

NATIONAL ASSEMBLY FOR WALES

SUBORDINATE LEGISLATION

2007 No. 23

ENVIRONMENTAL PROTECTION, WALES

The Measuring Devices (Noise Act 1996) (Wales) Approval 2007

Made 4 April 2007

Coming into force 5 April 2007

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The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by section 6 of the Noise Act 1996 and which are now exercisable in relation to Wales by the National Assembly for Wales⁽¹⁾, makes the following Approval:

Title, commencement and application

1.—(1) The title of this Approval is the Measuring Devices (Noise Act 1996)(Wales) Approval 2007 and it comes into force on 5 April 2007.

⁽¹⁾ See article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(2) This Approval applies in relation to Wales.

Interpretation

2.—(1) In this Approval—

“an approved device” (*“dyfais a gymeradwywyd”*) means a device approved under paragraph 3;

“A-weighted sound pressure level” (*“lefel pwysedd sain sydd wedi'i phwysoli yn unol ag 'A'”*) means the A-weighted sound pressure level in decibels calculated in accordance with BS 7445;

“BS 7445” (*“BS 7445”*) means the British Standard entitled “Description and measurement of environmental noise - Part 1: Guide to quantities and procedures”, published by the British Standards Institution and numbered BS 7445-1:2003;

“BS 7580” (*“BS 7580”*) means the British Standard entitled “Specification for the verification of sound level meters – Part 1 Comprehensive Procedure” published by the British Standards Institute and numbered BS 7580: Part 1: 1997;

“BS EN 60651” (*“BS EN 60651”*) means the former British Standard entitled “Specification for sound level meters” previously published by the British Standards Institute and numbered BS EN 60651: 1994;

“BS EN 60804” (*“BS EN 60804”*) means the former British Standard entitled “Specification for integrating-averaging sound level meters” previously published by the British Standards Institute and numbered BS EN 60804: 1994;

“BS EN 60942” (*“BS EN 60942”*) means the British Standard entitled “Electroacoustics – Sound calibrators”, published by the British Standards Institute and numbered BS EN 60942: 2003;

“BS EN 61672” (*“BS EN 61672”*) means the British Standard entitled “Electroacoustics – sound level meters – Part 1: Specifications”, published by the British Standards Institution and numbered BS EN 61672-1: 2003;

“dB” (*“dB”*) is a unit of both A-weighted sound pressure level and equivalent continuous A-weighted sound pressure level as given in BS 7445;

“EEA State” (*“Gwladwriaeth AEE”*) means a Member State, Norway, Iceland or Liechtenstein;

“equivalent continuous A-weighted sound pressure level” (*“lefel pwysedd sain barhaus gyfatebol sydd wedi'i phwysoli yn unol ag 'A'”*) means the equivalent continuous A-weighted sound pressure level in decibels, calculated in accordance with BS 7445;

“ $L_{Aeq, 5min}$ ” (“ $L_{Aeq, 5min}$ ”) has the meaning given to $L_{Aeq,T}$ in BS 7445, where T is equal to 5 minutes;

“ $L_{AN,T}$ ” (“ $L_{AN,T}$ ”) has the same meaning as that given in BS 7445;

“sound calibrator” (“*calibradwr sain*”) has the meaning given in BS EN 60942 and for the purposes of this Approval must comply with the requirements of Class 1 of that standard;

“time weighting ‘F’” (“*pwysoliad amser ‘F’*”) has the same meaning as that given in BS EN 61672 and for the purposes of the Act time weighting ‘F’ is calculated using a specified time constant of 0.125 seconds.

(2) In this Approval, any reference to a British Standard shall include a reference to:

- (a) a relevant standard or code of practice of a national standards body or equivalent body of any EEA State or of Turkey (1);
- (b) any relevant international standard recognised for use as a standard by any EEA State or of Turkey; or
- (c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State or of Turkey,

in so far as the standard, code of practice, international standard or technical specification in question enables the objectives of these Regulations to be met in an equivalent manner.

(3) Expressions used in this Approval which appear in the Noise Act 1996 have the same meaning in this Approval as they do in that Act.

Approved devices

3.—(1) Subject to the conditions set out in paragraphs 4 to 8 inclusive, the National Assembly for Wales approves the following types of device for the measurement of noise—

- (a) for devices used to measure the noise emitted from an offending dwelling or offending premises, those integrating sound level meters, measuring equipment or measuring systems which comply with the requirements of Type 1 of BS EN 60804 or Class 1 of BS EN 61672;
- (b) for devices used to measure the underlying level of noise, those sound level meters,

(1) Decision 1/95 of the EC-Turkey Association Council of 22nd December 1995 (O.J. L 35 13.2.96, p.1) on implementing the final phase of the Customs Union provides for the removal of measures having an equivalent effect to quantitative restrictions between the European Union and Turkey.

measuring equipment or measuring systems which—

- (i) comply with the requirements of Type 1 of BS EN 60651 or Class 1 of BS EN 61672; and
 - (ii) satisfy the specifications in paragraph (2);
- (c) for devices used to measure both the noise emitted from an offending dwelling or offending premises and the underlying level of noise, those single meters, measuring equipment or measuring systems which comply with paragraphs (a) and (b).

