
STATUTORY INSTRUMENTS

1975 No. 1763

BUILDING AND BUILDINGS

The Noise Insulation Regulations 1975

Laid before Parliament in draft

<i>Made</i>	- - - -	<i>28th October 1975</i>
<i>Coming into Operation</i>		<i>In accordance with Regulation 1(1)</i>

The Secretary of State for the Environment (as respects England) and the Secretary of State for Wales (as respects Wales), in exercise of their powers under section 20 of the Land Compensation Act 1973 and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation, commencement and transitional provisions

1.—(1) These Regulations may be cited as the Noise Insulation Regulations 1975 and shall come into operation on the tenth day after the date on which they are made.

(2) Except to the extent provided by paragraph (3) of this Regulation the Noise Insulation Regulations 1973 shall cease to have effect on the commencement date, but this provision shall not affect the previous operation of those Regulations or anything duly done or suffered under them.

(3) These Regulations shall have effect subject to the transitional provisions set out in Schedule 2.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

“the Act” means the Land Compensation Act 1973;

“the 1973 Regulations” means the Noise Insulation Regulations 1973;

“altered highway” means a highway of which the location, width or level of the carriageway has been or is to be altered (otherwise than by resurfacing) after 16th October 1969, and “alter” and “alteration” in relation to a highway shall be construed accordingly;

“additional carriageway” means a carriageway constructed or proposed to be constructed for a highway beside, above, or below an existing carriageway;

“the appropriate highway authority”, in relation to a highway or the carriageway of a highway, means the highway authority who constructed, or propose to construct a highway or additional carriageway, or who altered or proposed to alter a highway;

“building” includes part of a building;

“claimant” means a person who accepts an offer made under Regulation 8;

“the commencement date” means the date of coming into operation of these Regulations;

“dB(A)” is a measure of sound pressure level (“A” weighting) in decibels indicated by measuring equipment which complies with the British Standard Specification for a precision sound level meter published on 14th September 1967 under number B.S. 4197: 1967;

“eligible building” has the meaning assigned to it in Regulation 7;

“eligible room” means a living room or a bedroom having a qualifying door or qualifying window in an eligible building;

“facade” means a side of a building;

“highway” includes part of a highway and means a highway or part of a highway maintainable at the public expense as defined in section 295(1) of the Highways Act 1959;

“insulation work” means work carried out to insulate a building against noise and to provide for ventilation and solar control;

“L 10” is the sound level in dB(A) which is exceeded for one-tenth of a period of one hour;

“L 10 (18-hour)” is the arithmetic mean of all the levels of L 10 during a period from 0600 to 2400 hours on a normal working day;

“prevailing noise level” means the level of noise, expressed as a level of L 10 (18-hour), one metre in front of the most exposed of any windows and doors in a facade of a building caused by traffic using any highway immediately before works for the construction of a highway or additional carriageway, or for the alteration of a highway, as the case may be, were begun;

“qualifying door” and “qualifying window” have the meanings assigned to them respectively in Part I of Schedule 1;

“relevant date” means the date on which a highway or additional carriageway was first open to public traffic or, in the case of an altered highway, the date on which it was first open to public traffic after completion of the alteration;

“relevant noise level” means the level of noise, expressed as a level of L 10 (18-hour), one metre in front of the most exposed of any windows and doors in a facade of a building caused or expected to be caused by traffic using or expected to use any highway;

“the relevant specifications” means the items in Part I of Schedule 1, such of the items in Part II of that Schedule as may be approved by the appropriate highway authority and such of the specifications set out in Part III of that Schedule as are applicable in the circumstances of the case;

“specified level” means a noise level of L 10 (18-hour) of 68dB(A).

(2) A Regulation or Schedule referred to only by number in these Regulations means the Regulation or Schedule so numbered in these Regulations.

(3) The Interpretation Act 1889 applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Duty to carry out insulation work or to make grants

3.—(1) Subject to and in accordance with the provisions of these Regulations, where the use of a highway to which this Regulation applies causes or is expected to cause noise at a level not less than the specified level, the appropriate highway authority shall carry out or make a grant in respect of the cost of carrying out insulation work in or to an eligible building.

(2) For the purpose of this and the next following Regulation the use of a highway causes or is expected to cause noise at a level not less than the specified level if—

- (a) the relevant noise level is greater by at least 1dB(A) than the prevailing noise level and is not less than the specified level, and
 - (b) noise caused or expected to be caused by traffic using or expected to use that highway makes an effective contribution to the relevant noise level of at least 1dB(A).
- (3) This Regulation applies to—
- (a) a highway, and
 - (b) a highway for which an additional carriageway has been or is to be constructed,
- if the highway or additional carriageway was or will be first open to public traffic after 16th October 1972.

Power to carry out insulation work or to make grants

4.—(1) Subject to and in accordance with the provisions of these Regulations, where the use of a highway to which this paragraph applies causes or is expected to cause noise at a level not less than the specified level the appropriate highway authority may carry out or make a grant in respect of the cost of carrying out insulation work in or to an eligible building.

- (2) Paragraph (1) of this Regulation applies to—
- (a) a highway, and
 - (b) a highway for which an additional carriageway has been or is to be constructed,
- if the highway or additional carriageway was first open to public traffic after 16th October 1969 and before 17th October 1972;
- (c) an altered highway, and
 - (d) a highway to which Regulation 3 applies before any duty under Regulation 8 has arisen in respect thereof.

