levels of noise sources using sound pressure—Engineering method in an essentially free field over a reflecting plane.

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- F77** EN ISO 3746:1995—Acoustics—Determination of sound power levels of noise sources using sound pressure—Survey method using an enveloping measurement surface over a reflecting plane.
- F78** Words in [reg. 2\(2\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 2\(2\)](#)

Application

3.—(1) Subject to regulations 4, 5 and 6, these Regulations shall apply to equipment listed in Schedules 1 and 2, as further defined in Schedule 4.

(2) These Regulations shall apply, and the provisions of [^{F21}sections 1.5.8 and 1.7.4(u) of Part 1 of Schedule 2 to the Supply of Machinery (Safety) Regulations 2008] shall not apply, to any equipment listed in Schedules 1 and 2, as further defined in Schedule 4 [^{F22}in respect of the requirements relating to the sound power level of equipment].

Textual Amendments

- F21** Words in [reg. 3\(2\)](#) substituted (29.12.2009) by [The Supply of Machinery \(Safety\) Regulations 2008 \(S.I. 2008/1597\)](#), [reg. 1\(1\)](#), [Sch. 7 para. 4\(3\)](#) (with [reg. 28](#))
- F22** Words in [reg. 3\(2\)](#) added (3.1.2002) by [The Noise Emission in the Environment by Equipment for use Outdoors \(Amendment\) Regulations 2001 \(S.I. 2001/3958\)](#), [regs. 1, 2\(1\)](#)

Excluded equipment

4. These Regulations shall not apply to—

- (a) non-powered attachments separately placed on the market or put into service except for hand-held concrete breakers and picks and those for hydraulic hammers;
- (b) all equipment primarily intended for the transport of goods or persons by road or rail or by air or on waterways; or
- (c) equipment specially designed and constructed for military and police purposes and for emergency services.

5. These Regulations shall not apply to equipment placed on the market before 3rd July 2001.

6.—(1) Subject to paragraph (2), these Regulations shall not apply to equipment placed on the market or put into service on or before 2nd January 2002 which comply with any provisions with which they would have been required to comply for them to be placed on the market in the United Kingdom on 2nd July 2001.

(2) The exclusion provided in paragraph (1) shall not apply in the case of equipment which—

- (a) unless required to bear the CE marking pursuant to any other [^{F23}EU] obligation, bears the CE marking or an inscription liable to be confused with it; or
- (b) bears or is accompanied by any other indication, howsoever expressed, that it complies with the Directive.

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F23 Words in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), **arts. 2-6**

General duty relating to placing on the market or putting into service **E+W+S**

7.—(1) Subject to regulation 8, no person, who is a responsible person, shall place on the market or put into service any equipment listed in Schedules 1 and 2 and further defined in Schedule 4 unless the requirements of paragraph (2) have been complied with in relation to it.

(2) The requirements in respect of equipment described in paragraph (1) are that:

- (a) it satisfies the relevant requirements set out in regulation 8;
- (b) the appropriate conformity assessment procedure referred to in regulation 10 has been completed in relation to it;
- (c) it bears the [^{F24}UK] marking and the indication of the guaranteed sound power level in accordance with regulation 11; and
- (d) it is accompanied by [^{F25}a] declaration of conformity the minimum content of which is set out in Schedule 5.

[^{F26}(2A) Where paragraph (2B) applies, paragraph (2)(c) is met where the UK marking is affixed to—

- (a) a label affixed to the equipment; or
- (b) a document accompanying the equipment.

(2B) This paragraph applies to equipment that is placed on the market within a period of [^{F27}seven years] beginning with IP completion day.]

(3) ^{F28}... The declaration of conformity shall be in English.

(4) A specimen of the declaration of conformity shall be retained by the responsible person for 10 years from the date on which the type of equipment was last manufactured, together with the technical documentation as provided for in Schedule 8 point 3, Schedule 9 point 3, Schedule 10 point 2, and Schedule 11 points 3.1 and 3.3.

(5) Type-examination certificates issued and measurements of equipment carried out under the Regulations listed in regulation 1(4) may be used in drawing up the technical documentation referred to in paragraph (4) above.

(6) Paragraph (1) shall only apply to equipment that is placed on the market or put into service as an entire unit suitable for the intended use of that equipment.

Extent Information

E2 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F24 Word in [reg. 7\(2\)\(c\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), **Sch. 8 para. 3(a)** (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F25** Word in reg. 7(2)(d) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 8 para. 3(b)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Reg. 7(2A)(2B) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 8 para. 3(ba)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 5(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F27** Words in reg. 7(2B) substituted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), 3, **Sch. 2 (b)**
- F28** Words in reg. 7(3) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 8 para. 3(c)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

General duty relating to placing on the market or putting into service **N.I.**

7.—(1) Subject to regulation 8, no person, who is a responsible person, shall place on the market or put into service any equipment listed in Schedules 1 and 2 and further defined in Schedule 4 unless the requirements of paragraph (2) have been complied with in relation to it.

(2) The requirements in respect of equipment described in paragraph (1) are that:

- (a) it satisfies the relevant requirements set out in regulation 8;
- (b) the appropriate conformity assessment procedure referred to in regulation 10 has been completed in relation to it;

[^{F79}(c) in accordance with regulation 11, it bears the—

- (i) CE marking, accompanied, where regulation 11(2A) applies, by the UK(NI) indication;
- (ii) indication of the guaranteed sound power level;]
- (d) it is accompanied by an EC declaration of conformity the minimum content of which is set out in Schedule 5.

