The Secretary of State, in exercise of the powers conferred by section 5 of the Noise Act 1996, makes the following Directions:

Commencement and application
1.—(1) These Directions shall come into force on 28 February 2008 immediately after the Measuring Devices (Noise Act 1996) (England) Approval 2008 and may be referred to as the Permitted Level of Noise (England) Directions 2008.
(2) These Directions apply in England.

Interpretation
2.—(1) In these Directions—
“dB” is a unit of both A-weighted sound pressure level and equivalent continuous A-weighted sound pressure level as given in 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;
“the underlying level of noise” has the same meaning as in paragraph 8 of the approval made by the Secretary of State titled the Measuring Devices (Noise Act 1996) (England) Approval 2007.
(2) Expressions used in these Directions which appear in the Noise Act 1996 have the same meaning in these Directions as they do in that Act.

The permitted level
3. The permitted level of noise which may be emitted during night hours from an offending dwelling or from offending premises shall be—
   (a) where the underlying level of noise does not exceed 24 dB, 34 dB;
   (b) where the underlying level of noise exceeds 24 dB, 10 dB in excess of that underlying level of noise.

Revocation
4. The directions made by the Secretary of State on 10th July 1997 under section 5 of the Noise Act 1996, insofar as they apply in England, are revoked.
NOTE

(This note is not part of the Directions)

NOTE 1. In accordance with section 5(2) of the Noise Act 1996, the permitted level is to be a level applicable to noise (emitted from the offending dwelling or from offending premises) as measured from within any dwelling in the vicinity (the complainant’s dwelling) by an approved device used in accordance with any conditions subject to which the approval was given. This approval and these conditions are set out in the Approval under section 6 of the Act titled the Measuring Devices (Noise Act 1996)(England) Approval 2008.

NOTE 2. BS (British Standard) documents are available from the British Standards Institute at 389 Chiswick High Road, London W4 4AL.
NOISE ACT 1996

APPROVAL UNDER SECTION 6 OF THE NOISE ACT
1996


Made - - - - 2008
Coming into force - - 2008

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The Secretary of State, in exercise of the powers conferred by section 6 of the Noise Act 1996, makes the following Approval:

Commencement and application

1.—(1) This Approval shall come into force on 28 February 2008 and may be referred to as the Measuring Devices (Noise Act 1996)(England) Approval 2008.

(2) This Approval applies in England.

Interpretation

2.—(1) In this Approval—

“an approved device” means a device approved under paragraph 3;
“A-weighted sound pressure level” means the A-weighted sound pressure level in decibels calculated in accordance with 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 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” 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” means the British Standard entitled “Electroacoustics – Sound calibrators”, published by the British Standards Institute and numbered BS EN 60942: 2003;


“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” means a member State of the European Union, Norway, Iceland or Liechtenstein;

“equivalent continuous A-weighted sound pressure level” means the equivalent continuous A-weighted sound pressure level in decibels, calculated in accordance with BS 7445;

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

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

“sound calibrator” 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’” has the same meaning as that given in BS EN 61672-1 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, reference to a British Standard includes—

(a) a relevant standard or code of practice of a national standards body or equivalent body of an EEA State or of Turkey;

(b) a relevant international standard recognised for use as a standard by an EEA State or by Turkey;

(c) a technical specification or code of practice which is recognised for use as a standard by a public authority of an EEA State or of Turkey,

insofar as such standard, code or specification enables this Approval to be applied in an equivalent manner to that where the British Standard is applied.

(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) The Secretary of State 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 61672-1;

(b) for devices used to measure the underlying level of noise, those sound level meters, measuring equipment or measuring systems which—

(i) comply with the requirements of Type 1 of BS EN 60651 or Class 1 of BS EN 61672-1; 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)—
(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 shall—
   (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.

Verification and calibration
4.—(1) Where a local authority intends to use an approved device or a sound calibrator—
   (a) for the first time; or
   (b) with, as appropriate, an approved device or sound calibrator with which it has not previously been used,
the local authority shall ensure that before the device or calibrator are so used they are verified in accordance with the standards in paragraph (3).

(2) A local authority shall ensure that the sound calibrator used with an approved device is 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)—
   (a) BS 7580; or
   (b) in relation to an approved device that meets Class 1 of BS EN 61672-1 or a sound calibrator used with such a device, BS EN 61672-3.

Periodic verification of approved devices
5.—(1) A local authority shall ensure that an approved device and sound calibrator which were used together before this Approval came into force, are 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 local authority shall ensure that an approved device and sound calibrator verified together under paragraph 4(1), are 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 use of approved devices
6.—(1) A person operating an approved device to measure noise emitted from an offending dwelling or offending premises or the underlying level of noise shall—
   (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 approved 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 an approved device in accordance with paragraph (1) shall—

(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 approved device was verified, as appropriate, under this Approval or the Approval made by the Secretary of State on 10th July 1997.

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 shall be determined using an approved 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 that 15 minutes (commencing when the measurement of noise begins), for a continuous integration time of 5 minutes ($L_{A_{eq}, 5min}$), 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 shall be rounded down to the next integer.

Measurement of underlying level of noise

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

(2) The underlying level of noise shall 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 shall be rounded up to the next integer.

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 England, is revoked.

Name
Parliamentary Under Secretary of State/Minister of State
xx yyy 2008
Department for Environment, Food and Rural Affairs

1. For example, 33.9 becomes 33

2. For example, 24.1 becomes 25
NOTE

(This note is not part of the Approval)

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.