(3) Where a highway becomes a highway maintainable at the public expense as defined in section 295(1) of the Highways Act 1959 within three years after the relevant date the highway authority for the highway may carry out or make a grant in respect of the cost of carrying out insulation work in or to an eligible building if a duty under Regulation 3, or a power under Regulation 4(1), to do so would have arisen had the highway been a highway so maintainable at the relevant date and had the construction of the highway or an additional carriageway therefor, or the alteration thereof, as the case may be, been carried out by a highway authority.

(4) Where the appropriate highway authority are required by Regulation 3 or empowered by paragraph (1) or (3) of this Regulation to carry out or make a grant in respect of the cost of carrying out insulation work in or to an eligible building, they may also carry out or make a grant in respect of the cost of carrying out insulation work in or to an eligible building in respect of which no duty under Regulation 3 or power under Regulation 4(1) or 4(3) has arisen, if the facades of both buildings are contiguous or form part of a series of contiguous facades.

(5) The provisions of these Regulations shall, so far as applicable, apply to the carrying out of insulation work or the making of grants under this Regulation subject to any necessary adaptations or modifications, as if the authority were acting in execution of a duty arising under Regulation 3 save that Regulation 6 shall not apply so as to require the preparation of any map or list or to require any map or list which is prepared—

- (a) to identify any building other than a building in respect of which an offer pursuant to Regulation 8 is to be made, or
- (b) to be prepared before any date.

Insulation of buildings against construction noise

5.—(1) Subject to and in accordance with the provisions of these Regulations, where works for the construction of a highway or additional carriageway or the alteration of a highway cause or are expected to cause noise at a level which, in the opinion of the appropriate highway authority, seriously affects or will seriously affect for a substantial period of time the enjoyment of an eligible building adjacent to the site on which the works are being or are to be carried out but in respect of which building no duty under Regulation 3 or power under Regulation 4(1) has arisen, the appropriate highway authority may carry out or make a grant in respect of the cost of carrying out insulation work in or to the building.

(2) The provisions of these Regulations shall, so far as applicable, apply to the carrying out of insulation work or the making of grants under this Regulation, subject to any necessary adaptations and modifications, save that—

- (a) an offer under Regulation 8 shall not be accepted after the expiration of two months after the date thereof or of such longer period as the appropriate highway authority may by extension at any time allow; and
- (b) Regulation 8(4) shall not apply so as to limit the period within which any person may accept such an offer.

Ascertainment of level of noise

6.—(1) For the purpose of determining whether a duty under Regulation 3 or a power under Regulation 4, as the case may be, has arisen with respect to an eligible building, the prevailing noise level, the relevant noise level and the effective contribution to the relevant noise level made by noise caused or expected to be caused by traffic using or expected to use a highway shall be ascertained in accordance with the advice and instruction contained in the technical memorandum entitled “Calculation of Road Traffic Noise” published by Her Majesty's Stationery Office (1975).

(2) The appropriate highway authority for a highway to which Regulation 3 applies shall ascertain every eligible building in respect of which a duty under that Regulation has arisen and shall prepare a map or list, or both, identifying every such building.

(3) Any such map or list shall be deposited at the office of the appropriate highway authority or their agent nearest to the buildings identified therein and made available for public inspection during the hours when the office is open, not later than six months after the relevant date or, if the relevant date was before the commencement date, not later than six months after that date.

Buildings to which these Regulations apply

7.—(1) Subject to the provisions of this Regulation, the classes of buildings in respect of which a duty or power is to arise under these Regulations are—

- (a) dwellings, and
- (b) other buildings used for residential purposes,

which will be not more than 300 metres from the nearest point on the carriageway of the highway after the construction of that highway or of an additional carriageway therefor or the alteration thereof, as the case may be, and the expression “eligible building” in these Regulations means a building falling within either of those classes.

(2) The following shall not be eligible buildings—

- (a) any building in respect of which a compulsory purchase order is in force, or in respect of which a compulsory purchase order has been submitted for confirmation to, or prepared in draft by, a Minister and in respect of which a notice has been published under paragraph 3(1)(a) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946

or under any corresponding enactment applicable thereto, unless the order has been withdrawn or a decision has been taken not to confirm or make the order, as the case may be;

- (b) any building liable to be acquired compulsorily under any local or private Act of Parliament or under an order, rule, regulation, byelaw or scheme made under an Act of Parliament;
- (c) any building which is the subject of a closing order under Part II, a demolition order under Part II or III, or an undertaking accepted under section 16(4), of the Housing Act 1957, or which is the subject of a closing order, or an undertaking accepted, under section 60 of the Housing Act 1969;
- (d) any building within an area declared to be a clearance area by a resolution under section 42 of the Housing Act 1957;
- (e) any building which was first occupied after the relevant date;
- (f) any part of a building in respect of which part a grant has been paid or is payable in respect of the carrying out of insulation work under any enactment other than the Act or any instrument made under any such enactment.

Offer and acceptance of insulation work or grant

8.—(1) As soon as a highway authority have deposited a map or list pursuant to Regulation 6 the authority shall make an offer in writing in accordance with the provisions of paragraphs (2) and (3) of this Regulation.

(2) An offer shall be made in respect of every eligible building identified on the map or in the list to either—

- (a) the person who is the occupier of, or if the building is unoccupied, is entitled to occupy, the building; or
- (b) the immediate landlord or licensor of that person, if any.