(3) In respect of equipment to be placed on the market or put into service in the United Kingdom, the declaration of conformity shall be in English.

(4) A specimen of the declaration of conformity shall be retained by the responsible person for 10 years from the date on which the type of equipment was last manufactured, together with the technical documentation as provided for in Schedule 8 point 3, Schedule 9 point 3, Schedule 10 point 2, and Schedule 11 points 3.1 and 3.3.

(5) Type-examination certificates issued and measurements of equipment carried out under the Regulations listed in regulation 1(4) may be used in drawing up the technical documentation referred to in paragraph (4) above.

(6) Paragraph (1) shall only apply to equipment that is placed on the market or put into service as an entire unit suitable for the intended use of that equipment.

Extent Information

- E11** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F79** Reg. 7(2)(c) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), **Sch. 2 para. 2(3)**

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Permissible sound power level of equipment

8.—(1) The requirements concerning noise emission in the environment in the case of equipment listed in Schedule 1 and defined in Schedule 4 are that the guaranteed sound power level does not exceed the applicable permissible sound power level as laid down in the table set out in Schedule 3 and as calculated in accordance with the provisions in Schedule 6.

(2) The sound power levels in the column headed “Stage I” of the table set out in Schedule 3 shall apply from 3rd January 2002 and those in the column headed “Stage II” of the said table shall apply from 3rd January 2006.

(3) The requirements concerning noise emission in the environment in the case of equipment listed in Schedule 2 and defined in Schedule 4 are that the guaranteed sound power level shall be marked on the equipment.

Exceptions to placing on the market and putting into service of certain equipment **E+W+S**

9. For the purposes of regulation 7, equipment shall not be regarded as being placed on the market or put into service—

(a) where that equipment—

(i) will be put into service in a country outside [^{F29}Great Britain]; or

[^{F30}(ii) is imported into Great Britain for re-export to Northern Ireland or a country outside of the United Kingdom;]

save that this paragraph shall not apply if the [^{F31}UK] marking, or any inscription liable to be confused therewith, is affixed thereto; or

(b) by the showing at trade fairs, exhibitions, demonstrations and similar events, of that equipment in respect of which the provisions of these Regulations are not satisfied if—

(i) a visible sign clearly indicates that—

(aa) such equipment does not conform; and

(bb) it is not placed on the market or put into service until it has been brought into conformity by the responsible person; and

(ii) adequate safety measures are taken during demonstrations to ensure the protection of persons.

Extent Information

E3 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F29 Words in reg. 9(a)(i) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 4(a)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 5(4)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

F30 Reg. 9(a)(ii) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 4(aa)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 5(4)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**

F31 Word in reg. 9(a) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 4(b)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Exceptions to placing on the market and putting into service of certain equipment **N.I.**

9. For the purposes of regulation 7, equipment shall not be regarded as being placed on the market or put into service—

(a) where that equipment—

(i) will be put into service in a [^{F80}market outside of the relevant market]; or

[^{F81}(ii) is imported into the relevant market for re-export to a market outside of the relevant market,]

save that this paragraph shall not apply if the CE marking, or any inscription liable to be confused therewith, is affixed thereto; or

(b) by the showing at trade fairs, exhibitions, demonstrations and similar events, of that equipment in respect of which the provisions of these Regulations are not satisfied if—

(i) a visible sign clearly indicates that—

(aa) such equipment does not conform; and

(bb) it is not placed on the market or put into service until it has been brought into conformity by the responsible person; and

(ii) adequate safety measures are taken during demonstrations to ensure the protection of persons.

Extent Information

E12 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F80 Words in reg. 9(a)(i) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 2 para. 1(3)(a)**

F81 Reg. 9(a)(ii) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 2 para. 1(3)(b)**

Conformity assessment procedures

10. For the purposes of regulation 7(2)(b), the appropriate conformity assessment procedure is:

(a) for equipment listed in Schedule 1 and defined in Schedule 4, one of the procedures set out in Schedule 9, 10 or 11; or

(b) for equipment listed in Schedule 2 and defined in Schedule 4, the procedure set out in Schedule 8.

CE marking and indication of the guaranteed sound power level **E+W+S**

11.—(1) The [^{F32}UK] marking shall be accompanied by the indication of the guaranteed sound power level.

(2) The [^{F32}UK] marking and the indication of the guaranteed sound power level shall be affixed in a visible, legible and indelible form to each item of equipment [^{F33}or, where regulation 7(2B) applies, to a label affixed to the equipment or to a document accompanying the equipment].

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Subject to paragraph (4), where the equipment is subject to other [F34enactments] covering other aspects which provide for the affixing of the [F32UK] marking, the latter shall indicate that the equipment in question is also presumed to conform to the provisions of those other [F34enactments].

(4) Where one or more of the other [F34enactments] referred to in paragraph (3) allow the manufacturer, during a transitional period, to choose which arrangements to apply, the [F32UK] marking shall indicate conformity only with the [F34enactments] applied by the manufacturer, and in this case, particulars of the [F34enactments] applied ^{F35}... must be given in the documents, notices or instructions required by the [F34enactments] and accompanying the equipment.

(5) The affixing of markings or inscriptions on equipment which are likely to be misleading as to the meaning or form of the [F32UK] marking or to the indication of the guaranteed sound power level is prohibited.

