

**A BILL
entitled**

AN ACT to make provision for the prevention and control of noise, the establishment of a framework for the handling of noise complaints and for the establishment of a Noise Advisory and Control Commission.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows: -

ARRANGEMENT OF THE ACT

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PART I

Preliminary

Title

1. The short title of this Act is the Noise Control Act.

Definitions

2. (1) In this Act, unless the context otherwise requires-

“annoyance noise” shall mean the noise resulting from cultural, sports or entertainment events or else from professional activity and causing annoyance in any neighbourhood.

S.L.409.15

“bar” shall have the same meaning as in the Catering Establishments Regulations.

“competent authority” shall refer to the public bodies referred to in part 2 of Annex A, with respect to the respective articles in this Act.

S.L.409.15

“discotheque” shall have the same meaning as in the Catering Establishments Regulations.

S.L.409.15

“existing establishments” shall mean establishments within the scope of the Catering Establishment regulations in operation prior to [the coming into force of this Act].

Cap.363

“local council” shall have the same meaning as that in the Local Councils Act;

“neighbourhood noise” means any noise emitted directly or indirectly by a person or object possessed by the person or an animal under the person’s responsibility.

S.L.409.15

“new establishments” shall mean establishments within the scope of the Catering Establishment regulations and licensed by the respective competent authority after [the coming into force of this Act].

S.L.409.15

“nightclub” shall have the same meaning as in the Catering Establishments Regulations.

“night hours” means any time between 2200h and 0700h.

Cap. 552

“owner” shall have the same meaning as in the Development Planning Act.

“pink noise” shall mean noise containing all the frequency of the spectrum audible to the human ear and in which the intensity decreases at the rate of 3dB/octave.

“residential area” shall mean [...]

“residual noise” shall mean the ambient noise levels when the annoyance noise is suppressed to such a degree that its contribution to ambient noise levels is negligible.

S.L.409.15

“restaurant” shall have the same meaning as in the Catering Establishments Regulations.

“spectrally characterised noise levels” shall mean the difference in the noise levels including the annoyance noise in normalised octave bands centred on 125Hz, 250Hz, 500Hz, 1000Hz, 2000Hz and 4000Hz and the residual noise in the same normalised octave bands.

“total noise levels” shall mean the difference between the noise levels including the annoyance noise, and the residual noise;

“workshop” shall mean any premises, garage or building used for the carrying out of professional activity and which involves the use of power tools, pneumatic tools and other heavy machinery;

[...]

Power to Make Regulations.

3. Regulations under this Act may be made by the Minister responsible for the Environment after consultation with the Commission, following a public consultation period of at least three weeks.

Provided that adaptations to technical progress are, exempt from the public consultation requirement

PART II

Duties of the stakeholders

Duty to preserve a health noise climate.

4. It shall be the duty of every person and entity, whether public or private to maintain a noise climate, which limits annoyance or which is not conducive to ill health throughout the Maltese Islands.

Duties of the Government.

5. It shall be the duty of the Government to protect the residents' wellbeing and limit as far as is reasonably possible annoyance caused by noise nuisance and prevent ill-health due to noise pollution and to that effect the Government shall see that:
 - (a) The noise climate is improved in areas in which it is bad, maintained in the areas in which it is better;
 - (b) complaints made by any person residing in the Maltese Islands in relation to noise issues within the scope of this Act are dealt with to the satisfaction of the complainant;
 - (c) complainants are informed about the status of their complaint;
 - (d) the public bodies having remit over one or more aspects related to noise cooperate and coordinate their actions in order to solve noise related issues and enable the Government to fulfil its duty under this Act;
 - (e) the annoyance to residents resulting from outdoor activities within the scope of this act is as far as possible minimised ;
 - (f) the method(s) for assessing (d) above is based on the best practice in the area; and

- (g) legislation concerning noise and issued under different Acts is constantly updated reflecting technical and scientific progress in this area.

PART III Administration

Noise Advisory and Control Commission.

6. (1) There is hereby established a Noise Advisory and Control Commission.

(2) The [.....] shall appoint the members of the Commission as follows:

- (a) a senior public officer operationally responsible for noise, designated by the Minister responsible for the Environment;
- (b) a senior public officer operationally responsible for noise, designated by the Minister responsible for Environmental Health;
- (c) a senior public officer operationally responsible for Tourism, designated by the Minister responsible for Tourism;
- (d) a senior public officer operationally responsible for Construction site management,
- (e) the Director responsible for Environment protection within Environment and Resources Authority or his nominated representative;
- (f) the Commissioner of Police or his nominated representative; and
- (g) the President of the Local Councils Association or his nominated representative.

Voting Members.

- (2) The Members of the commission nominated under sub-article (2) shall be the voting Members of the Commission.
- (3) The [.....] shall appoint a Chairperson and a Deputy Chairperson from the Commission Members referred to in sub-article (1).
- (4) The Chairperson and the members of the Commission referred to in sub-article (1) shall be appointed for a term of three years.
- (5) The [.....] may at any time remove the Chairperson and any of the members appointed under sub-article (1) on grounds of inability to perform their functions, bankruptcy or neglect of duty.

- (6) The Chairperson and the members of the Commission referred to in sub-article (1) may at any time resign their office by given notice in writing to the Minister.
- (7) The quorum necessary for meetings of the Commission shall not be less than either the Chairperson or if he is unable to attend the meeting the Deputy Chairperson and three of the other Members in sub article 2, above.
- (8) In the absence of the Chairperson, or if the Chairperson is unable to perform the functions of his office, the deputy chairperson shall perform those functions.