(3) The offer shall—

- (a) identify the building to which it relates;
- (b) offer to carry out or make a grant in respect of the cost of carrying out insulation work in or to every eligible room in the building;
- (c) describe the work required to be carried out for this purpose;
- (d) where the offer is made to the person mentioned in paragraph 2(a) of this Regulation, require that person, if he is not the owner of the building, to notify his immediate landlord or licensor of the terms of the offer;
- (e) where the offer is made to the person mentioned in paragraph 2(b) of this Regulation, require that person to notify the person who is the occupier of, or if the building is unoccupied, is entitled to occupy, the building of the terms of the offer;
- (f) set out the conditions in Regulation 10, subject to which the offer is made; and
- (g) set out the restrictions on acceptance of the offer in paragraphs (4) and (7) of this Regulation.

(4) Subject to paragraphs (7) and (8) of this Regulation, an offer may be accepted by the person to whom it was made or his successor and, if it has not been so accepted, it may after the expiration of three months after the date thereof be accepted by any other person to whom it has or could have been notified pursuant to this Regulation and in that event it shall not thereafter be capable of being accepted by the person to whom it was made or his successor.

(5) An acceptance of an offer under this Regulation shall be in writing and may be an acceptance

- (a) of the offer to carry out insulation work in or to some one or more or all of the rooms in respect of which the offer was made; and
- (b) of the offer of a grant in respect of the cost of carrying out such work in or to some one or more of the other rooms or all of the rooms in respect of which the offer was made,

but no offer of a grant shall be accepted in respect of any room if an offer to carry out insulation work has been accepted in respect thereof.

(6) An acceptance of an offer under this Regulation shall claim the benefit of the offer and shall contain the following—

- (a) the name and address of the claimant;
- (b) particulars identifying the eligible building;
- (c) a statement of the capacity (whether as occupier, person entitled to occupy, landlord or licensor) in which the claimant accepts the offer;
- (d) if he is required to notify any person pursuant to paragraph 3(d) or (e) of this Regulation of the terms of the offer, a statement that he has so notified that person, and whether or not that person consents to the carrying out of insulation work;
- (e) particulars of the rooms (if any) in respect of which he accepts the offered work; and
- (f) particulars of the rooms (if any) in respect of which he accepts the offered grant.

(7) No offer shall be accepted except during one of the following periods—

- (a) six months after the date thereof, or
- (b) twelve months after the relevant date;

Provided that the appropriate highway authority may extend the time limited by this paragraph, whether before or after the expiration thereof.

(8) Where insulation work has been carried out in or to an eligible building and completed in accordance with the relevant specifications before an offer is made, an offer under paragraph (2) of this Regulation shall be deemed to be an offer of a grant only, and may be accepted only by the person who incurred the cost of the work.

Nature and extent of work to be undertaken

9.—(1) Insulation work carried out pursuant to these Regulations shall be in accordance with the relevant specifications.

(2) Notwithstanding anything in these Regulations there shall not be carried out, nor shall a grant be made in respect of the cost of carrying out, insulation work in or to an eligible room in which there is installed any flueless combustion appliance other than a gas cooker, unless there will be in that room, after completion of the insulation work in or to that room in accordance with the relevant specifications, an uninsulated window capable of being opened.

(3) Nothing in these Regulations shall require an authority to carry out work or to make a grant in respect of the carrying out of work required—

- (a) to remedy a defect in a building, or
- (b) to maintain or repair any equipment or apparatus installed in or on any building pursuant to these Regulations.

Conditions for carrying out of insulation work or making of grants

10.—(1) The carrying out of insulation work and the making of grants shall be dependent upon compliance with the following conditions—

- (a) the claimant shall have complied with paragraphs (4) to (7) of Regulation 8;
- (b) a claimant who accepts an offer to carry out insulation work shall—
 - (i) if he is the occupier of or entitled to occupy the building, afford to the appropriate highway authority or their agent such access to the building as they may reasonably require for the purpose of carrying out and of inspecting the work to ascertain whether it complies with the relevant specifications, or
 - (ii) if he is not the occupier of nor entitled to occupy the building, procure the occupier or person entitled to occupy the building to afford them such access;
- (c) a claimant who accepts an offer to make a grant in respect of the cost of insulation work shall carry out the work in accordance with the relevant specifications and complete it before the expiration of twelve months from the date of acceptance and—
 - (i) if he is the occupier of or entitled to occupy the building, afford to the appropriate highway authority or their agent such access to the building as they may reasonably require for the purpose of inspecting the work to ascertain whether it complies with the relevant specifications, or
 - (ii) if he is not the occupier of nor entitled to occupy the building, procure the occupier or person entitled to occupy the building to afford them such access.

Amount of grant

11. The amount of grant shall be equal to the actual cost incurred by the claimant in carrying out in accordance with the relevant specifications the insulation work in respect of which the claimant has accepted an offered grant, or to the reasonable cost of carrying out that work in accordance with those specifications, whichever shall be the less.

Consent to carrying out of insulation work

12. Where an eligible building is subject to a tenancy and a claim to be entitled to the benefit of an offer is made by a landlord or tenant of the building, insulation work may be carried out notwithstanding that the consent of the other party to the tenancy is required and is withheld.

Reconsideration of buildings

13.—(1) Where there is a highway to which Regulation 3 applies and no offer under Regulation 8(2) has been made in relation to an eligible building any of the persons specified in paragraph (2) of this Regulation who claims that a duty under Regulation 3 has arisen with respect to the building may apply in writing to the appropriate highway authority, setting out the facts on which he relies, and may request the authority to make him an offer in accordance with the provisions of Regulation 8.

- (2) An application under paragraph (1) of this Regulation may be made by—
 - (a) the person who is the occupier of, or if the building is unoccupied, is entitled to occupy, the building, or
 - (b) the immediate landlord or licensor of that person, if any.
- (3) Any application under paragraph (1) of this Regulation must be made within six months after either—
 - (a) the date of depositing for public inspection under Regulation 6(3) of the map or list, or both, prepared under Regulation 6(2), or

(b) the date six months after whichever is the later of the commencement date and the relevant date.

