
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 123

HEALTH AND SAFETY

**Construction Plant and Equipment (Noise Emission)
(Amendment) Regulations (Northern Ireland) 1999**

Made - - - - *16th March 1999*

Coming into operation *1st April 1999*

The Department of Economic Development, being a Department designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures in respect of sound power level and sound pressure level requirements for the marketing, placing into service and use of construction plant and equipment, in exercise of the powers conferred on it by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Construction Plant and Equipment (Noise Emission) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st April 1999.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954⁽³⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“the Department” means the Department of Economic Development;

“the Executive” means the Health and Safety Executive for Northern Ireland;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(1) S.I. 1985/749 and S.I. 1987/926

(2) 1972 c. 68

(3) 1954 c. 33 (N.I.)

Amendment of the Construction Plant and Equipment (Noise Emission) Regulations (Northern Ireland) 1987

3. The Construction Plant and Equipment (Noise Emission) Regulations (Northern Ireland) 1987(4) shall be amended as follows—

- (a) in regulation 2(1), for the definition of “the Department” there shall be substituted, at the appropriate place in alphabetical order, the following definition:

““the Executive” means the Health and Safety Executive for Northern Ireland;”;
- (b) for the references to “the Department” in the definition of “approved body” in regulation 2(1) and in regulations 4, 5(7), 7(3) and 8(1) there shall be substituted references to “the Executive”;
- (c) for the reference to “the Department of Economic Development” in regulation 8(2) there shall be substituted a reference to “the Health and Safety Executive for Northern Ireland”.

References in statutory provisions, etc.

4.—(1) In the construction and for the purposes of any statutory provision, judgment, decree, order, award, deed, contract, regulation, bye-law, certificate or other document passed or made before the date of coming into operation of these Regulations, any reference to, or which is to be construed as a reference to, the Department shall, so far only as may be necessary for the purposes of these Regulations, be construed as a reference to the Executive.

(2) The transfer of functions from the Department to the Executive by these Regulations shall not affect any appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by or under the authority of the Department before the date of coming into operation of these Regulations, but any such matter shall, if in force immediately before that date, continue in force to the like extent and subject to the like conditions as if it had been duly made, given or done by or under the authority of the Executive.

(3) Anything commenced before the date of coming into operation of these Regulations by or under the authority of the Department may, so far as it relates to any function transferred to the Executive by these Regulations, be carried on or completed by or under the authority of the Executive.

(4) Where, at the date of coming into operation of these Regulations, any legal proceeding is pending to which the Department is a party and the proceeding relates to any of the functions transferred by these Regulations, the Executive shall be substituted in the proceeding for the Department, and the proceeding shall not abate by reason of the substitution.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

16th March 1999.

John J. L. Francey
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Construction Plant and Equipment (Noise Emission) Regulations (Northern Ireland) 1987, [S.R. 1987 No. 328](#) as amended by [S.R. 1990 No. 102](#) (“the principal Regulations”), which implement as respects Northern Ireland Council Directives [No.84/532/EEC](#), [No. 84/533/EEC](#), [No. 84/534/EEC](#), [No. 84/535/EEC](#), [No. 84/536/EEC](#) and [No. 84/537/EEC](#) of 17th September 1984 (OJ No. L300, 19.11.84, pp. 111-170) as amended by Commission Directives [No. 85/406/EEC](#), [No. 85/407/EEC](#), [No. 85/408/EEC](#) and [No. 85/409/EEC](#) (OJ No. L233, 30.8.85, pp. 11-20) and also Council Directive [No. 87/405/EEC](#) (OJ No. L220, 8.8.87, p. 60). The principal Regulations apply to construction plant and equipment as defined in the Regulations, ie compressors, tower cranes, welding generators, power generators and powered hand-held concrete-breakers and picks designed for use in or about building or civil engineering operations.

The Regulations provide for the Health and Safety Executive for Northern Ireland to assume the functions previously exercised by the Department of Economic Development under the principal Regulations.