EXPLANATORY MEMORANDUM TO

THE NOISE EMISSION IN THE ENVIRONMENT BY EQUIPMENT FOR USE OUTDOORS (AMENDMENT AND TRANSITIONAL) REGULATIONS 2025

2025 No. 1073

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Business and Trade and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Kate Dearden MP, Parliamentary Under-Secretary of State (Minister for Employment Rights, Competition and Markets) at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

2.2 Sophie George, Deputy Director for Products Sectors and Metrology Policy, at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Maeve Nicholson at the Department for Business and Trade can be contacted by email at the following address with any queries regarding the instrument: OPSS.enquiries@businessandtrade.gov.uk. Alternatively, the department can be contacted by telephone: 0121 345 1201.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The purpose of this instrument is to make changes to *The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001* ("the 2001 Regulations") as they apply in Great Britain.

4.2 The instrument inserts a new Schedule 6A into the 2001 Regulations. Schedule 6A contains updated noise emission measuring methods by which airborne noise emitted by equipment in-scope of the 2001 Regulations is measured. In addition, the changes remove regulation 12 of the 2001 Regulations, to reduce the reporting requirements for the responsible person, so that they no longer need to provide the Secretary of State with a copy of their declaration of conformity. Similar changes have already been made to the 2001 Regulations as they apply in Northern Ireland via a Statutory Instrument, which was laid on 31 March 2025 and came into force on 22 May 2025.

4.3 Furthermore, this instrument continues CE recognition for goods following the EU's updates to the *Equipment for Use Outdoors Directive 2000/14/EC* ("the 2000 Directive"). Businesses will be able to continue to use either the UKCA marking or CE marking to place products on the GB market that comply with the 2001 Regulations.

4.4 The instrument also inserts a review provision into the 2001 Regulations, in accordance with the duty in section 28 of the Small Business, Enterprise and Employment Act 2015.

Where does the legislation extend to, and apply?

4.5 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales and Scotland.

4.6 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales and Scotland.

5. Policy Context

What is being done and why?

5.1 The 2001 Regulations regulate certain types of outdoor machinery to control the noise they produce, in order to reduce the impact on human health. The 2001 Regulations set out permissible noise levels that certain equipment within scope must be tested against and which must not be exceeded. Some equipment within scope of the 2001 Regulations does not have a maximum noise limit and is subject to noise marking only, which does not require external testing to be completed. The particular requirements for each specific type of outdoor equipment are clearly set out in the 2001 Regulations.

5.2 The 2001 Regulations cover outdoor machinery typically used on construction sites or in large parks and gardens, such as chainsaws, cranes, dumpers, excavators, lawnmowers, leaf blowers and power generators. They do not apply to machinery for the transport of goods or people by road, rail, air or waterways, nor for use by the military, police or emergency services.

5.3 The 2001 Regulations implemented the 2000 Directive in the United Kingdom. *The European Union Withdrawal Act 2018* preserved the 2001 Regulations and enabled them to be amended so as to continue to function effectively now that the UK has left the European Union.

5.4 On 16 November 2023, the European Union adopted *Delegated Regulation (EU) 2024/1208* to amend and update Annex III of the 2000 Directive, which corresponds to Schedule 6A of the 2025 Regulations. Recent technological progress has provided opportunities to improve the methods used to measure airborne noise emitted by equipment for use outdoors. In addition, on 23 October 2024, as part of a wider package of reform impacting multiple sectors, the EU adopted *Directive (EU) 2024/2839* which removes the requirement for manufacturers of products in-scope of the legislation to provide the European Commission and the responsible authority of the Member State with a copy of their declaration of conformity. The requirement to produce a declaration of conformity, however, still remains.

5.5 Under the Windsor Framework, these changes have already been implemented in Northern Ireland via *The Noise Emission in the Environment by Equipment for use Outdoors (Amendment) (Northern Ireland) Regulations 2025*. As such, in order to ensure that consumers and other users are equally protected from airborne noise emissions across the UK, and to ensure legislation across the UK keeps pace with technological advances, we are also making the same technical updates to GB legislation via this instrument.