(4) Upon receipt of an application under this Regulation the appropriate highway authority shall review such calculations as have been made in relation to the building in accordance with Regulation 6, or shall make such calculations, and if they find that a duty under Regulation 3 has arisen with respect to the building they shall comply with the request but otherwise, subject to the provisions of paragraph 3(2) of Schedule 2, they shall refuse it.

(5) If they refuse the request, the authority shall furnish to the applicant a written statement of the reasons for their refusal.

(6) On the commencement of each period within which applications under paragraph (1) of this Regulation may be made the appropriate highway authority shall publish once in a local newspaper circulating in the area of the highway a notice setting out particulars of the right to make an application under that paragraph, including particulars of the time within which, and the authority to whom, such an application must be made.

Local authorities as agents of highway authorities

14.—(1) A local authority may, subject to and in accordance with the provisions of these Regulations, act as agent for the appropriate highway authority in the discharge and exercise of its duties and powers under these Regulations.

(2) The appropriate highway authority alone, and not the agent local authority, unless that authority is also acting as agent of the appropriate highway authority in the construction or alteration of the highway or carriageway in relation to which the functions are exercisable—

(a) shall determine the buildings in respect of which insulation work or a grant in respect of such work shall be offered, and

(b) shall consider and determine applications made under paragraph (1) of Regulation 13.

(3) The appropriate highway authority shall reimburse to each local authority the amounts paid by them as agent under these Regulations.

(4) The appropriate highway authority shall pay to each local authority such sums as may be reasonable in respect of the services rendered to them by that authority under these Regulations.

(5) In this Regulation “local authority” means —

(a) elsewhere than in Greater London, the council of a county or a district within the meaning of the Local Government Act 1972;

(b) in Greater London, the Greater London Council, the council of a London borough and the Common Council of the City of London.

27th October 1975

Anthony Crosland
Secretary of State for the Environment

28th October 1975

John Morris
Secretary of State for Wales

SCHEDULE 1

Regulation 9

SPECIFICATIONS FOR INSULATION WORK

PART I

Interpretation

1. In this Schedule—

“qualifying door” means an external door opening directly into an eligible room and which—

- (a) except in relation to insulation work carried out pursuant to Regulation 4(4) or 5, is in that part of a facade in respect of which the relevant noise level satisfies the requirements of Regulation 3(2);
- (b) in relation to work carried out pursuant to Regulation 4(4), is in a position which, in the opinion of the appropriate highway authority, is physically comparable with that of a qualifying door or qualifying window in another eligible building;
- (c) in relation to work carried out pursuant to Regulation 5, is or will be, in the opinion of the appropriate highway authority, subject to noise caused in the manner and at a level described in Regulation 5(1);

“qualifying window” means a window in an eligible room which—

- (a) except in relation to insulation work carried out pursuant to Regulation 4(4) or 5, is in that part of a facade in respect of which the relevant noise level satisfies the requirements of Regulation 3(2);
- (b) in relation to work carried out pursuant to Regulation 4(4), is in a position which, in the opinion of the appropriate highway authority, is physically comparable with that of a qualifying door or qualifying window in another eligible building;
- (c) in relation to insulation work carried out pursuant to Regulation 5, is or will be, in the opinion of the appropriate highway authority, subject to noise caused in the manner and at a level described in Regulation 5(1).

Items required to be included in Insulation Work

2. Insulation work shall include the following items—

- (a) the replacement by or conversion to double windows in accordance with the specifications in paragraph 4 of this Schedule of all qualifying windows in each eligible room;
- (b) the provision and installation in each eligible room of a sound attenuating ventilator unit, in accordance with the specifications in paragraph 6 of this Schedule, including connecting the ventilator unit by wiring of not less than 5 amps capacity to the nearest convenient point in the existing electric supply circuit, or to the electric mains switchboard (provided that if the ventilator unit includes an electric heater, the wiring shall be of not less than 10 amps capacity);
- (c) the provision in an external wall of each eligible room of an air supply duct (with external cowl or grille), in accordance with the specification in paragraph 6 of this Schedule, for supplying fresh air to the ventilator unit from outside, and the blocking up of any existing airbrick in an external wall of the room (but flues and direct inlet ducts to combustion appliances shall not be blocked);
- (d) the provision in an external wall of each eligible room—

