

REGULATIONS
MADE UNDER
ENVIRONMENTAL PROTECTION ACT 1996
(No. 11 of 1996)

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**IN EXERCISE OF THE POWERS CONFERRED UPON ME BY
SECTION 68 (1) OF THE ENVIRONMENTAL PROTECTION ACT 1996,
I HEREBY MAKE THE FOLLOWING REGULATIONS : -**

PART I

PRELIMINARY

- Citation** 1. These Regulations may be cited as the Environmental Protection (Noise Management) Regulations 2000.
- Interpretation.** 2. (1) In these Regulations -
- (a) “commercial activity” includes public events, fairs and concerts;
 - (b) “decibel” means a unit, which describes the sound pressure level or intensity of sound;
 - (c) “facility” includes -
 - (i) any office, room or building, and any place, spot or land, whether open or enclosed;
 - (ii) any aircraft, hovercraft, ship, boat, pleasure craft or other vessel whether afloat or not, and any vehicle;
 - (iii) any electrical installation, subterranean installation or installation on land including the foreshore and other land intermittently covered by water;
 - (iv) any offshore installation and any other installation, whether floating or resting on the seabed or the subsoil thereof or resting on other land covered with water or the subsoil thereof; and
 - (v) any dam or other installation designed to hold liquid or store it on a long-term basis;
 - (d) “industrial” means of, or pertaining to the manufacture, processing, handling, transport, importation, storage or disposal of materials (including the extraction and conversion of mineral resources, raw materials, materials in the process of manufacture, manufactured materials, by-products and any waste or waste materials whether hazardous or not);
 - (e) “loudspeaker” includes a megaphone and any device for amplifying sound;
 - (f) “noise” means unwanted sound which may cause or tend to cause an adverse psychological effect on human beings and includes vibration;
 - (g) “noise disturbance” means any unwanted sound including vibration that annoys, disturbs, or perturbs normal persons with reasonable sensitivities; or any unwanted sound which reasonably may be perceived to injure or endanger the comfort, repose, health, peace or safety of any humans or animals, or endangers or injures movable or immovable property;
 - (h) “perishable commodity” includes fruits, vegetables, meats, fish and chicken;
 - (i) “public event” includes open-air concerts, bazaars and such other events at which a sound-making device is used;
 - (j) “public place” includes any street, road, public way, market place, park, car park, square, bridge, alley, plaza, passage, beach, waterfront, seaway, building, place or conveyance to which the public is entitled to have access whether upon payment or otherwise;
 - (k) “sound-making device” means any mechanism that is intended to, or which actually produces noise when operated or handled and includes any musical instrument, radio, phonograph, television receiver, musical

keyboard, wind instrument, string instrument, percussion instrument, steel pans, or any article or thing adapted for use in making musical sound, playing of a band, orchestra or any device to amplify sound or the music of any band, orchestra, musician or group of musicians, receiver, or any reproducing device or equipment and includes a loudspeaker;

(1) "tools and equipment" includes pile drivers, steam shovels, pneumatic hammers, pumps, vent or valve devices or any other similar equipment.

(2) Where more than one person is responsible for noise, these Regulations shall apply to each of those persons whether or not the act or omission for which any one of them is responsible would by itself result in a level of noise justifying action under these Regulations.

PART II

POWER TO ISSUE ENVIRONMENTAL AUTHORISATION

General
requirement to
apply for an
authorisation.

3. (1) Subject to paragraph (3), a person who, on the commencement of these Regulations, emits any noise in the construction, installation, operation, modification or extension of any facility relating to -

- (a) industry;
- (b) commerce;
- (c) transport;
- (d) construction; or
- (e) any institution,

shall apply to the Agency for an environmental authorisation in accordance with the provisions of regulation 18 of the *Environmental Protection (Authorisations) Regulations 2000*.

- (2) A person proposing to engage in any of the activities mentioned in paragraph (1) shall submit an application to the Agency, before the date on which the emission is due to commence.
- (3) The Agency may at any time after the commencement of these Regulations, direct a person who engages in any of the activities specified in paragraph (1) to submit an application to the Agency for an environmental authorisation.
- (4) An application for an environmental authorisation shall be in accordance with the procedures prescribed in regulation 18 of the *Environmental (Authorisations) Regulations, 2000*.
- (5) Paragraph (1) shall not apply to –
 - (a) households that do not contain industrial or commercial facilities;
 - (b) airplanes, trains and temporarily-placed building machinery; or
 - (c) construction of individual homes.
- (6) Any person who contravenes this regulation shall be guilty of an offence and shall be liable, on summary conviction to a fine of not less than seventy thousand dollars nor more than three hundred thousand dollars and imprisonment for three months.