(6) Any other marking may be affixed to equipment provided that the visibility and legibility of the [F32UK] marking and the indication of the guaranteed sound power level is not thereby reduced.

Extent Information

E4 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F32 Word in [reg. 11](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 8 para. 5\(a\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

F33 Words in [reg. 11\(2\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 8 para. 5\(ba\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#) and [S.I. 2020/1460](#), [reg. 1\(4\)](#), [Sch. 3 para. 5\(5\)\(b\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

F34 Word in [reg. 11](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 8 para. 5\(b\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

F35 Words in [reg. 11\(4\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 8 para. 5\(c\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

CE marking and indication of the guaranteed sound power level **N.I.**

11.—(1) The CE marking shall be accompanied by the indication of the guaranteed sound power level.

(2) The CE marking and the indication of the guaranteed sound power level shall be affixed in a visible, legible and indelible form to each item of equipment.

[F82(2A) Where a notified body established in the United Kingdom appointed pursuant to regulation 14 has carried out one or more of the conformity assessment procedures mentioned or referred to in regulation 10, the CE marking must be accompanied by the UK(NI) indication affixed in accordance with paragraph (2B).

(2B) The UK(NI) indication must be affixed—

- (a) in a visible, legible and indelible form to each item of equipment; and
- (b) before the equipment is placed on the market in Northern Ireland.]

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Subject to paragraph (4), where the equipment is subject to other [F83NI Protocol obligations] covering other aspects which provide for the affixing of the CE marking, the latter shall indicate that the equipment in question is also presumed to conform to the provisions of those other [F83NI Protocol obligations].

(4) Where one or more of the other [F84NI Protocol obligations] referred to in paragraph (3) allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity only with the [F84NI Protocol obligations] applied by the manufacturer, and in this case, particulars of the [F84NI Protocol obligations] applied, as published in the Official Journal of the [F85European Union], must be given in the documents, notices or instructions required by the [F84NI Protocol obligations] and accompanying the equipment.

(5) The affixing of markings or inscriptions on equipment which are likely to be misleading as to the meaning or form of the CE marking or to the indication of the guaranteed sound power level is prohibited.

(6) Any other marking may be affixed to equipment provided that the visibility and legibility of the CE marking and the indication of the guaranteed sound power level is not thereby reduced.

Extent Information

E13 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F82 Reg. 11(2A)(2B) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), **Sch. 2 para. 2(4)**

F83 Words in reg. 11(3) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 2 para. 1(4)(a)**

F84 Words in reg. 11(4) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 2 para. 1(4)(b)**

F85 Words in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2-68-10

Provision of data

[F36]12. The responsible person must send a copy of the declaration of conformity to the Secretary of State [F37 and to the Commission] within 28 days of placing the equipment on the market.]

Textual Amendments

F36 Reg. 12 substituted (1.4.2015) by [The Noise Emission in the Environment by Equipment for use Outdoors \(Amendment\) Regulations 2015 \(S.I. 2015/98\)](#), regs. 1, **2(2)**

F37 Words in reg. 12 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 8 para. 6** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

[F38] Obligations which are met by complying with obligations in the Directive

12A.—(1) In this regulation—

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
 - (b) “conformity assessment procedure” has the meaning given to it in Article 3(b).
- (2) Paragraph (3) applies where, before placing equipment on the market or putting it into service in Great Britain, a responsible person—
- (a) ensures that the equipment satisfies the requirements of the Directive concerning noise emission in the environment;
 - (b) ensures that the conformity assessment procedure that applies to the equipment in accordance with Article 14(1) or (2) has been carried out;
 - (c) ensures that the technical documentation referred to in Article 14 and Annexes V to VIII, and any other records and correspondence relating to the relevant conformity assessment procedure set out in those provisions, are prepared in or translated into English;
 - (d) ensures that the equipment bears a CE marking and an indication of the guaranteed sound power level in accordance with Article 11;
 - (e) draws up an EC declaration of conformity, in accordance with Article 8; and
 - (f) ensures that the EC declaration of conformity is prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) the requirements of regulation 7(2) and (3) are to be treated as being satisfied;
 - (b) regulations 7(4), 11, 12, 16(1), 17 and 18 and paragraph 8 of Schedule 13 apply subject to the modifications in paragraph (4); and
 - (c) regulation 10 does not apply.
- (4) The modifications referred to in paragraph (3)(b) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EC declaration of conformity referred to in Article 8(1);
 - (b) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Article 8(3);
 - (c) any reference to “UK marking” is to be read as a reference to the CE marking; and
 - (d) for the purposes of regulation 16(1)—
 - (i) the reference to regulation 7(2)(c) is to be read as a reference to Article 11(2);
 - (ii) the reference to regulation 7(2)(d) is to be read as a reference to Article 8(1); and
 - (iii) the reference to regulation 10 is to be read as a reference to Article 14(1) or (2).]

Textual Amendments

F38 Reg. 12A inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 8 para. 7** (with Sch. 8 para. 14) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 5(6)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**

[^{F39}Expiry of regulation 12A

12B.—(1) Subject to paragraph (2), regulation 12A ceases to have effect at the end of the period of [^{F40}four years] beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 12A—

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) any equipment which was placed on the market or put into service pursuant to regulation 12A may continue to be made available on the market on or after the expiry of regulation 12A;
- (b) any obligation to which a person was subject under regulation 12A(2) in respect of equipment placed on the market or put into service pursuant to regulation 12A continues to have effect after the expiry of regulation 12A, in respect of that equipment.]

