SCOTTISH STATUTORY INSTRUMENTS

2005 No. 43

ANTISOCIAL BEHAVIOUR

The Antisocial Behaviour (Noise Control) (Scotland) Regulations 2005

Made - - - -	*27th January 2005*
Laid before the Scottish Parliament - - - -	*28th January 2005*
Coming into force - -	*28th February 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 48, 49 and 141(2)(a) and (b) of the Antisocial Behaviour etc. (Scotland) Act 2004(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Antisocial Behaviour (Noise Control) (Scotland) Regulations 2005 and shall come into force on 28th February 2005.

Interpretation

2.—(1) In these Regulations:

"the Act" means the Antisocial Behaviour etc. (Scotland) Act 2004;

"approved device" means a device approved under regulation 4 or 5;

"A-weighted sound pressure level" means the A-weighted sound pressure level in decibels calculated in accordance with the formula set out in paragraph 3.3 of 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(**2**);

"BS 7580" means the British Standard entitled "Specification for the verification of sound level meters – Part 1 Comprehensive Procedure", published by the British Standards Institution and numbered BS 7580: Part 1: 1997(**3**);

(**1**) 2004 asp 8.
(**2**) ISBN 0 580 43032 4.
(**3**) ISBN 0 580 20908 3.

"BS EN 60942" means the British Standard entitled "Electroacoustics – Sound calibrators", published by the British Standards Institution and numbered BS EN 60942: 2003(**4**);

"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(**5**);

"EEA State" means a Member State, 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 the formula set out in paragraph 3.5 of BS 7445;

"$L_{AN,;T}$" means the measurement of the A-weighted sound pressure level, calculated in accordance with paragraph 3.4 of BS 7445;

"sound calibrator" has the meaning given in paragraph 3.1 of BS EN 60942 and for the purposes of regulation 8 a sound calibrator must comply with the requirements of Class 1 of that standard;

"time-weighting" has the meaning given in paragraph 3.4 of BS EN 61672 and for the purposes of these Regulations time-weighting 'F' is calculated using a specified time constant of 0.125 seconds;

"underlying level of noise" means the level of ambient noise expressed in decibels and measured by an approved device used in accordance with the provisions of regulation 7.

(1) In these Regulations, 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(**6**);

(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.

Permitted levels

3. For the purposes of section 48 of the Act (permitted level of noise), the permitted levels prescribed in Column 2 of the Schedule to these Regulations may be emitted from relevant property during the periods prescribed in the corresponding entry in Column 1 of that Schedule.

Approved measuring devices – noise emitted from relevant property

4. For the purposes of section 49(1) of the Act (approval of measuring devices) sound level meters which comply with the requirements of Class 1 of BS EN 61672 are devices approved for the measurement of noise emitted from relevant property, when used in accordance with the requirements of regulations 6 and 8.

(**4**) ISBN 0 580 42229 1.
(**5**) ISBN 0 580 41452 3.
(**6**) 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 effect equivalent to quantitative restrictions between the European Union and Turkey.

Approved measuring devices – underlying level of noise

5.—(1) For the purposes of section 49(1) of the Act (approval of measuring devices), subject to paragraph (2), sound level meters which:

(a) comply with the requirements of Class 1 of BS EN 61672; and

(b) are capable of determining the A-weighted sound pressure level using time-weighting 'F',

are devices approved for the measurement of the underlying level of noise, when used in accordance with the requirements of regulations 7 and 8.

(2) Where $L_{AN,T}$ measurements are used to determine the underlying level of noise, the devices specified in paragraph (1) must in addition:

(a) sample the sound pressure level at a rate of not less than 10 times per second; and

(b) use in the statistical calculation a class interval of no greater than 0.5 decibels.

(3) When time weighting 'F' is used for the purposes of paragraph (1) it shall not exceed 0.6 seconds in a period of no shorter than one minute and no longer than 5 minutes.

Measurement of noise emitted from relevant property

6.—(1) The provisions of this regulation shall apply when a device is used to measure noise emitted from relevant property.

(2) If the measurement of noise is made within a room in the relevant place, the windows and doors in that room shall be closed.

(3) The measuring microphone of the approved device shall be positioned at least 0.5 metres away from any surface in the room (including the floor) and from any items of furniture.

(4) Within a period of no more than 15 minutes beginning with the time at which the measurement of noise is made, the equivalent continuous A-weighted sound pressure level of the noise emitted from the relevant property shall be measured for a period of 5 minutes, except where pauses are required to exclude from the measurement any significant noise other than the noise causing complaint.

(5) Where the measurement obtained under paragraph (4) is not a whole number, it shall be rounded down to the nearest whole number.

Measurement of the underlying level of noise

7.—(1) The provisions of this regulation shall apply when a device is used to measure the underlying level of noise.

(2) If the measurement is made within a room in the relevant place, the windows and doors in that room shall be closed.

(3) The measuring microphone of the approved device shall be positioned at least 0.5 metres away from any surface in the room (including the floor) and from any items of furniture.

(4) The A-weighted sound pressure level shall be measured using time-weighting 'F'.

(5) Where a measurement obtained under paragraph (4) is not a whole number, it shall be rounded up to the nearest whole number.

(6) The measurement under paragraph (4) shall be made at the same time as the measurement under regulation 6(4).