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- (i) where there is no combustion appliance in the room or where any one of the following combustion appliances and no other combustion appliance is in the room—
 - (A) a flued combustion appliance of total output rating less than 11.8 kw,
 - (B) a room sealed appliance,
 - (C) an open fire which is not capable of being used as a closed stove, or
 - (D) a gas cooker,
 of a permanent vent type A, conforming to the specifications in paragraph 7(5)(a) of this Schedule, communicating directly with the external air at the highest level which is reasonably practicable;
- (ii) where a flued combustion appliance of output rating of 11.8 kw or more is present in the room, of either—
 - (A) an appropriate number of permanent vents type A, each conforming to the specifications in paragraph 7(5)(a) of this Schedule, communicating directly with the external air and at the highest level which is reasonably practicable, to provide a total effective area which shall not be less than the effective area in square millimetres calculated from $550H$ minus 3250 (where H is the total output rating in kilowatts of flued combustion appliances present in the room) provided that—
 - (I) the total effective area provided shall not be less than 3250 square millimetres, and
 - (II) the total effective area provided in square millimetres added to 3250 shall not be less than the cross-sectional area of flue connection in square millimetres; or
 - (B) a permanent vent type B, conforming to the specifications in paragraph 7(5)(b) of this Schedule, communicating directly with the external air at the highest level which is reasonably practicable and of an effective area which meets the requirements for total effective area in paragraph 2(d)(ii) (A) above;
- (iii) where more than one combustion appliance is present in the room, of either—
 - (A) a permanent vent type A or an appropriate number of permanent vents type A conforming to the specifications in paragraph 7(5)(a) of this Schedule, or
 - (B) a permanent vent type B conforming to the specifications in paragraph 7(5)(b) of this Schedule,
 communicating directly with the external air and at the highest level which is reasonably practicable, so as to introduce combustion air ventilation into the room in sufficient quantity to ensure the safe operation of the combustion appliances, provided that the total effective area provided by the permanent vent or vents shall not be less than 3250 square millimetres;
- (e) the provision where practicable of a second door behind each qualifying door, the shortest distance between the two doors to be not less than 150 millimetres, and at least one of the doors to be weather stripped, and the ceiling and walls between the doors to be lined with sound absorbent material; or, where it is not practicable to provide a second door, either—
 - (i) the provision of a new single door with improved noise insulation properties and, where appropriate, the weather stripping of the new door, or
 - (ii) the fitting of a second panel of glass behind any existing glazed panel in an existing door and the weather stripping of the door;

- (f) the provision of a venetian blind conforming to the specifications in paragraph 5 of this Schedule for each qualifying window which faces a direction within the 270° are between north-east and north-west;
- (g) where an eligible room contains a gas cooker and all the windows in that room are double windows, the provision of a fan failure valve for the gas cooker, which valve shall be so connected to the ventilator unit that the gas supply to the cooker will be cut off if the fan is not providing an adequate output for the room concerned, and so constructed that the re-starting of the fan after such failure cannot, of itself, re-start the flow of gas;

Provided that—

- (a) where a room to be insulated under these Regulations contains no combustion appliance or only a room sealed appliance the airpath through the ventilator system and vent type A may be made capable of being easily closed by a suitable means readily accessible within the room if in all other respects, including standard of construction and installation, the ventilator system and vent type A when opened to the maximum extent conform to the standards of ventilation and acoustic performance specified in paragraphs 6 and 7 of this Schedule, and, whether the airpath is opened or closed, meet the requirements for electrical and fire safety referred to therein;
- (b) where, in the opinion of the appropriate highway authority, it is not reasonable to require provision of any of the items specified in paragraph 2(b), (c) or (d) above the ventilation works may consist of the most practicable alternative works, so long as adequate provision is made for ventilation and for sufficient combustion air for the safe operation of any combustion appliances in the room; and
- (c) a claimant for insulation work who, having reasonable alternative means of solar control, desires to refuse an offer of venetian blinds, may do so without prejudicing his right to insulation work or a grant.

PART II

Items which may be included in Insulation Work

3. Insulation work may include the following items—
- (a) the provision of the items specified in paragraph 2(a), (e) and (f) of this Schedule for windows and doors, not being qualifying windows and doors, in an eligible room;
 - (b) making good the existing fabric and decorations (not including curtains) affected by the carrying out of insulation work under these Regulations, including the adaptation of any existing pelmet and curtain track.

PART III

Specification for Windows

4.—(1) The existing window shall either be retained and converted to a double window by the installation of a new inner window, or replaced by a new double window if this is essential, and the following conditions shall be complied with—

- (a) subject to the requirements of sub-paragraph (c) below, any gaps in the outer window shall be effectively sealed if this is possible by compressible resilient strip or other means;

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- (b) the inner window may be framed in wood, metal or plastic, shall be well fitted into the existing window reveal or planted on the wall face round the reveal, with the junction between wall and window frame fully sealed by means of mastic packing, cover strips or other equally effective means, and shall be glazed with glass having a thickness of not less than 3 millimetres;
- (c) both the outer and inner windows shall be adequately openable for direct ventilation when required, and the inner window shall be adequately openable for cleaning purposes, but the opening lights of the inner window shall be well sealed round their edges either by compressible resilient strip or other equally effective means;
- (d) if the window is a bay window or bow window the inner window shall either follow the shape of the outer window, or shall be taken straight across the bay or bow, and any projecting surround or window board required to close off the window cavity shall have a weight of not less than 10 kilogrammes per square metre;
- (e) at least two reveals of the window opening between the outer and inner window shall be lined with sound absorbent material;
- (f) the shortest distance, or, in the case of a bay window or bow window where the inner window is taken straight across the bay or bow, the mean horizontal distance, between the glass of the outer window and the glass of the inner window shall not be less than the distance specified in the second column of Table 1 below in relation to the thickness of glass of the inner window specified in the first column of that Table:

TABLE 1

Less than 4 mm and not less than 3 mm thick	200 mm
Less than 6 mm and not less than 4 mm thick	150 mm
6 mm thick or more	100 mm

(2) Where it is not practicable to comply with any of the specifications in this paragraph the most practicable alternative specification may be used, provided that in every case the windows shall be adequately openable for direct ventilation.

