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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations revoke and replace the Noise at Work Regulations (Northern Ireland) 1990 (S.R. 1990 No. 147), and implement as respects Northern Ireland Directive 2003/10/EC of the European Parliament and of the Council (O.J. No. L42, 15.2.2003, p. 38) on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC). The Regulations impose duties on employers and on self-employed persons to protect both employees who may be exposed to risk from exposure to noise at work and other persons at work who might be affected by that work.

2. The Regulations make provision for—

- (a) lower exposure action values, upper exposure action values, and exposure limit values for daily or weekly personal noise exposure and for peak sound pressure (*regulation 4*);
- (b) risk assessment (*regulation 5*);
- (c) elimination or, where elimination is not reasonably practicable, reduction of exposure to noise to as low a level as is reasonably practicable (*regulation 6(1)*);
- (d) a programme of measures, excluding the provision of personal hearing protectors, to be taken at the upper exposure action values to reduce exposure to noise to as low a level as is reasonably practicable (*regulation 6(2)*);
- (e) actions to be taken at the exposure limit values and prohibition on exceeding the exposure limit values (*regulation 6(4)*);
- (f) the provision of personal hearing protectors at the lower exposure action values and compulsorily at the upper exposure action values (*regulation 7(1) and (2)*);
- (g) the designation in the workplace of Hearing Protection Zones (*regulation 7(3)*);
- (h) employers' and employees' duties concerning the use of equipment, including personal hearing protectors, provided under the Regulations (*regulation 8*);
- (i) health surveillance (*regulation 9*);
- (j) information, instruction and training (*regulation 10*);
- (k) power to the Health and Safety Executive for Northern Ireland to grant exemptions from regulation 6(4) and regulation 7(1) and (2) in specified circumstances (*regulation 11*);
- (l) power to the Health and Safety Executive for Northern Ireland to grant exemptions from regulation 6(4) and regulation 7(1) to (3) in respect of the activities of emergency services (*regulation 12*);
- (m) power to the Secretary of State for Defence to grant exemptions from regulation 6(4) and regulation 7(1) to (3) in respect of activities carried out in the interests of national security (*regulation 13*); and
- (n) consequential revocations and amendments (*regulation 15 and Schedule 4*).

3. The Regulations provide for transitional periods for the commencement of their operation as follows—

- (a) for the music and entertainment sectors only they shall not come into operation until 6th April 2008 and the provisions listed for amendment and revocation in regulation 15 and

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Schedule 4 shall remain in operation unaltered until that date (*regulations 1(a) and 15(3)*); and

(b) where, despite regulation 3(4), they apply to the master and crew of a seagoing ship, regulation 6(4) only shall not come into operation until 6th April 2011 (*regulation 1(b)*).

4. Copies of International Standard ISO 1999: 1990, referred to in Schedule 1, are available from International Organization for Standardization (ISO), 1 Rue de Varembé, Case Postale 56, CH-1211 Geneva 20, Switzerland, or via Internet at [www.iso.org](http://www.iso.org).

5. In Great Britain the corresponding Regulations are the Control of Noise at Work Regulations 2005 (S.I. 2005/1643). The Great Britain Health and Safety Executive has prepared a full regulatory impact assessment in relation to these Regulations and a copy of that assessment together with a Northern Ireland Supplement prepared by the Health and Safety Executive for Northern Ireland is held at the offices of that Executive at 83 Ladas Drive, Belfast BT6 9FR from where a copy may be obtained on request.

6. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.