

**NOISE PREVENTION AND CONTROL (FRAMEWORK) REGULATIONS, 2012**

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT, 2011**

**(Chapter 504 of the Laws of Malta)**

By virtue of article 61 (j) (p) (u) of the Environment and Development Planning Act, 2011 the Minister has made the following regulations.

*Title and Commencement*

1. (1) These Regulations shall be entitled the Noise Prevention and Control (Framework) Regulations, 2012 and shall be construed in accordance with the Environment and Development Planning Act, hereinafter referred to as the Act.

(2) The Regulations shall come into force on such date or dates as the Minister may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes of these Regulations.

*Objective of the subsidiary legislation:*

2. The purpose and scope of these Regulations is to:

- (i) Recognise that unreasonable noise is a form of pollution, as defined by the Act;
- (ii) Prevent and control those sources of noise that are not already regulated by related laws included in Schedule I to these Regulations,
- (iii) Provide guidelines listed in Schedule II to these regulations to determine reasonable and unreasonable noise levels which shall be applicable for any activity or product regulated by these regulations and other laws referred to in Schedule I;
- (iv) Set up the Noise Control Board that will have the function to coordinate the regulation of noise by noise regulatory bodies listed in Schedule III and to establish the necessary administrative and regulatory procedures for dealing with all issues related to various forms of noise pollution.

*Definitions:*

For the Purpose of these Regulations unless the context otherwise requires: -

“**Act**” means the Environment and Development Planning Act, 2011.

“**Board**” means the Noise Control Board

“**Minister**” means Minister responsible for the environment

**“Noise” and “noise emissions”** shall include also vibration

**“Noise level”** means objective criteria that establish guidelines for permitted noise levels as prescribed in Schedule II to these Regulations and any noise levels referred to in the related laws as prescribed in these Regulations

**“Noise Regulatory Bodies”** are the competent public authorities listed in Schedule III

**“Noise Sensitive Zones”** means any areas that are designated as such by any noise regulatory body

**“Occupier”** in relation to any premises means the person/s currently in occupation and/or in control of the premises whether in whole or in part

**“Pollution”** shall have the meaning as defined by the Act

**“User”** in relation to any product or object means the person/s currently using the said product or object

**“Related Laws”** means laws listed in Schedule I to the Regulations

### *The Board*

3. The Minister shall establish the Noise Control Board, which shall have the following functions:

- (a) To advise the Minister on all matters concerning policy, regulations and enforcement related to the prevention, abatement and control of various forms of noise pollution;
- (b) To advise the Minister on applicable guidelines, methodologies and standards related to noise emission from any activities and objects in use;
- (c) To establish accreditation systems so as to ensure that products in use are also installed, maintained and operated correctly;
- (d) To advise the Minister on the mainstreaming and streamlining noise abatement, prevention and control requirements in permits issued by noise regulatory bodies;
- (e) To propose measures, guidelines and codes of practice that aim to prevent noise from any activity or object in use;
- (f) To review existing legislation which aims to control and prevent noise at source and make recommendations to the Minister accordingly;

- (g) To oversee implementation and enforcement of regulations, procedures and policy related to the abatement, prevention and control of various forms of noise pollution;
- (h) To establish and implement effective administrative procedures for dealing with noise-related complaints from the public;
- (i) To carry out any other task related to noise prevention, abatement and control which the Minister or itself may consider necessary.

4. The Board shall be appointed by the Minister for a term of not more than 3 years and shall be composed of:

- (a) a Chairman;
- (b) a member representing each of the Regulatory Bodies listed in Schedule III to these Regulations;
- (c) a technical expert on noise and
- (d) a representative of an NGO specialized in noise issues

Provided that the Minister may allow the Board to appoint any further expert or group of experts to assist it in the performance of its functions as may be necessary.