Textual Amendments

- F39** Regs. 12B, 12C inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 8 para. 7 (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 5(6) (b)); 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in reg. 12B(1) substituted (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 2, Sch. 1 (b)

[^{F39}Qualifying Northern Ireland Goods

12C.—(1) Where paragraph (2) applies the requirements in regulation 7(2) and (3) and regulations 10 and 11 are to be treated as being satisfied.

(2) This paragraph applies where equipment is—

- (a) qualifying Northern Ireland goods; and
- (b) meets the requirements of regulation 16, as it applies in Northern Ireland.

(3) In this regulation “qualifying Northern Ireland goods has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.]

Textual Amendments

- F39** Regs. 12B, 12C inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 8 para. 7 (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 5(6) (b)); 2020 c. 1, Sch. 5 para. 1(1)

[^{F41}Approved Bodies **E+W+S**

13.—(1) For the purposes of these Regulations, an approved body is a body which has been appointed to carry out one or more of the conformity assessment procedures mentioned or referred to in regulation 10(a) and which—

- (a) has been appointed as an approved body in the United Kingdom pursuant to regulation 14; or
- (b) immediately before IP completion day was a notified body in respect of which the Secretary of State had taken no action under regulation 14(2)(e) as it had effect immediately before IP completion day, to terminate the appointment.

(2) In this regulation “notified body” means a body which before IP completion day has been—

- (a) appointed as a notified body in the United Kingdom pursuant to regulation 14, as it had effect immediately before IP completion day; and
- (b) notified by the Secretary of State to the European Commission and other member States pursuant to Article 15 of the Directive.]

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Extent Information

- E5** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F41** Reg. 13 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 8 para. 8** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), **Sch. 1 para. 1(b)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Notified Bodies **N.I.**

13. For the purposes of these Regulations, a notified body is a body which has been appointed to carry out one or more of the conformity assessment procedures mentioned or referred to in regulation 10 and which has been—

- (a) appointed as a notified body in the United Kingdom pursuant to regulation 14; or
- (b) appointed by a member State ^{F86}... and has been notified by the member State concerned to the Commission and the other member States pursuant to Article 15 of the Directive.

Extent Information

- E14** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F86** Words in [reg. 13\(b\)](#) omitted (N.I.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 2 para. 1(5)**

E+W+S

14.—(1) The Secretary of State may from time to time appoint such persons [^{F42}which meet the approved body requirements,] as he thinks fit to be [^{F43}approved] bodies for the purposes of these Regulations.

(2) An appointment—

- (a) may relate to all descriptions of equipment or such descriptions (which may be framed by reference to any circumstances whatsoever) of equipment as the Secretary of State may from time to time determine;
- (b) may be made subject to such conditions as the Secretary of State may from time to time determine, and such conditions may include conditions which are to apply upon or following termination of the appointment;
- (c) shall, without prejudice to the generality of sub-paragraph (b) and subject to paragraph (4), require that body to carry out the procedures and specific tasks for which it has been appointed including (where so provided as part of those procedures) surveillance to ensure that the responsible person duly fulfils the obligations arising out of the relevant conformity assessment procedure;

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- (d) shall be terminated upon 90 days' notice in writing to the Secretary of State, at the request of the [^{F44}approved] body; and
- (e) may be terminated if it appears to the Secretary of State that any of [^{F45}the approved body requirements or] the conditions of the appointment are not complied with.
- (3) Subject to paragraphs (2)(d) and (e), an appointment under this regulation may be for the time being or for such period as may be specified in the appointment.
- (4) [^{F46}An approved] body appointed by the Secretary of State shall not be required to carry out the functions referred to in paragraph (2)(c) if—
- (a) for any reason the documents submitted to it in relation to carrying out such functions are not in English or another language acceptable to that body;
- (b) the person making the application has not submitted with his application the amount of the fee which the body requires to be submitted with the application pursuant to regulation 15; or
- (c) the body reasonably believes that, having regard to the number of applications made to it in relation to its appointment under these Regulations which are outstanding, it will be unable to commence the required work within three months of receiving the application.
- (5) If for any reason the appointment of [^{F46}an approved] body is terminated under this regulation, the Secretary of State may—
- (a) give such directions (either to the body the subject of the termination or to another [^{F47}approved] body) for the purpose of making such arrangements for the determination of outstanding applications as he considers appropriate; and
- (b) without prejudice to the generality of the foregoing, authorise another [^{F48}approved] body to take over its functions in respect of such cases as he may specify.
- (6) Where [^{F46}an approved] body is minded to refuse to issue a report or conformity certificate it shall—
- (a) give notice in writing to the applicant of the reasons why it is minded to do so; and
- (b) give the applicant the opportunity to make representations within a period of 28 days of the said notice being given and consider any representations made within that period by the applicant.
- [^{F49}(7) In this regulation “approved body requirements” means the requirements set out in Schedule 12A.]

Extent Information

- E6** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F42** Words in [reg. 14\(1\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 8 para. 9\(b\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F43** Word in [reg. 14\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 8 para. 9\(c\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F44** Word in [reg. 14\(2\)\(d\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 8 para. 9\(c\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F45** Words in reg. 14(2)(e) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 9(d)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in reg. 14 substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 9(a)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F47** Word in reg. 14(5)(a) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 9(c)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F48** Word in reg. 14(5)(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 9(c)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F49** Reg. 14(7) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 9(e)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

N.I.

