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STATUTORY INSTRUMENTS

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**1975 No. 1763**

**The Noise Insulation Regulations 1975**

**Interpretation**

2.—(1) In these Regulations, except where the context otherwise requires—

“the Act” means the Land Compensation Act 1973;

“the 1973 Regulations” means the Noise Insulation Regulations 1973;

“altered highway” means a highway of which the location, width or level of the carriageway has been or is to be altered (otherwise than by resurfacing) after 16th October 1969, and “alter” and “alteration” in relation to a highway shall be construed accordingly;

“additional carriageway” means a carriageway constructed or proposed to be constructed for a highway beside, above, or below an existing carriageway;

“the appropriate highway authority”, in relation to a highway or the carriageway of a highway, means the highway authority who constructed, or propose to construct a highway or additional carriageway, or who altered or proposed to alter a highway;

“building” includes part of a building;

“claimant” means a person who accepts an offer made under Regulation 8;

“the commencement date” means the date of coming into operation of these Regulations;

“dB(A)” is a measure of sound pressure level (“A” weighting) in decibels indicated by measuring equipment which complies with the British Standard Specification for a precision sound level meter published on 14th September 1967 under number B.S. 4197: 1967;

“eligible building” has the meaning assigned to it in Regulation 7;

“eligible room” means a living room or a bedroom having a qualifying door or qualifying window in an eligible building;

“facade” means a side of a building;

“highway” includes part of a highway and means a highway or part of a highway maintainable at the public expense as defined in section 295(1) of the Highways Act 1959;

“insulation work” means work carried out to insulate a building against noise and to provide for ventilation and solar control;

“L 10” is the sound level in dB(A) which is exceeded for one-tenth of a period of one hour;

“L 10 (18-hour)” is the arithmetic mean of all the levels of L 10 during a period from 0600 to 2400 hours on a normal working day;

“prevailing noise level” means the level of noise, expressed as a level of L 10 (18-hour), one metre in front of the most exposed of any windows and doors in a facade of a building caused by traffic using any highway immediately before works for the construction of a highway or additional carriageway, or for the alteration of a highway, as the case may be, were begun;

“qualifying door” and “qualifying window” have the meanings assigned to them respectively in Part I of Schedule 1;

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“relevant date” means the date on which a highway or additional carriageway was first open to public traffic or, in the case of an altered highway, the date on which it was first open to public traffic after completion of the alteration;

“relevant noise level” means the level of noise, expressed as a level of L 10 (18-hour), one metre in front of the most exposed of any windows and doors in a facade of a building caused or expected to be caused by traffic using or expected to use any highway;

“the relevant specifications” means the items in Part I of Schedule 1, such of the items in Part II of that Schedule as may be approved by the appropriate highway authority and such of the specifications set out in Part III of that Schedule as are applicable in the circumstances of the case;

“specified level” means a noise level of L 10 (18-hour) of 68dB(A).

(2) A Regulation or Schedule referred to only by number in these Regulations means the Regulation or Schedule so numbered in these Regulations.

(3) The Interpretation Act 1889 applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.