5. The Board shall regulate its own procedures and make proposals to the Minister and where applicable to the Noise Regulatory Bodies, on *inter alia*:

- (i) Noise limits for activities, including one off events and for certain premises, including places of entertainment and premises where trading activities take place, in accordance with the guidelines in Schedule II to these Regulations;
- (ii) Noise limits for products/objects in use in accordance with the guidelines in Schedule II to these Regulations;
- (iii) Timeframes for permitted noise levels for the same categories of activities in the various sectors regulated under the noise related laws listed in Schedule I;
- (iv) Noise Sensitive Zones for specific areas as designated by the same Board;
- (v) National Standards for buildings and premises in use and for the proper installation and maintenance of any object/product that is in use, in order to prevent and control noise at source;

- (vi) Certification Schemes for any person who is compliant with any standards set in sub para(v) of Regulation 5, provided that such a certificate would be renewable as stipulated by the Board;
- (vii) Noise control equipment and measures to prevent and control noise from premises and objects or products or from any activity;
- (viii) integrating noise prevention and control plans into various national policies;
- (ix) Noise action plans with short-term, medium term and long-term objectives for reducing noise levels in various sectors;
- (x) Health guidelines for noise to promote prevention from harmful noise exposure as targets to be achieved in the long-term. Awareness building campaigns on any of the subparagraphs (i) to (xi) in Regulation 5;
- (xi) Enhancing capacity building in the various sectors particularly among the noise regulatory bodies to monitor noise;
- (xii) Enhancing coordination between the noise regulatory bodies listed in Schedule III.

6. The Minister may require the Board to make recommendations or proposals on any matter related to noise prevention and control, within stipulated time frames.

7. The Board shall provide the Minister with a copy of the minutes of its meetings and shall issue a report every three months to the Minister and publish an annual report on its activities and on any the progress registered in the fulfillment of its tasks listed in Regulation 5.

#### *Noise Emission Levels*

8. (1) Without prejudice to subparagraph (2) of this Regulation no person may at any time of the day and night disturb the peace or cause annoyance to any other person by generating unreasonable noise that exceeds the corresponding noise levels listed in the guidelines found in Schedule II to these regulations.

8. (2) When for any reason it is not possible to determine the noise levels in accordance with subparagraph 1 of this Regulation:

- (i) No person may allow activities organized in premises or areas where he is the owner and/or occupier that generate unreasonable noise that may cause annoyance or disturbance to others, especially from 2pm to 4pm and from 11pm till 7 am.
- (ii) No person may allow animals and objects of which he is either the owner or in possession thereof, to generate unreasonable noise that may cause a disturbance or annoyance to others, especially from 2pm to 4pm and from 11pm till 7 am.

Provided that notwithstanding subparagraphs (1) and (2) (i) and (ii) of this subregulation, a noise regulatory body may as it is so authorized by law, issue a permit to any person, which stipulates different conditions regarding noise emissions than those established under subparagraphs (1) and (2) (i) (ii) of these Regulations.

8. (3) Any noise regulatory body must inform the Board in writing before it grants a permit to any person to carry out or organize an activity, which may fall under Regulation 8 but which in accordance with the proviso to subparagraph (i) and (ii) of subregulation 2 of Regulation 8, the noise regulatory body exempts the applicant in whole or in part from the conditions stipulated in subparagraph (1) and (2) of Regulation 8.

8 (4) The Board shall consider the conditions for a permit that a noise regulatory body is proposing in accordance with subregulation 3 of Regulation 8, on a case by case basis and may further propose that specific conditions to control noise in accordance with these Regulations and related noise laws listed in Schedule I are to be included in the permit.

9. (1) Any person may in writing bring to the attention of the Board any risks associated with particular activities or products that generate unreasonable noise from any source that is not considered in any of the related laws listed in Schedule I to these Regulations.

(2) The Board shall provide the required information on any steps taken, to the person who makes a submission according to sub regulation (1) of this Regulation, in writing and as expeditiously as appropriate.

#### *Administrative Fines and Criminal Punishment*

10. (1) Any person who infringes the provisions of Regulation 8(1) shall be subject to an administrative fine of not less than one hundred (100) Euros and not more than one thousand (1000) Euros.

(2) If after having been so fined, such person persists in infringing Regulation 8, or if a person infringes the provisions of Regulation 8 sub para (2) (i) (ii), he shall be guilty of a criminal offence subject to a fine (*multa*) of not more than two thousand five hundred Euros (2500).

Provided that a person, who having been sentenced for an offence against the same regulation by a judgment, which has become absolute, commits a further offence in contravention of these Regulations, shall be liable to pay a higher fine (*multa*), and for the purpose of this proviso the maximum fine that may be established by such regulations shall be two hundred fifty thousand Euros (250,000), the confiscation of the *corpus delicti* and the revocation of any permit as applicable.

