
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations revoke and replace the Noise at Work Regulations 1989 (S.I. 1989/1790), and implement as respects Great Britain Directive 2003/10/EC of the European Parliament and of the Council (OJNo. L42, 15.2.2003, p.38) on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC). The Regulations impose duties on employers and on self-employed persons to protect both employees who may be exposed to risk from exposure to noise at work and other persons at work who might be affected by that work.

2. The Regulations make provision for—

- (a) lower exposure action values, upper exposure action values, and exposure limit values for daily or weekly personal noise exposure and for peak sound pressure (regulation 4);
- (b) risk assessment (regulation 5);
- (c) elimination or, where elimination is not reasonably practicable, reduction of exposure to noise to as low a level as is reasonably practicable (regulation 6(1));
- (d) a programme of measures, excluding the provision of personal hearing protectors, to be taken at the upper exposure action values to reduce exposure to noise to as low a level as is reasonably practicable (regulation 6(2));
- (e) actions to be taken at the exposure limit values and prohibition on exceeding the exposure limit values (regulation 6(4));
- (f) the provision of personal hearing protectors upon request at the lower exposure action values and compulsorily at the upper exposure action values (regulation 7(1) and (2));
- (g) the designation in the workplace of Hearing Protection Zones (regulation 7(3));
- (h) employers'; and employees' duties concerning the use of equipment, including personal hearing protectors, provided under the Regulations (regulation 8);
- (i) health surveillance (regulation 9);
- (j) information, instruction and training (regulation 10);
- (k) power to the Health and Safety Executive to grant exemptions from regulation 6(4) and regulation 7(1) and (2) in specified circumstances (regulation 11);
- (l) power to the Health and Safety Executive to grant exemptions from regulation 6(4) and regulation 7(1) to (3) in respect of the activities of emergency services (regulation 12);
- (m) power to the Secretary of State for Defence to grant exemptions from regulation 6(4) and regulation 7(1) to (3) in respect of activities carried out in the interests of national security (regulation 13); and
- (n) consequential revocations and amendments (regulation 15 and Schedule 3).

3. The Regulations provide for transitional periods for the commencement of their operation as follows—

- (a) for the music and entertainment sectors only they shall not come into force until 6th April 2008 and the provisions listed for amendment and revocation in regulation 15 and Schedule 3 shall remain in force unaltered until that date (regulations 1(a) and 15(3)); and

Status: This is the original version (as it was originally made).

(b) where, despite regulation 3(4), they apply to the master and crew of a seagoing ship, regulation 6(4) only shall not come into force until 6th April 2011 (regulation 1(b)).

4. Copies of International Standard ISO 1999: 1990, referred to in Schedule 1, are available from International Organization for Standardization (ISO), 1 Rue de Varembé, Case Postale 56, CH-1211 Geneva 20, Switzerland, or via Internet at www.iso.org.

5. A copy of the regulatory impact assessment in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Advisers Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy of the Transposition Note in relation to the implementation of Directive [2003/10/EC](#) of the European Parliament and of the Council can be obtained from the Health and Safety Executive, International Branch, at the same address. Copies of both these documents have been placed in the libraries of each House of Parliament.