14.—(1) The Secretary of State may from time to time appoint such persons as he thinks fit to be notified bodies for the purposes of these Regulations.

(2) An appointment—

- (a) may relate to all descriptions of equipment or such descriptions (which may be framed by reference to any circumstances whatsoever) of equipment as the Secretary of State may from time to time determine;
- (b) may be made subject to such conditions as the Secretary of State may from time to time determine, and such conditions may include conditions which are to apply upon or following termination of the appointment;
- (c) shall, without prejudice to the generality of sub-paragraph (b) and subject to paragraph (4), require that body to carry out the procedures and specific tasks for which it has been appointed including (where so provided as part of those procedures) surveillance to ensure that the responsible person duly fulfils the obligations arising out of the relevant conformity assessment procedure;
- (d) shall be terminated upon 90 days' notice in writing to the Secretary of State, at the request of the notified body; and
- (e) may be terminated if it appears to the Secretary of State that any of the conditions of the appointment are not complied with.

(3) Subject to paragraphs (2)(d) and (e), an appointment under this regulation may be for the time being or for such period as may be specified in the appointment.

(4) A notified body appointed by the Secretary of State shall not be required to carry out the functions referred to in paragraph (2)(c) if—

- (a) for any reason the documents submitted to it in relation to carrying out such functions are not in English or another language acceptable to that body;
- (b) the person making the application has not submitted with his application the amount of the fee which the body requires to be submitted with the application pursuant to regulation 15; or
- (c) the body reasonably believes that, having regard to the number of applications made to it in relation to its appointment under these Regulations which are outstanding, it will be unable to commence the required work within three months of receiving the application.

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) If for any reason the appointment of a notified body is terminated under this regulation, the Secretary of State may—

- (a) give such directions (either to the body the subject of the termination or to another notified body) for the purpose of making such arrangements for the determination of outstanding applications as he considers appropriate; and
 - (b) without prejudice to the generality of the foregoing, authorise another notified body to take over its functions in respect of such cases as he may specify.
- (6) Where a notified body is minded to refuse to issue a report or conformity certificate it shall—
- (a) give notice in writing to the applicant of the reasons why it is minded to do so; and
 - (b) give the applicant the opportunity to make representations within a period of 28 days of the said notice being given and consider any representations made within that period by the applicant.

Extent Information

E15 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F50}Register of approved bodies

14A.—(1) The Secretary of State must—

- (a) assign an approved body identification number to each approved body; and
 - (b) compile and maintain a register of—
 - (i) approved bodies;
 - (ii) their approved body identification numbers;
 - (iii) the activities for which they have been approved; and
 - (iv) any restrictions on those activities.
- (2) The register referred to in paragraph (1) must be made publicly available.]

Textual Amendments

F50 Reg. 14A inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 8 para. 10** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Fees **E+W+S**

15.—(1) Without prejudice to the power of the Secretary of State, where he is appointed as [^{F51}an approved] body in the United Kingdom, to charge fees pursuant to regulations made under section 56 of the Finance Act 1973 ^{F52} and subject to paragraph (2), [^{F51}an approved] body appointed by the Secretary of State may charge such fees in connection with, or incidental to, carrying out its duties in relation to the functions referred to in regulation 14(2)(c) as it may determine; provided that such fees shall not exceed the sum of the following—

- (a) the costs incurred or to be incurred by the [^{F53}approved] body in performing the relevant function; and

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- (b) an amount on account of profit which is reasonable in the circumstances having regard to—
- (i) the character and extent of the work done or to be done by the body on behalf of the applicant; and
 - (ii) the commercial rate normally charged on account of profit for that work or similar work.
- (2) The power in paragraph (1) includes the power to require the payment of fees or a reasonable estimate thereof in advance of carrying out the work requested by the applicant.

Extent Information

E7 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F51** Words in [reg. 15\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 8 para. 11\(a\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F52** [S.I. 1998/2306](#).
- F53** Words in [reg. 15\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 8 para. 11\(b\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Fees **N.I.**

15.—(1) Without prejudice to the power of the Secretary of State, where he is appointed as a notified body in the United Kingdom, to charge fees pursuant to regulations made under section 56 of the Finance Act 1973^{F87} and subject to paragraph (2), a notified body appointed by the Secretary of State may charge such fees in connection with, or incidental to, carrying out its duties in relation to the functions referred to in regulation 14(2)(c) as it may determine; provided that such fees shall not exceed the sum of the following—

- (a) the costs incurred or to be incurred by the notified body in performing the relevant function; and
- (b) an amount on account of profit which is reasonable in the circumstances having regard to—
 - (i) the character and extent of the work done or to be done by the body on behalf of the applicant; and
 - (ii) the commercial rate normally charged on account of profit for that work or similar work.

(2) The power in paragraph (1) includes the power to require the payment of fees or a reasonable estimate thereof in advance of carrying out the work requested by the applicant.

Extent Information

E16 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F87 S.I. 1998/2306.