Provided further that where any noise regulatory body is satisfied that a person may be infringing regulation 8 although the noise levels emitted cannot be adequately measured, it may initiate criminal proceedings after it gives such person due warning in writing to remedy the situation within a stipulated time period.

## SCHEDULE I

### Laws Related to Noise

#### 1. GENERAL

Environment and Development Planning Act (EDPA) Chapter 504<sup>1</sup> of the Laws of Malta enables the Minister responsible for environment to issue regulations to regulate noise.

#### 2. ENVIRONMENTAL NOISE REGULATED UNDER THE EDPA

**REGULATOR: MEPA<sup>2</sup>**

LN 193/2004 Assessment and Management of Environment Noise Regulations, 2004, adopted under the EPA of 2001 as amended by Legal Notice 426 of 2007<sup>3</sup>, transposing Directive 2002/49/EC of the European Parliament and of the Council of 25 June, 2002 relating to the assessment and management of environmental noise.

#### 3. NOISE AT THE WORK PLACE REGULATED UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT

**REGULATOR: OHSA**

The Occupational Health and Safety (OHS) Act refers as an enabling Act whereby the Minister responsible for health and safety at the workplace may publish subsidiary legislation on noise at the workplace and also on risk elimination and therefore this also includes elimination of noise risks.

[L.N. 158/2006 - Work Place \(Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Noise\) Regulations, 2006<sup>4</sup>](#) transpose Directive 2003/10/EC of the European Parliament and of the Council on minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents(noise).

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<sup>1</sup> <http://www.mjha.gov.mt/DownloadDocument.aspx?app=lom&itemid=11407&l=1>

<sup>2</sup> <http://www.mepa.org.mt/topic-noise>

<sup>3</sup> Subsidiary Legislation 435.59 of 2007

<sup>4</sup> [http://www.ohsa.org.mt/docs/laws/ohs\\_ln\\_158\\_en.pdf](http://www.ohsa.org.mt/docs/laws/ohs_ln_158_en.pdf)

LN371/2005 – Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Vibration) Regulations, 2005.

#### **4. NOISE FROM PRODUCTS PLACED ON THE MARKET REGULATED UNDER THE PRODUCT SAFETY ACT.**

##### **REGULATOR: MCCA.**

Malta Competition and Consumer Affairs Authority (MCCA) Act, Chapter 510<sup>5</sup> of the Laws of established MCCA as regulator on placing on the market of new products after it repealed and replaced Malta Standards Authority Act<sup>6</sup>.

Product Safety Act<sup>7</sup>, has various legal notices which establish noise limits for new products placed on the market.

LN 64/2002 Noise Emission in the Environment by Equipment for Use Outdoors Regulations, 2002, adopted under the Product Safety Act of 2001<sup>8</sup> transposing Directive 2000/14/EC of 8 May 2000 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.

LN 373 of 2002<sup>9</sup> on Safety of Toys Regulations, transposing Directive 2009/48/EC of the European Parliament and of the Council of 18<sup>th</sup> June 2009 on the safety of toys: (Annex I, Part 1)

LN147 of 2009<sup>10</sup> on Machinery Regulations, transposing Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery amending Directive 95/15/EC

LN270 of 2001<sup>11</sup> on Construction Products Regulations transposing Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products.

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<sup>5</sup> <http://www.mjha.gov.mt/DownloadDocument.aspx?app=lom&itemid=11657&l=1>

<sup>6</sup> Chapter 419 of the Laws of Malta.

<sup>7</sup> Chapter 427 of the Laws of Malta.

<sup>8</sup> Chapter 427 of the Laws of Malta.

<sup>9</sup>As amended by Legal Notice 244 of 2010  
<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10777&l=1>

<sup>10</sup> (<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10773&l=1>)

<sup>11</sup> as amended by Legal Notices 330 of 2002, 29 of 2004, 6 of 2007, 25 of 2008, 347 of 2010 and 104 of 2011.  
(<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10754&l=1>):



LN156 of 2010<sup>12</sup> on Placing on the Market of Pyrotechnic Articles, Regulations transposing Directive 2007/23/EC<sup>13</sup> of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles.

