EXPLANATORY MEMORANDUM TO

THE NOISE EMISSION IN THE ENVIRONMENT BY EQUIPMENT FOR USE OUTDOORS (AMENDMENT) REGULATIONS 2015

2015 No. 98

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend regulation 12 of the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 ("the 2001 Regulations") to remove inaccurate contact details for the provision of information

2.2 These Regulations also amend Schedule 13 of the 2001 Regulations. Schedule 13 imposes a duty on the Secretary of State to enforce the Regulations and currently permits the Secretary of State to act through the Vehicle Certification Agency ("VCA"), an Executive Agency of the Department for Transport. The amendment will permit the Secretary of State to appoint any person to act on his behalf in enforcing the Regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The 2001 Regulations implement Directive 2000/14/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors. The Regulations are currently enforced by the VCA on behalf of the Secretary of State as set out in Schedule 13 and it is intended to allow the Secretary of State to appoint any alternative body to enforce the Regulations on his behalf.

4.2 Directive 2000/14/EC was amended by Directive 2005/88/EC. Consequently Proposal 11825/05 was cleared by both EU scrutiny Committees, the House of Commons in their report 2, session 05/06 and the Lords in their Progress of Scrutiny of 4 October 2005.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 These Regulations amend the 2001 Regulations which implement Directive 2001/14/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors as amended. The 2001 Regulations are currently enforced by the VCA as set out in Schedule 13. This amendment will allow the Secretary of State to appoint an appropriate body to enforce the Regulations on his behalf thus a permitting wide choice of enforcement body. This change was made necessary because the VCA were expected to move to a new commercial model and market surveillance under EU law is required to be carried out by a public authority.

7.2 The Regulations will also remove references to the postal addresses for the submission of information to the Secretary of State and the Commission as these have changed. Contact details will instead be provided in the guidance associated with the Regulations.

- ***Consolidation***

7.3 Consolidation is not relevant at this stage because this is a minor amendment to a single provision of the Regulations. It is expected that the Directive will be revised in the next year so consolidation would be more appropriate at that stage.

8. Consultation outcome

8.1 We have not consulted on the amendments as there is no substantive change to the existing legislation.

9. Guidance

9.1 It is not planned to produce any Guidance because the Regulations do not implement any substantive changes but just ensure the continuation of service.

10. Impact

10.1 The impact on business, charities or voluntary bodies is none.

10.2 The impact on the public sector is none.

10.3 An Impact Assessment has not been prepared for this instrument because there will be no change in costs or benefits as a result of the amendments.

11. Regulating small business

11.1 The legislation applies to small business.

12. Monitoring & review

12.1 There is no date for review of the Directive set into the Directive. However we intend to review the Regulations in 2020.

13. Contact

Victoria Griffiths at the Department for Business Innovation and Skills, Tel: 020 7215 6212 or email: Victoria.griffiths@bis.gsi.gov.uk can answer any queries regarding the instrument.