Specification for Venetian Blinds

5.—(1) A venetian blind, where fitted, shall be placed between the panes of double windows, and the following conditions shall be complied with—

- (a) the slat surface shall be white or near white;
- (b) the ratio of width to spacing of slats shall be between 1.15:1 and 1.25:1;
- (c) the blind shall have horizontal slats capable of being raised or lowered, and the angle of tilt of the slats shall be adjustable, the control being either—
 - (i) by a single continuous cord operating both the raising and lowering and tilting mechanisms from one end of the blind box, or
 - (ii) by controls for the raising and lowering and tilting mechanisms at either end of the blind box;
- (d) the controls specified in sub-paragraph (c) above shall, where practicable, be readily accessible within the room with the windows fully closed;
- (e) the opening for control cords shall be sealed or kept to the minimum necessary for smooth operation;

- (f) the blind box shall be fitted to the top window reveal or framehead between the panes of the double windows; and
- (g) the length of the slats shall be between 10 millimetres and 30 millimetres less than the width of the recess at its narrowest point, and the blind shall be capable of extending to the lowest level of the glazing of the outer window.

(2) Where it is not practicable to comply with any of the specifications in this paragraph the most practicable alternative specification may be used.

Specification for Ventilator System

6. The ventilator system shall consist of a sound attenuating ventilator unit and an air supply duct protected by a cowl (or grille). The air supply duct and cowl (or grille) may be of separate construction from the ventilator unit or integral with it, but the following conditions shall be complied with—

- (a) the air supply duct and cowl (or grille) shall be designed to allow the passage of air between the ventilator unit and the external air at all times and shall be so constructed that when installed in a cavity wall exposed to the weather—
 - (i) the weather resistance of the cavity is retained, and
 - (ii) the external cowl (or grille) provides protection against the passage of snow, rain and vermin;
- (b) the ventilator unit shall consist of a controlled variable-speed inlet fan with sound attenuating duct and cover, shall be fitted with an easily removable and washable air filter on the inlet side of the sound attenuating duct to afford adequate protection for the acoustic lining, and shall be capable of supplying fresh air to the room directly from outside by means of the supply duct and cowl (or grille);
- (c) the ventilator unit shall be securely fixed to the wall in such a position that the air filter can be easily removed and the junction between the ventilator unit and the face of the wall shall be fully sealed by means of compressible strip or other equally effective means;
- (d) the air supply duct and cowl (or grille) shall be securely fixed to the wall and the junction between the air supply duct and the internal leaf shall be fully sealed by suitable means;
- (e) the ventilator unit shall be electrically safe in operation and maintenance and shall not present a fire hazard;
- (f) the ventilator unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from—
 - (i) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
 - (ii) a lower rate of between 10 and 17 litres per second against zero back pressure;and if there is no continuous control of the ventilation rate, the following intermediate settings shall be provided—
 - (i) a ventilation rate of more than 31 and less than 33 litres per second against a back pressure of 10 newtons per square metre; and
 - (ii) a ventilation rate of more than 21 and less than 26 litres per second against a back pressure of 10 newtons per square metre;
- (g) the effective area of the air path through the ventilator system, with the fan switched off and the air filter in position, shall be not less than 3,250 square millimetres and shall be ascertained by measuring the static pressure difference across the ventilator system for

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various air flow rates through the ventilator system and calculating the effective area from 1270

$$Q \propto \sqrt{\delta p}$$

(where Q is the measured air flow rate through the ventilator system in litres per second and δp the measured static pressure difference across the ventilator system in newtons per square metre): effective areas shall be calculated for air flow through the ventilator system in both directions and the lower calculated value shall be taken for the effective area;

(h) the ventilator unit, by itself or integral with the air supply duct and cowl (or grille), shall be so constructed that—

(i) when it is in operation in any room the sound level in the room due to the operation of the unit at a ventilation rate of 31 litres per second against a back pressure of 10 newtons per square metre, measured at any point not nearer than 1 metre to the unit or to any of the room surfaces and normalised by the subtraction of

$$10 \log_{10} (10A)$$

(where A is the measured sound absorption in the room in square metre units at each $\frac{1}{3}$ octave frequency interval from 100 to 3150 Hz), does not exceed 35 decibels on the A scale, and at the maximum ventilation rate of the unit against a back pressure of 30 newtons per square metre does not exceed 40 decibels on the A scale; and

(ii) the sound pressure level difference measured in accordance with British Standard specification for the measurement of sound transmission in buildings published on 31st May 1956 under the number BS2750: 1956 between two rooms separated by a solid wall (of area of not less than 10 square metres and of average mass, calculated over any portion of the wall measuring 1 square metre, of not less than 415 kilogrammes per square metre) incorporating the ventilator unit, normalised by the addition of

$$10 \log_{10} (10A)$$

(where A is the measured sound absorption in the receiving room in square metre units at each $\frac{1}{3}$ octave frequency), is not less than the figure shown in Table 2 below except for total adverse deviations (at all $\frac{1}{3}$ octave frequencies) not exceeding 32 decibels and an adverse deviation at any one $\frac{1}{3}$ octave frequency not exceeding 8 decibels.

TABLE 2

<i>$\frac{1}{3}$ octave frequency band centre (Hertz)</i>	<i>normalised sound pressure level difference (Decibels)</i>
100	30
125	33
160	36
200	39
250	42
315	45
400	48
500	49

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<i>1/3 octave frequency band centre (Hertz)</i>	<i>normalised sound pressure level difference (Decibels)</i>
630	50
800	51
1000	52
1250	53
1600	53
2000	53
2500	53
3150	53

Specifications for Permanent Vents

7.—(1) Every permanent vent shall consist of a sound attenuating purpose-made opening or duct which is designed to allow the passage of air between the room and the external air at all times, and shall have an external cowl (or grille) for protection against the passage of snow, rain and vermin. It shall be so constructed that when installed in a cavity wall exposed to the weather, the weather resistance of the cavity is retained and the acoustic performance of the vent is not impaired.

(2) The effective area of the air path through the permanent vent shall be ascertained by the method described in paragraph 6(g) above, save that for the words “ventilator system” in that paragraph there shall be substituted “permanent vent”.