LN 128 of 2005, Recreational Crafts Regulations as amended by Act XV of 2009<sup>14</sup> transposing Recreational Crafts Directive 94/25/EC<sup>15</sup> of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft as amended by Directive 2003/44/EC of the European Parliament and of the Council of 16 June 2003 amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft.

LN148 of 2009, as amended by Legal Notice 330 of 2009; Act XV of 2009; and Legal Notice 7 of 2011<sup>16</sup> transposes Council Directive 70/157/EEC (and the equivalent UNECE Reg.51) which sets the limits on permissible sound levels of road vehicles and procedures for measurement<sup>17</sup>. Limiting values may be accessed from Annex I point 2.1. and limits differentiate between vehicle type (passenger cars, trucks etc...).

Safety of Motor Vehicles, Motor Cycles and Tyres.

## **5. NOISE FROM TRANSPORT.**

### **REGULATOR: TRANSPORT MALTA.**

LN 128/1994 Motor Vehicle Regulations<sup>18</sup>, published under Traffic Regulation Ordinance, Chapter 65 of the Laws of Malta<sup>19</sup> particularly Regulations 96, 105, 106 and 110.

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<sup>12</sup> (<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10806&l=1>)

<sup>13</sup> (Annex I, section 5)

<sup>14</sup> (<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10797&l=1>)

<sup>15</sup> (Annex I, Part C): 1.1

<sup>16</sup> (<http://www.mjha.gov.mt/DownloadDocument.aspx?app=lom&itemid=10761>)

<sup>17</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1970L0157:20070705:en:PDF>

<sup>18</sup> (SL 65/11) as subsequently amended

<sup>19</sup> <http://docs.google.com/viewer?a=v&q=cache>

VRT regulations<sup>20</sup>, published under Chapter 65 Traffic Regulation Ordinance<sup>21</sup>.

Civil Aviation Act<sup>22</sup>, Section 12.

## **6. NOISE FROM PLACES OF ENTERTAINMENT.**

**REGULATORS/PERMITTING AUTHORITIES: POLICE, TRADE DEPARTMENT, MALTA TOURISM AUTHORITY, LOCAL COUNCILS.**

LN 175/2004<sup>23</sup> Catering Establishment Regulations, published by virtue of the Malta Travel and Tourism Services Act<sup>24</sup>.

LN 248 or 249/2011 Local Councils to authorise the operation of the bar for a night.

## **7. NOISE FROM CONSTRUCTION SITES.**

**REGULATOR: BUILDING REGULATIONS UNIT**

LN 295/2007, The Regulations for Environmental Management of Construction Sites, 2007.

## **8. NOISE FROM EXPLOSIVES.**

**REGULATOR: POLICE**

The Fireworks (Control) Regulations LN 5/1981 or LN 23/2008 were issued by virtue of the Explosives Ordinance.

## **9. NOISE FROM TRADING ACTIVITIES.**

**REGULATOR: POLICE, TRADE DEPARTMENT**

LN 1/2006, which licences any commercial activity both those falling under 6 above as well as any activities carried out within the precincts of commercial premises.

Trading Licences Regulations of 2004<sup>25</sup>, regarding owners of entities, which hold trading licences but do not play music.

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<sup>20</sup> SL 65/15

<sup>21</sup> <http://www.google.com/search?q=Laws%20of%20Malta%2065.15>

<sup>22</sup> Chapter 232 of the Laws of Malta

<sup>23</sup> (SL 409/15) as amended by Legal Notices 426 of 2007 and 290 of 2010.

<sup>24</sup> Chapter 409 of the Laws of Malta

## **10. NOISE FROM ANIMALS.**

### **REGULATOR: POLICE ANIMAL WELFARE DIRECTORATE**

Animal Welfare Act which repealed article 125 (2) COPL Animal Welfare Act (Cap. 439) but which saved any regulations made thereunder.

## **10. GENERAL SOURCES OF NEIGHBOURHOOD NOISE**

### **REGULATOR: POLICE**

#### **(i) Criminal Code**

Criminal Code 338(m) refers to noise at night time and from music.

