

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Noise (England) Regulations 2006 ([S.I. 2006/2238](#) as amended by [S.I. 2008/375](#) and [S.I. 2009/1610](#)) (“the 2006 Regulations”). The 2006 Regulations implement Directive [2002/49/EC](#) of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ No L 189, 18.07.2002, p 12) (“the Directive”).

The Environmental Noise (England) (Amendment) Regulations 2009 ([S.I. 2009/1610](#)) amended the definition of “Directive” in the 2006 Regulations by adding the words “as amended from time to time”. The amendment was made in reliance on the power paragraph 1A of Schedule 2 to the European Communities Act 1972. The effect of the amendment meant that all of the references to the Directive in the 2006 Regulations were to be construed as references to the Directive as amended from time to time in the future. This is referred to as an ambulatory reference.

These Regulations ensure that the scope of the ambulatory reference is limited to references in the 2006 Regulations to Annexes I and VI and paragraph 7 of Annex IV of the Directive (*regulation 2(2)(b)*). The Regulations also make an amendment to regulation 4(2)(b) of the 2006 Regulations to clarify the intended application of the supplementary noise indicators defined in Schedule 3 (*regulation 2(3)*).

An impact assessment has not been produced for this instrument as no impact on the public, private or voluntary sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Noise (England) (Amendment) Regulations 2010.