Conditions for equipment being taken to conform **E+W+S**

16.—(1) Subject to paragraph (2), any equipment which—

(a) bears the [^{F54}UK] marking and the indication of the guaranteed sound power level in accordance with regulation 7(2)(c); and

(b) is accompanied by [^{F55}a] declaration of conformity in accordance with regulation 7(2)(d),

shall be taken to conform with all the provisions of these Regulations which apply to it, including the appropriate conformity assessment procedure specified in regulation 10, unless there are reasonable grounds for suspecting that it does not so conform.

(2) Paragraph (1) does not apply in relation to an enforcement authority where a person fails or refuses to make available to the enforcement authority the documentation which he is required, by the conformity assessment procedure which applies to that equipment, to retain a copy thereof.

Extent Information

E8 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F54 Word in reg. 16(1)(a) substituted (E.W.S.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 8 para. 12(a)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F55 Word in reg. 16(1)(b) substituted (E.W.S.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 8 para. 12(b)** (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Conditions for equipment being taken to conform **N.I.**

16.—(1) Subject to paragraph (2), any equipment which—

(a) bears the CE marking and the indication of the guaranteed sound power level in accordance with regulation 7(2)(c); and

(b) is accompanied by an EC declaration of conformity in accordance with regulation 7(2)(d),

shall be taken to conform with all the provisions of these Regulations which apply to it, including the appropriate conformity assessment procedure specified in regulation 10, unless there are reasonable grounds for suspecting that it does not so conform.

(2) Paragraph (1) does not apply in relation to an enforcement authority where a person fails or refuses to make available to the enforcement authority the documentation which he is required, by the conformity assessment procedure which applies to that equipment, to retain a copy thereof.

Extent Information

E17 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Enforcement **E+W+S**

17.—(1) Subject to paragraph (2), Schedule 13 shall have effect for the purposes of providing for the enforcement of these Regulations and for matters incidental thereto.

(2) Where an enforcement authority has reasonable grounds for suspecting that the [^{F56}UK] marking and the indication of the guaranteed sound power level has been affixed to equipment and in relation to which any provision of these Regulations except the requirements in regulation 8(1) has not been complied with it may serve notice in writing on—

- (a) the manufacturer of the equipment or his authorised representative ^{F57}...; or
- (b) in a case where neither the manufacturer of the equipment nor his authorised representative ^{F58}... has placed the equipment on the market, the person who places it on the market or puts it into service in the United Kingdom;

and subject to paragraph (3), no other action pursuant to Schedule 13 may be taken, and no proceedings may be brought pursuant to regulation 18, in respect of that equipment until such notice has been given and the person to whom it is given has failed to comply with its requirements.

(3) A notice which is given under paragraph (2) shall—

- (a) state that the enforcement authority suspects that the [^{F59}UK] marking and the indication of the guaranteed sound power level has not been correctly affixed to the equipment;
- (b) specify the respect in which it is so suspected and give particulars thereof;
- (c) require the person to whom the notice is given—
 - (i) to secure that any equipment to which the notice relates conforms as regards the provisions concerning the correct affixation of the [^{F59}UK] marking and the indication of the guaranteed sound power level within such period as may be specified in the notice; or
 - (ii) to provide evidence within that period, to the satisfaction of the enforcement authority, that the [^{F59}UK] marking and the indication of the guaranteed sound power level has been correctly affixed; and
- (d) warn that person that if the non-conformity continues after, or if satisfactory evidence has not been provided within, the period specified in the notice, further action may be taken under these Regulations in respect of that equipment or equipment of the same type placed on the market or put into service by that person.

Extent Information

- E9** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F56** Word in [reg. 17\(2\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 8 para. 13\(a\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F57** Words in [reg. 17\(2\)\(a\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 8 para. 13\(b\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#) and [S.I. 2019/1246](#), [regs. 1\(3\)](#), [10\(d\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F58** Words in [reg. 17\(2\)\(b\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 8 para. 13\(b\)](#) (with

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Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2019/1246, regs. 1(3), 10(d)); 2020 c. 1, Sch. 5 para. 1(1)

F59 Word in reg. 17(3) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 8 para. 13(c) (with Sch. 8 para. 14) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Enforcement **N.I.**

17.—(1) Subject to paragraph (2), Schedule 13 shall have effect for the purposes of providing for the enforcement of these Regulations and for matters incidental thereto.

(2) Where an enforcement authority has reasonable grounds for suspecting that the CE marking and the indication of the guaranteed sound power level has been affixed to equipment and in relation to which any provision of these Regulations except the requirements in regulation 8(1) has not been complied with [F88], or the UK(NI) indication has not been affixed in contravention of regulation 11(2A) or has been affixed otherwise than in conformity with regulation 11(2B)] it may serve notice in writing on—

- (a) the manufacturer of the equipment or his authorised representative established within the [F89]relevant market]; or
- (b) in a case where neither the manufacturer of the equipment nor his authorised representative established within the [F89]relevant market] has placed the equipment on the market, the person who places it on the market or puts it into service in [F90]Northern Ireland];

and subject to paragraph (3), no other action pursuant to Schedule 13 may be taken, and no proceedings may be brought pursuant to regulation 18, in respect of that equipment until such notice has been given and the person to whom it is given has failed to comply with its requirements.

