1990 No. 102

PUBLIC HEALTH

Construction Plant and Equipment (Noise Emission) (Amendment) Regulations (Northern Ireland) 1990

Made	*15th March 1990*
Coming into operation . .	*30th April 1990*

The Department of Economic Development, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to measures in respect of sound power level and sound pressure level requirements for the marketing and 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) 1990, and shall come into operation on 30th April 1990.

Interpretation

2.—(1) In these Regulations "the principal Regulations" means the Construction Plant and Equipment (Noise Emission) Regulations (Northern Ireland) 1987(**c**).

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

Amendments to the principal Regulations

3. The principal Regulations shall be amended as provided in regulations 4 to 8.

4. In regulation 2(1)—

(i) at the end of the definition of "EEC type-examination requirements" there shall be added "and, in the case of tower cranes manufactured on or after 30th April 1990 with an operator's position fixed to the structure of the tower crane, the sound pressure level of airborne noise emitted at the operator's position";

(**a**) S.I. 1985/749, 1987/926
(**b**) 1972 c. 68: section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253
(**c**) S.R. 1987 No. 328
(**d**) 1954 c. 33 (N.I.)

(ii) at the end of the definition of "Special Directives" there shall be added "and, in the case of tower cranes with an operator's position fixed to the structure of the tower crane, the permissible sound pressure level of airborne noise emitted at the operator's position"(**a**).

5. In regulation 3(1), for "mark has" there shall be substituted "mark or marks have".

6. In regulation 5(5), after "power" there shall be inserted "and pressure".

7. In regulation 6—

(i) in paragraph (1), after "mark" there shall be inserted "or marks";

(ii) in paragraph (3), for "The EEC Mark" there shall be substituted "An EEC Mark";

(iii) after paragraph (3) there shall be added the following:—

"(4) In the case of a tower crane manufactured on or after 30th April 1990 with an operator's position fixed to the structure of the tower crane an additional EEC mark shall be placed thereon indicating either—

(i) the sound pressure level of airborne noise emitted at the operator's position ascertained in accordance with the Special Directive relating to such tower cranes by the approved body or other body mentioned in regulation 6(3)(i), or on a review of the decision of such body; or

(ii) such sound pressure level so ascertained by the manufacturer if that sound pressure level is higher than that ascertained in accordance with regulation 6(4)(i).".

8. In Schedule 4 at the end there shall be added:—

"ADDITIONAL EEC MARK TO BE PLACED ON TOWER CRANES MANUFACTURED ON OR AFTER 30th APRIL 1990 WITH AN OPERATOR'S POSITION FIXED TO THE STRUCTURE OF THE TOWER CRANE, STATING THE SOUND PRESSURE LEVEL OF AIRBORNE NOISE EMITTED AT THE OPERATOR'S POSITION

(a) 87/405/EEC, O.J. No. L220, 8.8.87, p. 60