(3) When installed the permanent vent shall be securely fixed to the wall and the junction between the vent and the face of the wall shall be fully sealed by means of compressible strip, mastic packing, cover strips or other equally effective means and where the vent has an air supply duct traversing a cavity wall the junction between the supply duct and the internal leaf shall be fully sealed by suitable means to prevent the passage of air to or from the cavity.

(4) Permanent vents shall be so constructed and installed as not to present a fire hazard.

(5) Every permanent vent shall either

(a) Vent type A

- (i) have an effective area, ascertained in accordance with sub-paragraph (2) above, of not less than 3250 square millimetres and not more than 6500 square millimetres; and
- (ii) be so constructed that the sound pressure level difference, ascertained by the method described in paragraph 6(h)(ii) above, complies with the requirements of that paragraph, save that for the words “ventilator unit” in that paragraph there shall be substituted “permanent vent”; or

(b) Vent type B

- (i) have an effective area, ascertained in accordance with sub-paragraph (2) above, of not less than 3250 square millimetres; and
- (ii) be so constructed that the sound pressure level difference, ascertained by the method described in paragraph 6(h)(ii) above, complies with the requirements of that paragraph, save that for the words “ventilator unit” in that paragraph there shall be substituted “permanent vent” and after the words “(where A is the measured sound absorption in the receiving room in square metre units at each 1/3 octave frequency)” there shall be added “and the addition of

$$10 \# \log_{10} (S3250)$$

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(where S is the measured effective area of the permanent vent type B in square millimetres)”.

Alternative specifications

8. Where alternative methods are specified in this Schedule the most practicable method in the circumstances of the case shall be adopted.

SCHEDULE 2

Regulation 1

TRANSITIONAL PROVISIONS

1. The 1973 Regulations shall continue to have effect in relation to—
 - (a) a duty which has arisen under Regulation 3 of those Regulations before the commencement date if a map or list has been published before that date under Regulation 6 of those Regulations identifying the eligible building with respect to which that duty has arisen or, except where the relevant date is on or after that date, identifying another eligible building with respect to which a duty under Regulation 3 of those Regulations has also arisen in relation to the same highway as that to which that duty relates;
 - (b) a power which has arisen under Regulation 4(1) or 5(1) of those Regulations before the commencement date if before that date—
 - (i) a map or list has been published under Regulation 6 of those Regulations identifying the eligible building with respect to which that power has arisen, or
 - (ii) an offer has been made under Regulation 8 of those Regulations in respect of that building; and
 - (c) a power which has arisen under Regulation 4(4) of those Regulations if that power is incidental to a duty under Regulation 3 of those Regulations, or to a power under Regulation 4(1) of those Regulations, in relation to which the 1973 Regulations are to continue to have effect by virtue of the provisions of this paragraph.

Provided that where by virtue of this paragraph the 1973 Regulations are to continue to have effect the appropriate highway authority may proceed as if for the provisions of Regulation 8(2) to (7) and Regulation 10 of the 1973 Regulations there were substituted the provisions of Regulation 8(2) to (8) and Regulation 10 of these Regulations and as if for the provisions of Regulations 9, 11 and 14 of those Regulations there were substituted respectively the provisions of Regulations 9, 11 and 14 of these Regulations, or as if any one or more of those substitutions were made.

2.—(1) Where by virtue of paragraph 1(a) of this Schedule the 1973 Regulations are to continue to have effect in relation to a duty under Regulation 3 of those Regulations—

- (a) if the relevant date was before the commencement date no duty shall arise under Regulation 3 of these Regulations in relation to the highway to which that duty relates;
- (b) if the relevant date is on or after the commencement date, no duty shall arise under Regulation 3 of these Regulations with respect to the eligible building to which that duty relates.

(2) Where by virtue of paragraph 1(b) of this Schedule the 1973 Regulations are to continue to have effect in relation to a power under Regulation 4(1) or 5(1) of those Regulations no power shall arise under Regulation 4(1) or 5(1) of these Regulations respectively with respect to the eligible building to which that power relates.

3.—(1) Where following a request made under Regulation 13(1) of the 1973 Regulations a review under Regulation 13(3) of those Regulations, whether carried out before or after the commencement date, does not show that a duty under Regulation 3 of those Regulations has arisen with respect to a building, and the relevant date is less than twelve months before the commencement date, the appropriate highway authority shall also carry out a review in accordance with Regulation 13(4) of these Regulations and if the latter review shows that but for the provisions of paragraphs 2(1)(a) of this Schedule a duty under Regulation 3 of these Regulations would have arisen with respect to the building, they shall comply with the request as if it had been a request under Regulation 13(1) of these Regulations.

(2) Where following a request under Regulation 13(1) of these Regulations a review under Regulation 13(4) does not show that a duty under Regulation 3 has arisen with respect to a building, and the relevant date is before the commencement date, the appropriate highway authority shall also carry out a review in accordance with Regulation 13(3) of the 1973 Regulations and if the latter review shows that but for the provisions of Regulation 1(2) of these Regulations there would be a duty under Regulation 3 of those Regulations with respect to the building, they shall comply with the request.

EXPLANATORY NOTE

These Regulations, subject to transitional provisions (Schedule 2), supersede the Noise Insulation Regulations 1973. The principal changes made by these Regulations are that they attract improved noise calculation techniques, clarify entitlement to insulation and add some flexibility to the specification for insulation work. The general effect of the transitional provisions is to preserve entitlement to insulation work or a grant which is established under the 1973 Regulations before these Regulations take effect, including provision for appeals which fail under the one set of Regulations to be reviewed under the other in certain circumstances.