(3) A notice which is given under paragraph (2) shall—

- (a) state that the enforcement authority suspects that the CE marking and the indication of the guaranteed sound power level [F91], or the UK(NI) indication] has not been correctly affixed to the equipment;
- (b) specify the respect in which it is so suspected and give particulars thereof;
- (c) require the person to whom the notice is given—
 - (i) to secure that any equipment to which the notice relates conforms as regards the provisions concerning the correct affixation of the CE marking and the indication of the guaranteed sound power level [F92], or the UK(NI) indication] within such period as may be specified in the notice; or
 - (ii) to provide evidence within that period, to the satisfaction of the enforcement authority, that the CE marking and the indication of the guaranteed sound power level [F93], or the UK(NI) indication] has been correctly affixed; and
- (d) warn that person that if the non-conformity continues after, or if satisfactory evidence has not been provided within, the period specified in the notice, further action may be taken under these Regulations in respect of that equipment or equipment of the same type placed on the market or put into service by that person.

Extent Information

E18 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

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Textual Amendments

- F88** Words in [reg. 17\(2\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 2\(5\)\(a\)](#)
- F89** Words in [reg. 17\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 2 para. 1\(6\)\(a\)](#)
- F90** Words in [reg. 17\(2\)\(b\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 2 para. 1\(6\)\(b\)](#)
- F91** Words in [reg. 17\(3\)\(a\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 2\(5\)\(b\)](#)
- F92** Words in [reg. 17\(3\)\(c\)\(i\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 2\(5\)\(b\)](#)
- F93** Words in [reg. 17\(3\)\(c\)\(ii\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 2\(5\)\(b\)](#)

Offences

18. Any person who—

- (a) contravenes or fails to comply with [regulation 7\(1\)](#);
- (b) fails to retain a copy of the declaration of conformity as required by [regulation 7\(4\)](#); or
- (c) fails to supply a copy of the declaration of conformity as required by [regulation 12](#),

shall be guilty of an offence.

Penalties

19.—(1) [^{F60}Subject to paragraph (1A),] A person guilty of an offence under [regulation 18\(a\)](#) shall be liable on summary conviction—

- (a) to imprisonment for a term not exceeding three months; or
- (b) to a fine not exceeding level 5 on the standard scale,

or to both.

[^{F61}(1A) Where a person fails to comply with a requirement in respect of the UK(NI) indication, a person guilty of an offence under [regulation 18\(a\)](#) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

(2) A person guilty of an offence under [regulation 18\(b\)](#), (c) or [paragraphs 9, 10, 11](#) ^{F62}... of [Schedule 13](#) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

- F60** Words in [reg. 19\(1\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 2\(6\)\(a\)](#)

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F61** Reg. 19(1A) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), **Sch. 2 para. 2(6)(b)**
- F62** Words in reg. 19(2) revoked (3.1.2002) by [The Noise Emission in the Environment by Equipment for use Outdoors \(Amendment\) Regulations 2001 \(S.I. 2001/3958\)](#), regs. 1, **2(2)**

Defence of due diligence

20.—(1) Subject to the following provisions of this regulation, in proceedings against any person for an offence under regulation 18 above it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) Where in any proceedings against any person for such an offence the defence provided by paragraph (1) involves an allegation that the commission of the offence was due—

- (a) to the act or default of another; or
- (b) to reliance on information given by another,

that person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than seven clear days before the hearing of the proceedings (or, in Scotland, the trial diet), he has served a notice under paragraph (3) on the person bringing the proceedings.

(3) A notice under this paragraph shall give such information identifying or assisting in the identification of the person who committed the act or default or gave the information as is in the possession of the person serving the notice at the time he serves it.

(4) It is hereby declared that a person shall not be entitled to rely on the defence provided by paragraph (1) by reason of his reliance on information supplied by another, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular—

- (a) to the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) to whether he had any reason to disbelieve the information.

Liability of persons other than the principal offender

21.—(1) Where the commission by any person of an offence under regulation 18 is due to the act or default committed by some other person in the course of any business of his, the other person shall be guilty of the offence and may be proceeded against and punished by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under these Regulations (including where it is so guilty by virtue of paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) In this regulation, references to a “body corporate” include references to a partnership in Scotland and, in relation to such partnership, any reference to a director, manager, secretary or other similar officer of a body corporate is a reference to a partner.

Changes to legislation: *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Consequential amendments

22.—(1) In the Provision and Use of Work Equipment Regulations 1998 ^{F63} in Schedule 1 there shall be added at the end of column one the words “The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001” and at the end of column two the words “S.I. 2001/1701”.

(2) In the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 ^{F64}, in Schedule 2 there shall be added at the end of column one the words “The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001” and at the end of column two the words “S.I. 2001/1701”.

Textual Amendments

F63 1973 c. 51.

F64 S.R. 1999 No. 305.

[^{F65}Transitional provision in relation to EU Exit

23.—(1) In this regulation—

“pre-exit period” means the period beginning with 3rd July 2001 and ending immediately before IP completion day;

“product” means equipment to which these Regulations apply.

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 8 of the Product Safety and Metrology etc. (Amendments etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to any obligation to take action outside of the United Kingdom in respect of that product.

(4) Where, during the pre-exit period—

(a) a product has not been placed on the market; and

(b) a manufacturer has taken any action under regulation 7(2)(b) as it had effect immediately before IP completion day in relation to that product

that action has effect as if it had been done under regulation 7(2)(b) as it has effect on and after IP completion day.]

[^{F66}(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

(a) the product has not been placed on the market or put into service; and

(b) a responsible person has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 14(1) or 14(2) of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 10.

