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STATUTORY INSTRUMENTS

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**2005 No. 1643**

**The Control of Noise at Work Regulations 2005**

**Hearing Protection**

7.—(1) Without prejudice to the provisions of regulation 6, an employer who carries out work which is likely to expose any employees to noise at or above a lower exposure action value shall make personal hearing protectors available upon request to any employee who is so exposed.

(2) Without prejudice to the provisions of regulation 6, if an employer is unable by other means to reduce the levels of noise to which an employee is likely to be exposed to below an upper exposure action value, he shall provide personal hearing protectors to any employee who is so exposed.

(3) If in any area of the workplace under the control of the employer an employee is likely to be exposed to noise at or above an upper exposure action value for any reason the employer shall ensure that—

- (a) the area is designated a Hearing Protection Zone;
- (b) the area is demarcated and identified by means of the sign specified for the purpose of indicating that ear protection must be worn in paragraph 3.3 of Part II of Schedule 1 to the Health and Safety (Safety Signs and Signals) Regulations 1996<sup>(1)</sup>; and
- (c) access to the area is restricted where this is practicable and the risk from exposure justifies it,

and shall ensure so far as is reasonably practicable that no employee enters that area unless that employee is wearing personal hearing protectors.

(4) Any personal hearing protectors made available or provided under paragraphs (1) or (2) of this regulation shall be selected by the employer—

- (a) so as to eliminate the risk to hearing or to reduce the risk to as low a level as is reasonably practicable; and
- (b) after consultation with the employees concerned or their representatives