5.6 To do otherwise could lead to unnecessary divergence across the UK and could negatively impact on growth. Alignment across the UK internal market is an approach supported by the majority of stakeholders we have engaged with. As such, overall, these changes will reduce burdens on businesses, in line with wider Government policy.

What was the previous policy, how is this different?

5.7 Given that the 2001 Regulations were introduced in the UK over 20 years ago, outdoor equipment and the technology available to test their noise limits have advanced and modernised significantly since then. As such, the new testing methods are expected to ensure that legislation maintains pace with technological advancements, standardisation of testing methods is improved, measurements are independent of the environment they operate in, and the understanding of test uncertainties is also improved.

5.8 In practice, the Government considers that these changes will not substantially impact the placing on the market of outdoor equipment and will further support both workers and consumers' health and wellbeing and allow them to have confidence in the declared values of noise emissions.

5.9 Additionally, removing the requirement for the responsible persons to provide their declaration of conformity to the Secretary of State will reduce unnecessary burdens, and therefore time and cost implications, on industry. The requirement to produce a declaration of conformity, however, still remains to effectively support product safety.

5.10 Moreover, this instrument continues CE recognition for outdoor equipment, thus maintaining the current position on this matter.

5.11 It also contains a review provision, requiring the Secretary of State to review the regulatory provision in the 2001 Regulations at least every five years, in accordance with the duty under section 28 of the Small Business, Enterprise and Employment Act 2015.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument, *The Noise Emission in the Environment by Equipment for Use Outdoors (Amendment and Transitional) Regulations 2025*, amends the 2001 Regulations as they apply in GB.

6.2 This instrument inserts Schedule 6A, alongside the pre-existing Schedule 6, into the 2001 Regulations. Schedule 6A sets out the updated methods by which to measure the airborne noise emitted by equipment in-scope of the 2001 Regulations.

6.3 Equipment in-scope of the 2001 Regulations falls into two categories: equipment subject to noise limits and equipment subject to noise marking only. This instrument makes the following changes:

6.4 Equipment subject to noise limits must be tested according to the measurement methods in both Schedules 6 and 6A once this instrument come into force (subject to the transitional provisions). Such equipment will only be able to be placed on the market or put into service, however, if the noise level emitted by the equipment does not exceed the permissible sound power level (as set out in the 2001 Regulations) when measured using Schedule 6 methods.

6.5 Equipment which is subject to noise marking only will need to be marked according to the measurement methods in Schedule 6A before it can be placed on the market or put into service (subject to the transitional provisions).

6.6 This instrument contains transitional provisions for industry to adapt to the changes in noise measurement methods in Schedule 6A. Generally, for models of equipment, the first item of which was placed on the market or put into service before 22 May 2025,

the measurement methods under Schedule 6 can continue to be used until 22 May 2028.

6.7 This instrument also removes regulation 12, which places an obligation on the responsible person to send a copy of their declaration of conformity to the Secretary of State for Business and Trade within 28 days of placing the equipment on the market. Whilst this requirement is being removed, the responsible person will still need to produce a declaration of conformity, as per the requirements set out in the 2001 Regulations.

6.8 This instrument allows for the continued acceptance of CE marked goods on the GB market that are compliant with the amended version of the 2000 Directive.

6.9 This instrument also inserts a review provision into the 2001 Regulations. This requires that the Secretary of State must, at least every five years, carry out a review of the regulatory provision contained in the 2001 Regulations and publish a report setting out the conclusions of the review, in accordance with section 28 of the Small Business, Enterprise and Employment Act 2015. We rely on section 14A of the Interpretation Act 1978 to make this change.

Why was this approach taken to change the law?

