

2010 No. 340

ENVIRONMENTAL PROTECTION, ENGLAND

**The Environmental Noise (England) (Amendment) Regulations
2010**

<i>Made</i>	- - - -	<i>11th February 2010</i>
<i>Laid before Parliament</i>		<i>22nd February 2010</i>
<i>Coming into force</i>	- -	<i>18th March 2010</i>

The Secretary of State makes these Regulations under the powers conferred by section 2(2) of, and by paragraph 1A of Schedule 2 to the European Communities Act 1972(a) (“the Act”). The Secretary of State is a Minister designated(b) for the purposes of the Act in relation to measures relating to the assessment, management and control of environmental noise.

These Regulations and the Regulations they amend, the Environmental Noise (England) Regulations 2006(c), make provision for a purpose mentioned in section 2(2) of the Act. They make references to 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(d). It appears to the Secretary of State that it is expedient for references in those Regulations to certain provisions in the Directive to be construed as references to those provisions as amended from time to time.

Citation, commencement and application

1. These Regulations—

- (a) may be cited as the Environmental Noise (England) (Amendment) Regulations 2010; and
- (b) come into force on 18 March 2010.

Amendment of the Environmental Noise (England) Regulations 2006

2.—(1) The Environmental Noise (England) Regulations 2006 are amended as follows.

(2) Regulation 2 (interpretation) is amended as follows—

(a) in paragraph (2), for the definition of “Directive” substitute—

““the Directive” means 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”; and

(b) after paragraph (2), insert—

(a) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
(b) S.I. 2004/706.
(c) S.I. 2006/2238 as amended by S.I. 2008/375 and 2009/1610.
(d) OJ No L 189, 18.7.2002, p 12 amended by Regulation EC (No) 1137/2008 of the European Parliament and of the Council (OJ No L 311, 20.11.2008, p 1).

“(3) In these Regulations, any reference to Annex I or VI or paragraph 7 of Annex IV of the Directive is to be construed as a reference to that Annex or paragraph of the Directive as amended from time to time.”.

(3) For paragraph (2)(b) of regulation 4 (strategic noise maps: general requirements), substitute—

“(b) the supplementary noise indicators.”.

Jim Fitzpatrick
Minister of State

11th February 2010

Department for Environment, Food and Rural Affairs

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.

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