The Regulations provide for the insulation of buildings against noise caused or expected to be caused by traffic using certain new highways and certain altered highways, and by certain highway works. They impose a duty on highway authorities to carry out noise insulation work or to make a grant in respect of the cost in certain cases (Regulation 3) and confer a power to do so in other cases (Regulation 4). Regulation 5 confers a power on highway authorities to insulate buildings against construction noise. Regulation 7 defines the classes of buildings to be insulated as being dwellings and other buildings used for residential purposes, with certain exceptions. The Regulations also prescribe the procedure governing the making and acceptance of offers to carry out insulation work or to make a grant and the conditions to be complied with, and provide for a review of entitlement to noise insulation (Regulation 13), for local authorities to act as agents of highway authorities (Regulation 14) and for specifications for insulation work (Schedule 1). They provide for noise levels to be ascertained by reference to a technical memorandum (Regulation 6).

STATUTORY INSTRUMENTS

1988 No. 2000

BUILDING AND BUILDINGS

The Noise Insulation (Amendment) Regulations 1988

Made - - - - 14th November 1988

Coming into force - - 20th November 1988

The Secretary of State for Transport (as respects England) and the Secretary of State for Wales (as respects Wales), in exercise of their powers under section 20 of the Land Compensation Act 1973⁽¹⁾, and of all other enabling powers, hereby make the following regulations:

1. These regulations may be cited as the Noise Insulation (Amendment) Regulations 1988 and shall come into force on the sixth day after the date on which they are made.

2. The Noise Insulation Regulations 1975⁽²⁾ shall be amended as follows:—

(1) In regulation 2 in paragraph (1), in the definition of “highway”, for the words “295(1) of the Highways Act 1959” there shall be substituted the words “329(1) of the Highways Act 1980”⁽³⁾.

(2) In regulation 4, in paragraph (3), for the words “295(1) of the Highways Act 1959” there shall be substituted the words “329(1) of the Highways Act 1980”.

(3) In regulation 6, in paragraph (1), for the words “advice and instruction contained in the technical memorandum entitled “Calculation of Road Traffic Noise” published by Her Majesty’s Stationery Office (1975)” there shall be substituted the words “provisions of regulation 15”.

(4) In regulation 7, in paragraph (2):—

(a) in sub-paragraph (a), for the words “paragraph 3(1)(a) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946” there shall be substituted the words “section 11 of the Acquisition of Land Act 1981 or, as the case may be, paragraph 2 of Schedule 1 to that Act”⁽⁴⁾;

(b) for sub-paragraph (c) there shall be substituted the following new sub-paragraph:—

- “(c) any building which is subject to
- (i) a demolition order under Part IX of the Housing Act 1985⁽⁵⁾
 - (ii) a closing order under Part IX of that Act,
 - (iii) a closing order under section 368(4) of that Act,

(1) 1973 c. 26.
(2) S.I.1975/1763.
(3) 1980 c. 66.
(4) 1981 c. 67.
(5) 1985 c. 68.

- (iv) an undertaking accepted under section 264(4) of that Act, or
- (v) an undertaking accepted under section 368(2) of that Act;”;
- (c) in sub-paragraph (d) for the words “42 of the Housing Act 1957” there shall be substituted the words “289 of the Housing Act 1985”.
- (5) In regulation 14, in paragraph (5)(b), the words “the Greater London Council” shall be omitted.
- (6) After regulation 14 there shall be added the following regulation:—

“15.—(1) Save as provided in paragraph (2) of this regulation, in relation to any offer made before 1st December 1988 by the appropriate highway authority in pursuance of any duty or power under regulation 3, 4 or 13 as provided in regulation 8:—

- (a) if the relevant date relating to that offer fell on or before 1st December 1987 the matter shall be determined in accordance with the 1975 Code;
- (b) if the relevant date relating to that offer falls after 1st December 1987 but before 1st December 1988 the matter shall be determined—
 - (i) in the case of an offer made in pursuance of regulation 3 or 4, in accordance with the 1975 Code,
 - (ii) in the case of an offer made in pursuance of regulation 13, in accordance with the 1988 Code.

(2) In any case where before 1st December 1988 the appropriate highway authority in pursuance of any duty or power under regulation 3, 4 or 13 has made or makes an offer as provided in regulation 8 on the basis of the 1975 Code the matter shall be determined in accordance with the 1975 code.

(3) In relation to any offer made on or after 1st December 1988 by the appropriate highway authority in pursuance of any duty or power under regulation 3, 4 or 13 as provided in regulation 8, the matter shall be determined in accordance with the 1988 code.

(4) In this regulation:—

“the 1975 code” means the advice and instruction contained in the technical memorandum entitled “Calculation of Road Traffic Noise” published by Her Majesty’s Stationery Office (1975); and

“the 1988 code” means the advice and instruction contained in the technical memorandum entitled “Calculation of Road Traffic Noise” published by Her Majesty’s Stationery Office (1988).”.

14th November 1988

Paul Channon
Secretary of State for Transport

14th November 1988

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Noise Insulation Regulations 1975.

The amendments up-date references to other legislation (regulation 2(1), (2), (4) and (5)). They also provide that for the purpose of determining whether in relation to insulation work or grants:—

- (a) a duty under regulation 3,
- (b) a power under regulation 4 or
- (c) a reconsideration under regulation 13

“the 1988 Code” instead of “the 1975 Code” (both as defined in the new regulation 15(4)) shall apply according to the circumstances set out in the new regulation 15, (regulation 2(3) and (6)).