Permissible noise levels. Schedule.	<p>4. (1) The Agency may at any time after the commencement of these Regulations, fix the permissible noise levels in decibels with respect to any or all of the categories specified in the Schedule.</p> <p>(2) No new stationary source or facility shall emit any noise that is greater than those established as a permissible noise level under paragraph (1).</p> <p>(3) Every existing stationary source or facility shall, within two years of the commencement of these Regulations comply with the permissible noise level according to the category established under paragraph (1).</p> <p>(4) The Agency may amend the permissible noise level established under paragraph (1), with respect to any or all of the categories not listed anywhere in these Regulations.</p> <p>(5) The Agency may in respect of any stationary source or facility waive the applicability of any permissible noise level or of any category mentioned in the Schedule.</p> <p>(6) Any person or entity who contravenes paragraphs (2) or (3) shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than seventy-five thousand dollars nor more than five hundred thousand dollars and to imprisonment for six months.</p>
Point of emission.	<p>5. (1) The point or source for the emission of noise from any facility shall be determined by the Agency.</p> <p>(2) Wherever the noise emitted or is likely to be emitted is mentioned in these Regulations, the reference, unless the context otherwise requires, is at the point of emission determined in paragraph (1).</p>
Application for variance.	<p>6. A person granted with an environmental authorisation may make an application to the Agency to vary any provision thereof in accordance with the provisions of the <i>Environmental Protection (Authorisations) Regulations 2000</i> on submission of supporting particulars together with the appropriate fee.</p>
Making changes that alter decibel.	<p>7. A holder of an environmental authorisation shall not make any change to the conduct of any activity in the manner of running, using, maintaining or operating or in any operation or process carried on in the facility, which causes change, or is intended or is likely to cause, a material increase in the decibel level of noise, without first obtaining an approval for a variance from the Agency.</p>
Prohibition against new and altered sources of noise pollution.	<p>8. (1) No person after obtaining a variance in relation to his environmental authorisation under regulation 6 or 7 shall –</p> <p style="padding-left: 40px;">(a) carry out any work on facilities that may result in a new source of noise emission or cause a material change in the quantity or quality of the noise emitted from an existing source; or</p> <p style="padding-left: 40px;">(b) construct on any land or building designed to be used for a purpose that may cause the land or building to result in a new source of noise emission.</p> <p>(2) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than seventy thousand dollars nor more than five hundred thousand dollars and to imprisonment for six months.</p>
Requirement and approval of plans.	<p>9. (1) An application to carry out any work that may result in a new source of emission or cause a material change in the quantity or quality of the noise emission from an existing source shall be submitted to the Agency and shall be accompanied by the fee prescribed in accordance with regulation 8 of the <i>Environmental Protection (Authorisations) Regulations 2000</i>.</p> <p>(2) The Agency may grant the application either subject to conditions or unconditionally and may require the applicant –</p> <p style="padding-left: 40px;">(a) to repair, alter, replace or install such control or monitoring equipment and implement such environmental audit procedures;</p>

- (b) to establish and maintain records regarding such sampling, monitoring, and environmental auditing activities;
- (c) to establish and maintain records regarding noise emission control equipment on the premises, including records on control equipment parameters, production variables and other indirect data when direct monitoring is not required;
- (d) to conduct a monitoring programme at his own expense or bear the cost of such programme within such period or at such time and in such manner as the Agency may specify;
- (e) to submit annual or other reports showing compliance with the stipulations of the environmental authorisation; or
- (f) to do such other things as the Agency may determine.

PART III

RESTRICTIONS ON CONSTRUCTION ACTIVITIES

Restrictions on construction activities.

10. Construction activities, other than public works, that involve the operation of tools and equipment may be prohibited on the complaint of a neighbour, even when permissible noise levels fixed under these Regulations are not exceeded -

- (a) between the hours of 11.00 p.m. and 6.00 a.m. from Monday to Saturday; and
- (b) before 6.00 a.m. and after 6.00 p.m. on Sundays.

Power to waive restriction.

11. Regulation 10 does not apply to the operation of tools and equipment -

- (a) in cases of emergency;
- (b) for emergency work by a public utility service agency in the exercise of any of its functions;
- (c) where such operation or use is required to eliminate or reduce any dangerous or hazardous condition, which endangers life or property.

PART IV

PARKS

Noise control in park. No. 23 of 1977.

12. (1) No person shall operate a loudspeaker, sound-making device or equipment in a park, as defined under the National Parks Commission Act, 1977 without the written permission of the National Parks Commission.

(2) Any person who contravenes paragraph (1) commits an offence and shall be liable on summary conviction to a fine of not less than thirty thousand dollars nor more than eighty thousand dollars.

PART V

OPERATION OF LOUDSPEAKERS AND SOUND-MAKING DEVICES

Offence to cause loud, etc. noise in building or premises.

13. Any person who is the proprietor, occupier or person having charge of any building, private premises or any part thereof or any vehicle, at any time causes or suffers or allows any loud, unnecessary, excessive or unusual noises in the operation of any sound-making device or equipment so that the noise or music is plainly audible at a distance of fifty feet from the vehicle or premises in which or from which it is produced commits

an offence and shall be liable on summary conviction to a fine of not less than three hundred thousand dollars nor more than seven hundred and fifty thousand dollars and to imprisonment for one year.

Restriction on operation of sound-making device in public place.