6.10 Since the way in which noise emissions from equipment is measured is technical in nature, and we want to ensure that the permissible sound power levels are not breached for relevant equipment using the existing testing methods, it is appropriate to add a new Schedule to the 2001 Regulations. The *Product Regulation and Metrology Act 2025* contains the most appropriate powers available to make this instrument.

6.11 This instrument will come into force on 13 April 2026, six months after the laying date of 13 October 2025, in line with our World Trade Organisation obligations.

7. Consultation

Summary of consultation outcome and methodology

7.1 In September 2024, the Government published a Call for Evidence to seek views from interested parties on potential changes to outdoor noise legislation. This Call for Evidence asked stakeholders whether they would like to see similar measures made in Great Britain, as in Northern Ireland and the EU, and whether CE recognition should continue for products in-scope. The majority of respondents supported the changes and the Government's approach, which are now being made via this instrument. A summary of the responses received to the Call for Evidence has been published by the Government.[1]

7.2 The Government has also undertaken stakeholder engagement with a cross-representation of stakeholders, including industry, other Government Departments and the Devolved Governments. Interested parties have expressed support for the changes as having a positive impact on industry and product users.

[1] www.gov.uk/government/calls-for-evidence/measuring-noise-from-outdoor-equipment-call-for-evidence

8. Applicable Guidance

8.1 The Office for Product Safety and Standards (OPSS) has published and regularly updates guidance for economic operators on the 2001 Regulations.[2]

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because, on assessment, it was deemed that there will be a low level of impact per business from the introduction of this instrument.

Impact on businesses, charities and voluntary bodies

9.2 This instrument will impact manufacturers of outdoor noise equipment in-scope that is placed on the GB market, as well as authorised representatives carrying out manufacturers' tasks on their behalf, and where neither the manufacturer nor the authorised representative is established in the UK, it will impact the person placing the equipment on the market or putting it into service in GB.

9.3 We expect that the direct impact on GB businesses from introducing this legislation to be net positive and small and thereby falling within the De-minimis assessment threshold.

9.4 The impacts to GB businesses will include incurring familiarisation costs and procuring equipment and adjusting testing procedures, in line with the updates to testing methods. Additionally, there will be an impact on conformity assessment bodies carrying out testing on outdoor equipment in-scope.

9.5 There will be cost savings for businesses, however, from not having to make permanent marking and labelling changes on products in-scope and cost savings from avoiding duplicate conformity assessment costs, which is expected to be the largest benefit to GB businesses. Moreover, there are also further time-saving benefits for manufacturers, who no longer have to submit their Declaration of Conformity to OPSS, the national authority.

9.6 There is no, or no significant, impact on charities and voluntary bodies because they are unlikely to be participating in activities related to the subject matter of the instrument.

9.7 The legislation does impact small or micro businesses.

9.8 The legal requirements do not differentiate between businesses in terms of their size. Therefore, we are unable to take any mitigating actions to minimise the regulatory burdens on small or micro businesses. Small and micro businesses will though be among those benefiting from the cost savings resulting from this instrument.

9.9 There is no, or no significant, impact on the public sector because they are also unlikely to be participating in activities related to the subject matter of the instrument. It is primarily a matter for businesses placing products on the market or testing that they meet the necessary requirements.

[2] www.gov.uk/government/publications/noise-emission-in-the-environment-by-equipment-for-use-outdoors-regulations-2001/noise-emission-in-the-environment-by-equipment-for-use-outdoors-regulations-2001-great-britain

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that every five years, the Secretary of State must carry out a review of the regulatory provision contained in the Regulations and publish a report setting out the conclusions of that review.

10.2 A statutory review clause which applies to the Regulations is included in the instrument.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Parliamentary Under-Secretary of State (Minister for Employment Rights, Competition and Markets) has made the following statement regarding Human Rights:

"In my view the provisions of *the Noise Emission in the Environment by Equipment for Use Outdoors (Amendment and Transitional) Regulations 2025* are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (''relevant European Union Acts''). It does however relate to the withdrawal of the United Kingdom from the European Union to the extent that the 2001 Regulations are assimilated law.