(6) Paragraph (5) does not apply—

(a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and

(b) in any event, after 31st December 2027.]

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Textual Amendments

- F65** Reg. 23 inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 8 para. 14** (as amended by S.I. 2020/676, regs. 1(1), **2** and S.I. 2020/852, regs. 2(2), 4(2), **Sch. 1 para. 1(b)(iii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F66** Reg. 23(5)(6) inserted (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), **5(2)**

3rd May 2001

Sainsbury of Turville,
Parliamentary Under-Secretary of State for
Science and Innovation,
Department of Trade and Industry

Changes to legislation:

The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 5 words substituted by [S.I. 2019/696 Sch. 8 para. 18\(b\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 18(b) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(e))
- Sch. 6 words substituted by [S.I. 2019/696 Sch. 8 para. 19\(a\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 19(a)(iv) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(i))
- Sch. 8 para. 1 words substituted by [S.I. 2019/696 Sch. 8 para. 21\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 21(a)(ii) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(ii))
- Sch. 8 para. 2 words substituted by [S.I. 2019/696 Sch. 8 para. 21\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 21(b)(i) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(ii))
- Sch. 8 para. 3 words substituted by [S.I. 2019/696 Sch. 8 para. 21\(c\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 21(c)(ii) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(ii))
- Sch. 9 para. 1 words substituted by [S.I. 2019/696 Sch. 8 para. 22\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 22(a)(ii) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(iii))
- Sch. 9 para. 2 words substituted by [S.I. 2019/696 Sch. 8 para. 22\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 22(b)(i) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(iii))
- Sch. 9 para. 3 words substituted by [S.I. 2019/696 Sch. 8 para. 22\(c\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 22(c)(ii) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(iii))
- Sch. 9 para. 5 words substituted by [S.I. 2019/696 Sch. 8 para. 22\(e\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 22(e)(iii) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(iii))
- Sch. 9 para. 6 words substituted by [S.I. 2019/696 Sch. 8 para. 22\(f\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 22(f)(ii) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(iii))
- Sch. 10 para. 1 words substituted by [S.I. 2019/696 Sch. 8 para. 23\(a\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 23(a)(iii) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(iv))
- Sch. 10 para. 2 words substituted by [S.I. 2019/696 Sch. 8 para. 23\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 23(b)(i) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(iv))
- Sch. 10 para. 5 words substituted by [S.I. 2019/696 Sch. 8 para. 23\(e\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 23(e)

- substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(iv))
- Sch. 11 para. 1 words substituted by [S.I. 2019/696 Sch. 8 para. 24\(a\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 24(a)(iii) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(v))
 - Sch. 11 para. 3.1 words substituted by [S.I. 2019/696 Sch. 8 para. 24\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 24(b)(ii) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(c)(v))
 - Sch. 11 para. 3.4 words substituted by [S.I. 2019/696 Sch. 8 para. 24\(e\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Sch. 8 para. 24(e)(i) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(j))
 - reg. 2(1)(a) words omitted by [S.I. 2024/696 reg. 3\(2\)](#)
 - reg. 2(2) words inserted in earlier amending provision S.I. 2019/696, Sch. 8 para. 2(b)(i) by [S.I. 2019/1246 reg. 10\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 10(a)(b) omitted before it comes into force by virtue of S.I. 2020/1460, regs. 1(5), 6)
 - reg. 2(2) words omitted by virtue of S.I. 2019/696, Sch. 8 para. 2(b)(v)(aa) (as substituted) by [S.I. 2019/1246 reg. 10\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 10(a)(b) omitted before it comes into force by virtue of S.I. 2020/1460, regs. 1(5), 6)
 - reg. 2(2) words substituted by [S.I. 2019/696 Sch. 8 para. 2\(b\)\(v\)](#) (This amendment not applied to legislation.gov.uk. Sch. 8 para. 2(b)(v) substituted immediately before IP completion day by S.I. 2012/1460, reg. 1(4), Sch. 3 para. 5(2))
 - reg. 2(2) words substituted by S.I. 2019/696, Sch. 8 para. 2(b)(v)(bb) (as substituted) by [S.I. 2019/1246 reg. 10\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 10(a)(b) omitted before it comes into force by virtue of S.I. 2020/1460, regs. 1(5), 6)
 - reg. 2(2) words substituted in earlier amending provision S.I. 2019/1246, reg. 10(a) by [S.I. 2020/852 reg. 5Sch. 2 para. 1\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 2 para. 1(a) omitted immediately before it comes into force by virtue of S.I. 2020/1460, regs. 1(3), Sch. 4 para. 1(4))
 - reg. 9(a) words substituted by [S.I. 2019/696 Sch. 8 para. 4\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 8 para. 4(a) substituted immediately before IP completion day by S.I. 2012/1460, reg. 1(4), Sch. 3 para. 5(4)(a))
 - reg. 12B substituted by [S.I. 2024/696 reg. 3\(3\)](#)
 - reg. 17(2)(a) words substituted by [S.I. 2019/696 Sch. 8 para. 13\(b\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 13(b) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(d))
 - reg. 17(2)(b) words substituted by [S.I. 2019/696 Sch. 8 para. 13\(b\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 8 para. 13(b) substituted immediately before IP completion day by S.I. 2019/1246, regs. 1(3), 10(d))
 - reg. 23(4)-(6) omitted by [S.I. 2024/696 reg. 3\(4\)](#)