#### **(ii) Code of Police Laws**

41(1) (2) noise from music for marketing products

125(2) noise from animals that was repealed by the Animal Welfare Act (Cap. 439) but which saved any regulations made thereunder.

S.L 10.40 Code of Police Laws – Maintenance of Good Order at Places of Entertainment Regulations establishes the Health & Safety Monitoring Board, which is provided for in subsidiary legislation 10.40 established by Government Notice 585/2012 in Gazette. According to legislation, this Board has the responsibility to oversee matters relating to health, safety, noise pollution and civil protection.

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<sup>25</sup> SL 441/2007. These are the regulations discussed also above under the part on MTA, which establish that who plays music needs a licence. So when specifying conditions MTA regulations make a cross reference to the Trading Regulations regarding the playing of music.

**SCHEDULE II**  
**NOISE LEVELS GUIDELINES**

Specific environment	Critical health effect(s)	LAeq [dB]	Time base [hours]	LAmaz, fast [dB]
Outdoor living area	Serious annoyance, daytime and evening Moderate annoyance, daytime and evening	55 50	16 16	- -
Dwelling, indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	16	
Inside bedrooms	Sleep disturbance, night-time	30	8	45
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60
School class rooms and pre-schools, indoors	Speech intelligibility, disturbance of information extraction, message communication	35	during class	-
Pre-school Bedrooms, indoors	Sleep disturbance	30	sleeping -time	45
School, playground outdoor	Annoyance (external source)	55	during play	-
Hospital, ward rooms, indoors	Sleep disturbance, night-time Sleep disturbance, daytime and evenings	30 30	8 16	40 -
Hospitals, treatment rooms, indoors	Interference with rest and recovery	#1		
Industrial, commercial, shopping and traffic areas, indoors and Outdoors	Hearing impairment	70	24	110
Ceremonies, festivals and entertainment events	Hearing impairment (patrons:<5 times/year)	100	4	110
Public addresses, indoors and outdoors	Hearing impairment	85	1	110
Music through headphones/ Earphones	Hearing impairment (free-field value)	85 #4	1	110
Impulse sounds from toys, fireworks and firearms	Hearing impairment (adults)	-	-	140 #2
	Hearing impairment (children)	-	-	120 #2
Outdoors in parkland and conservation areas	Disruption of tranquillity	#3		

#1: as low as possible;

#2: peak sound pressure (not LAmaz, fast), measured 100 mm from the ear;

#3: existing quiet outdoor areas should be preserved and the ratio of intruding noise to natural background sound should be kept low;

#4: under headphones, adapted to free-field values

### **SCHEDULE III**

#### **Noise Regulatory Bodies and their responsibilities for noise abatement and control.**

- Malta Environment and Planning Authority (MEPA), Environment Protection Directorate regulates environmental noise as defined in EU Environmental Noise Directive as well as deals with noise from industrial activities subject to environmental permitting regime;
- MEPA, Planning Directorate deals with noise from land development projects;
- Occupational Health and Safety Authority regulates noise as an occupational health and safety issue;
- Malta Competition and Consumer Affairs Authority (MCCAA) regulates the noise level standards of new products that are placed on the market;
- The Police are responsible for the enforcement of noise-related provisions in the Code of Police Laws. Police also grant permits for activities that may generate unreasonable noise, including, amongst other, for the use explosives;
- Malta Tourism Authority (MTA) responsible together with the Police and the Department of Trading Licences are involved in the licensing of places of entertainment and catering establishments, as well as for permitting one-off events that do not fall within the jurisdiction of local councils;
- Trading Licenses Department is responsible for licensing commercial activities;
- Transport Malta (TM) regulates noise levels from land, sea and air transport;
- The Building Regulations Unit (BRU) is involved in the control of noise from construction activities;
- Local Councils issue permits for one-off activities taking place within their localities;
- Directorate Environmental Health regulates noise as a health hazard.
- The Health & Safety Monitoring Board, established by subsidiary legislation 10.40 of the Code of Police Laws – Maintenance of Good Order at Places of Entertainment Regulations Health & Safety Monitoring Board, established by Government Notice 585/2012 in the Gazette. This Board has the responsibility to oversee matters relating to health, safety, noise pollution and civil protection.
- The Animal Welfare Directorate which also regulates keeping of animals and noise from animals under the Animal Welfare Act.