Background and Purpose

Under sections 71 and 104(1) of the Control of Pollution Act 1974, the Welsh Ministers may approve codes of practice for the purpose of giving guidance on appropriate methods for minimising noise (which includes vibration) and the Welsh Ministers must approve such a code of practice for the carrying out of works to which section 60 of the Act applies. These works include building and roadworks, demolition, dredging and other works of engineering construction.

This Order approves the two parts of the British Standards Institution code of practice for noise and vibration control on construction and open sites. Open sites are defined in the code as sites where there is significant outdoor excavation, levelling or deposition of material.

Procedure

Negative

Technical Scrutiny

One point is identified for reporting under Standing Order 21.2 in respect of this instrument (Standing Order 21.2(x): that there appears to have been unjustifiable delay in publishing it or laying it before the Assembly).

– The Order was made on 24 January 2017 but was not laid before the Assembly until 2 February 2017.

– The Committee stresses the importance of laying instruments before the Assembly as soon as possible after they have been made by the Welsh Ministers. Those who are affected by legislation need to be made aware of that legislation as soon as possible, and laying instruments before the Assembly is an important part of making legislation available to the public.
Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

The Welsh Government notes the Constitutional and Legislative Affairs Committee’s technical report on the Noise from Audible Intruder Alarms (Wales) (Revocation) and Control of Noise (Codes of Practice for Construction and Open Sites) (Wales) Order 2017. The delay between the making and laying of this Order is due to an unfortunate administrative oversight.

Committee Consideration

The Committee considered the instrument at its meeting on 13 February 2017. The Committee noted the government response, and reports to the Assembly in line with the technical reporting point above.