

*Government Notice No. 114 of 2008***THE ENVIRONMENT PROTECTION ACT 2002****Regulations made by the Minister under sections 41 (1) (b) and 96 of the Environment Protection Act 2002**

1. These regulations may be cited as the Environment Protection (Control of Noise) Regulations 2008.

2. In these regulations –

“Act” means the Environment Protection Act 2002;

“public place”-

(a) means a road, a market place, a shopping area, a thoroughfare or a place where a trade fair or any other activity of a commercial nature is organised and to which the public has access; and

(b) excludes a place of worship;

“public sector agency” includes any Ministry or Government department, local authority or statutory body.

3. (1) Notwithstanding any regulations prescribing standards for noise, no person shall make or cause to be made any noise which constitutes a nuisance.

(2) In determining whether a noise constitutes a nuisance, the enforcing agency or the authorised officer shall consider –

(a) the intensity of the noise (as perceived by the ears);

(b) the type of noise emitted;

(c) the manner in which the noise is produced; and

(d) the potential level of interference as found by the authorised officer or enforcing agency.

(3) Notwithstanding paragraph (1), a local authority may, on a written application by the person responsible for carrying out an activity specified in the Schedule to these regulations, authorise such activity to be carried out on any day before 7 a.m. or after 7 p.m., subject to such condition as it may consider fit, where such an activity is being carried out in an area which is substantially used for residential purposes.

(4) No person shall keep on any premises any animal which makes noise, and which noise unreasonably interferes with the peace, comfort and convenience of another person.

4. (1) No person shall use or cause to be used a loud-speaker, amplifier, musical instrument or electrical or mechanical device for producing sound in a public place, unless he holds an authorisation from the Commissioner of Police.

(2) The Commissioner of Police may grant an authorisation under paragraph (1) –

- (a) where the event relates to a social, cultural, religious or electoral activity;
- (b) after consulting the relevant enforcing agency; and
- (c) imposes such condition as he may consider fit.

(3) Paragraph (1) shall not apply to any public sector agency which is making a public announcement for public health, safety and security.

5. Notwithstanding regulation 4 (1), no person shall use or cause to be used any loud-speaker, amplifier, musical instrument or other electrical or mechanical device for producing sound, within a radius of 100 metres, and which unreasonably interferes with the proper running, of –

- (a) an educational or vocational institution during the normal hours of instruction;

- (b) a health institution;
- (c) a place of worship during the performance of any religious ceremony;
- (d) a Court of Justice during the hours at which a Judge or a Magistrate is engaged in the discharge of his duties;
- (e) a Municipal or District Council during the hours at which it sits; or
- (f) the Government House during the hours at which the National Assembly sits.

6. The Minister may, on written application, exempt a person from complying with regulation 3(1) in relation to any event or celebration organised, sponsored or approved by the State, subject to such condition as he may deem fit.

7. Any person who contravenes these regulations, shall commit an offence and shall —

- (a) on a first conviction, be liable to a fine not exceeding 50,000 rupees; and
- (b) on a second or subsequent conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 12 months.

Made by the Minister on 15 July 2008.

SCHEDULE*(regulation 3(3))*

- (a) Construction, erection, alteration or demolition of any building or structure.
- (b) Excavation or filling of land.
- (c) Use of an air compressor, a loader or any other machine for the purposes of construction.