14. (1) Subject to the provisions of these Regulations or any other written law, no person shall operate or cause the operation of any sound-making device or equipment whilst being the owner of or, having custody of such sound-making device or equipment or permit the operation of such device or equipment in a public place -

- (a) between the hours of 11 p.m. and 7 a.m. on any day;
- (b) at any time, except with the prior written permission of the Agency obtained in accordance with regulation 15, for the purpose of hosting a public event or advertising any entertainment, trade or business.

(2) Any person who contravenes paragraph (1) commits an offence and is liable on summary conviction to a fine of not less than seventy-five thousand dollars nor more than five hundred thousand dollars and to imprisonment for six months.

Application for consent to operate a sound-making device in a public place.

15. (1) Any person who wishes to operate a sound-making device or cause the operation of a sound-making device or equipment for the purposes and during the hours mentioned in regulation 14 (1) shall make a written application to the Agency not later than ten clear days before the date on which it is proposed to operate or cause the operation of the sound-making device or equipment.

(2) If the Agency considers that the application contains sufficient information for the purpose and no nuisance would be occasioned by the operation of the sound-making device or equipment it may give written consent to the application and may attach such conditions and restrictions thereto as may appear reasonable in all the circumstances.

(3) Where an application is made under paragraph (1) the Agency shall, within seventy-two hours of the receipt of the application, inform the applicant of the outcome of the application stating whether or not it approves the application.

(4) Where the Agency refuses to approve an application under paragraph (1) it shall communicate the reasons for its refusal in writing to the applicant.

(5) An applicant who is aggrieved by the decision of the Agency may appeal within thirty days of the receipt of the refusal by the Agency to the Environmental Appeals Tribunal.

16. Regulation 15 does not apply to a loudspeaker or other similar equipment -

Operation of a loudspeaker permissible in certain cases without consent.

- (a) for police, fire and rescue and ambulance purposes;
- (b) by a statutory authority in the exercise of any of its functions;
- (c) for communicating with persons on a vessel for the purpose of directing the movement of that vessel;
- (d) if the loudspeaker or other similar equipment -
 - (i) is in or affixed to a vehicle, and operated solely for the purpose of or for communicating with the driver or passenger of the vehicle; and
 - (ii) is so operated as not to cause a noise disturbance to persons in the area in which the loudspeaker is being operated;
 - (iii) by persons employed in connection with the transportation of passengers by road, by air or by sea where the loudspeaker is operated solely for making announcements to passengers;
 - (iv) during the national festival celebrations; and

(v) in cases of emergency.

PART VI

OFFENCES AND PENALTIES

Offence in respect of nightclub, etc.

17. Any person who -

(a) operates a nightclub or similar premises contrary to the requirements of regulation 20; or

(b) at any time within the period of seven days following a directive from the Agency or at any time, causes or permits the operation of a sound-making device, equipment, plant or machinery in a manner which would cause a noise disturbance,

commits an offence and shall be liable on summary conviction to a fine of not less than three hundred thousand dollars nor more than seven hundred and fifty thousand dollars and to imprisonment for one year.

Penalties.

18. Any person found guilty of an offence for which a penalty is not otherwise prescribed under these Regulations shall be liable on summary conviction to a fine of not less than thirty thousand dollars nor more than eighty thousand dollars.

PART VII

GENERAL PROVISIONS

Sound proofing.

19. A person who is the proprietor, occupier or having control of a nightclub or similar premises in which a sound-making device is used beyond midnight, shall ensure that, within one year after the commencement of these Regulations, the building or the part of the building in which such device is used is sufficiently soundproofed to prevent sound or noise, within a distance of fifty feet, from emanating from the said premises causing a noise disturbance to other persons.

Person disturbed may complain.

20. Any person who is disturbed by noise emitted from sound-making device, equipment, plant or machinery on or in any property may make a written or oral complaint to the Agency.

Efforts to prevent or counteract noise in the course of construction, etc.

21. (1) In proceedings for an offence in respect of noise caused in the conduct of transportation, construction or industrial activities, it shall be a defence to prove that the best practicable means had been used for preventing or counteracting the effect of the noise.

(2) For the avoidance of doubt "best practicable means" in paragraph (1) means,

(a) reasonably practicable having regard, among other things, to the conditions and circumstances in Guyana, to the current state of technical knowledge and to the financial implication; or

(b) having regard to any relevant code of practice governing the trade or business.

(3) The test of best practicable means is to apply only in so far as compatible with safety and safe working conditions and the exigencies of any emergency or unforeseeable circumstances.

Fees

22. (1) The fees to be charged for an application for an authorisation and for the written permission of the Agency under these Regulations shall be in accordance with the provisions of regulation 8 of the *Environmental Protection (Authorisations) Regulations 2000*.

ENVIRONMENTAL (NOISE MANAGEMENT) REGULATIONS 2000

CATEGORIES IN RESPECT OF WHICH PERMISSIBLE NOISE LEVELS ARE TO BE FIXED

Residential

Institutional

Educational

Industrial

Commercial

Construction

Transportation

Recreational

Made this 28th day of November, 2000.

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Bharrat Jagdeo
President