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STATUTORY INSTRUMENTS

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**2019 No. 458**

**The Environment (Amendment  
etc.) (EU Exit) Regulations 2019**

**PART 3**

Amendment of subordinate legislation

**The Environmental Noise (England) Regulations 2006**

- 6.—(1) The Environmental Noise (England) Regulations 2006<sup>(1)</sup> are amended as follows.
- (2) In regulation 2—
- (a) in paragraph (3), for “as amended from time to time” substitute “as it had effect immediately before exit day”;
- (b) at the end insert—
- “(4) For the purposes of these Regulations, the Directive is to be read as if a reference to one or more member States were a reference to the Secretary of State.”.
- (3) In regulation 4, after paragraph (2) insert—
- “(2A) For the purposes of paragraph (2)(a), a reference to Annex 1 of the Directive is to be read as if, in paragraph 1, in the fourth indent that begins “the day is 12 hours”, the words from “The Member” to the end were omitted.”.
- (4) For regulation 15(1)(a) substitute—
- “(a) aim to prevent and reduce environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health;
- (aa) aim to preserve environmental noise quality where it is good;”.
- (5) In regulation 22—
- (a) in paragraph (2)(b), for the words “the Directive” substitute “relevant retained EU law<sup>(2)</sup>”;
- (b) in paragraph (3), for “Article 4 of the Directive” substitute “the relevant retained EU law”.
- (6) In regulation 26(4)(b)—
- (a) in paragraph (i) omit “; or”;
- (b) omit paragraph (ii).
- (7) In Schedule 1—
- (a) in paragraph 1—
- (i) the existing text is renumbered as sub-paragraph (1);

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(1) [S.I. 2006/2238](#), amended by [S.I. 2010/340](#), [2018/1089](#); there are other amending instruments but none is relevant.

(2) Relevant retained EU law includes the Environmental Noise (Wales) Regulations 2006 ([S.I. 2006/2629 \(W. 225\)](#)), the Environmental Noise (Scotland) Regulations 2006 ([S.S.I. 2006/465](#)) and the Environmental Noise Regulations (Northern Ireland) 2006 ([S.R. 2006 No. 387](#)).

(ii) at the end insert—

“(2) For the purposes of sub-paragraph (1), the reference to paragraphs 1.5, 1.6 and 2.6 of Annex 6 of the Directive is to be read with the following modifications—

(a) in paragraphs 1.5 and 1.6, as if the reference in those paragraphs to “major roads”, “major railways” and “major airports” as defined in Article 3 of the Directive were to “major road”, “major railway” and “major airport” as defined in regulation 2(2) of these Regulations;

(b) in paragraphs 1.6 and 2.6, as if the words from “These data” to “Article 11(1).” were omitted.”;

(b) in paragraph 2, at the end insert—

“(3) Further, in applying paragraph (1)(a) the following provisions of Annex 4 of the Directive are to be ignored—

(a) in paragraph 4, the first indent;

(b) in paragraph 5, the words from “concerning” to “Commission”;

(c) paragraph 9.”.