(2) The specifications referred to in paragraph (1)(b)(ii) are—

- (a) the device is capable of determining the A-weighted sound pressure level, time weighting 'F', which is not exceeded for 0.6 seconds in a time period of no shorter than 1 minute and no longer than 5 minutes; and
- (b) where the device is to be used to make $L_{AN,T}$ measurements for the purposes of paragraph 8(2), the device must—
 - (i) sample the sound pressure level at a rate of not less than 10 times per second; and
 - (ii) use in the statistical calculation a class interval of no greater than 0.5 dB.

Conditions for verification and calibration

4.—(1) Where a device or a sound calibrator is used—

- (a) for the first time; or
- (b) with, as appropriate, a device or sound calibrator with which it has not previously been used,

prior to using the device or calibrator, the device and calibrator being so used must be verified in accordance with the standards in paragraph (3).

(2) Where a sound calibrator is used with a device the sound calibrator must be calibrated in accordance with the standards in paragraph (3) at intervals of no greater than 12 months each.

(3) The standards referred to in paragraphs (1) and (2) are—

- (a) BS 7580; or
- (b) in relation to a device that meets Class 1 of BS EN 61672 or a sound calibrator used with such a device, NPL Interim Document for the Periodic Testing of IEC 61672 Sound Level Meters (Edition 2).

Conditions for periodic verification of a device

5.—(1) A device and sound calibrator which were used together before this Approval came into force, must be verified in accordance with BS 7580—

- (a) no later than 24 months after they were previously so verified; and
- (b) at subsequent intervals of no longer than 24 months each.

(2) A device and sound calibrator verified together under paragraph 4(1), must be verified in accordance with the applicable standards in paragraph 4(3)—

- (a) no later than 24 months after the first verification; and
- (b) at subsequent intervals of no longer than 24 months each.

Conditions for manner of use of a device

6.—(1) A person operating a device to measure noise emitted from an offending dwelling or offending premises or the underlying level of noise must—

- (a) take measurements of noise in a room in the complainant's dwelling used for living purposes (including any bedroom, kitchen or study, but excluding any bathroom, hallway, stairway or lavatory);
- (b) ensure that the windows and doors in the room in which the noise measurements are taken are closed; and
- (c) ensure that the measuring microphone of the device is positioned at least 0.5 metres from any room surface (including the floor) and from any items of furniture.

(2) A person operating a device in accordance with paragraph (1) must—

- (a) immediately before, and immediately after, measuring the noise, check the sensitivity of the device with the associated sound calibrator; and
- (b) disregard any such measurements if the change in sensitivity demonstrated by those checks is 0.5 dB or more.

(3) Under paragraph (2) the “associated sound calibrator” means the calibrator with which the device was verified, as appropriate, under this Approval or the Approval made by the Secretary of State on 10th July 1997.

Conditions for measurement of noise emitted from an offending dwelling or offending premises

7.—(1) The measurement of noise emitted from an offending dwelling or offending premises must be determined using a device in the following manner.

(2) The noise emitted from the offending dwelling or offending premises shall be the equivalent continuous A-weighted sound pressure level measured, within a period of no more than 15 minutes (commencing when the measurement of noise begins), for a continuous integration time of 5 minutes ($L_{Aeq, 5min}$), except for pauses to exclude from the measurement any significant noise other than that causing complaint.

(3) Where the measurement under paragraph (2) results in a non-integer value, that value must be rounded down to the next integer⁽¹⁾.

Conditions for measurement of underlying level of noise

8.—(1) The measurement of the underlying level of noise must be determined using a device in the following manner.

(2) The underlying level of noise must be the A-weighted sound pressure level which is not exceeded for 0.6 seconds measured—

- (a) using time weighting 'F'; and
- (b) in a period which shall be no shorter than 1 minute and no longer than 5 minutes,

and determined in the same 15 minute period within which the level of noise emitted from the offending dwelling is measured under paragraph 7(2).

(3) Where the determination under paragraph (2) results in a non-integer value, that value must be rounded up to the next integer⁽²⁾.

Revocation

9. The Approval made by the Secretary of State on 10th July 1997 under section 6 of the Noise Act 1996, insofar as it applies in relation to Wales, is revoked.

Signed .

Date

CARWYN JONES
Minister for Environment, Planning & Countryside

⁽¹⁾ For example, 33.9 becomes 33.

⁽²⁾ For example, 24.1 becomes 25.

NOTE 1. Section 6(3) of the Noise Act 1996 provides that in any proceedings for an offence under section 4 of that Act, a measurement of noise made by a device is not admissible as evidence of the level of noise unless it is an approved device and any conditions subject to which the approval was given are satisfied.

NOTE 2. BS (British Standard) documents are available from the British Standards Institute at 389 Chiswick High Road, London W4 4AL.

NOTE 3, This Approval was notified in draft to the European Commission in accordance with Directive 98/34/EC as amended by Directive 98/48/EC.