Commission Decisions.

- (9) The decisions of the Commission shall be taken by a majority of votes of members present at the meeting and referred to in sub-article 1. The Chairperson of the Commission shall have an original vote and, in the case of equality of votes, also a casting vote.

Non-voting Members.

- (10) In addition the [.....] may appoint as Commission Members, up to three senior public officers from the departments within his Ministry; one of these public officers shall be nominated by the Minister to act as the secretary of the Commission. These Members shall take care of the day to day running of the Commission and shall be non-voting members of the Commission.
- (11) Subject to the provisions of this Act, the Commission may regulate its own procedures and meetings in such a manner, as it deems proper.

Judicial and legal representation of the Commission.

7. The judicial and legal representation of the Commission shall vest in the Chairperson:

Provided that the Commission may appoint any one or more of the other members to appear in the name and on behalf of the Commission in any judicial proceedings, and in any act, contract instrument or other transaction whatsoever.

Duties of the Commission.

8. It shall be the duty of the Commission to:
- (a) Ensure that activities involving the emissions of noise are carried out in such a way that noise levels are minimised in order to protect public health and the wellbeing residents in general and to facilitate an overall reduction in noise levels.
 - (b) Coordinate the handling of all complaints regarding noise levels;
 - (c) Administer the Noise Abatement Fund;

- (d) Actively promote the minimisation of noise exposure particularly in the highly urbanised areas;
- (e) Actively preserve the noise climate in quiet areas;
- (f) Provide a framework for the resolution of complaints related to noise as per Annex A; and
- (g) Organise training schemes and set the qualifications for the specialists who shall be conducting the noise studies in relation to ensuring compliance with this Act.
- (h) Actively promote research in those areas it may deem consonant with the overall aims of this Act, *inter alia* through student bursaries.

[...]

Engagement of consultants.

- 9. The Commission may engage such consultants, advisors and other staff as it may consider necessary to assist it in the fulfilment of its functions.

Noise Abatement Fund.

- 10. There is hereby set up a fund, hereinafter the Noise Abatement Fund.

(1) The Noise Abatement Fund shall be administered by the Commission.

(2) There shall be paid into the Noise Abatement Fund:

(a) any sums appropriated by Parliament for the purpose;

(b) any donations or grants made to the Noise Abatement Fund by individuals or institutions;

(c) sums received by the Commission for the purpose of being placed in the Environment Fund;

(d) any guarantees retained by the Commission in order to make up for the processing fees associated with the permits issued by the Commission as well as the guarantees retained for non-compliance with the conditions set by the same permit;

(e) any administrative fines imposed by the Commission on third parties under the respective provisions of this Act; and

(f) such other sums or monies as may from time to time be provided by or under this or any other law or regulations:

If the Authority shall implement all relevant safeguards to ensure that, the implementation of this sub-article does not result in any actual or perceived conflict of interests in the performance of its regulatory functions, and does not otherwise tarnish its reputation or public trust. Such safeguards shall include, inter alia and as deemed most relevant:

(a) appropriate functional and operational separation;

(b) internal administrative firewalling; and

(c) rejection of donations or grants offered to it financially or in kind, which may introduce likely or foreseeable conflict of interests

(2) The Noise Abatement Fund shall be used to finance the working of the Commission as well as projects related to the minimisation of noise exposure.

(3) The Commission shall ensure that as many of the available funds are disbursed in order to fund the projects above.

(4) The Commission shall keep a proper account of its revenue and expenditure.

(5) The Commission shall, without prejudice to the powers of the Auditor General and of the Minister responsible for finance under any law, each year cause the accounts of the Noise Abatement Fund to be audited by suitably qualified public auditors and accountants appointed by it with the concurrence of the Minister.

(6) The Noise Abatement Fund shall every financial year deliver to the Minister, through the Commission, a copy of its duly audited balance sheet together with a report of its activities during the previous financial year. The Minister shall lay a copy of the balance sheet and of the report on the Table of the House within a month of the receipt of the same from the Commission.

(7) The revenue of the Noise Abatement Fund shall not be subject to tax under the Income Tax Act and the Noise Abatement Fund shall not be liable to tax under the Duty on Documents Transfers Act.

Delegation of responsibility.

11. Subject to retaining overall control and supervision, and otherwise observing the provisions of this Act, the Commission may, with the approval of the Minister, delegate any one or more of its functions under this Act under such conditions as it may deem appropriate. Notice of any such delegation shall be published in the Gazette. The Commission shall have the right to retract such delegation at its sole discretion with immediate effect.

Part IV
Neighbourhood noise

Neighbourhood noise.

12. The provisions of this part of the Act are applicable to all types of neighbourhood noise, with the exception of traffic noise, airport noise and noise from aeroplanes, noise from military installations, and noise from industrial installations.
13. (1) No person shall cause directly or indirectly the emission of neighbourhood noise, which by virtue of its duration, repetition or intensity causes annoyance or harm to human health.

(2) The provision in sub-article (1) is independent of whether the noise is perceived in a public or private place.

Permits for cultural, sports and entertainment events.

14. (1) Any person shall not organise cultural, sports or entertainment events including entertainment events in outdoor venues without a permit issued by the competent authority.

Provided that the activities listed in parts 1 and 2 of Annex B, shall be excluded from any obligations arising from this article and shall be subject to the respective conditions in the same Annex.

S.L.10.40

(2) For outdoor entertainment venues, the provisions associated with sub-article (1) shall be over and above any obligations arising from the Maintenance of Good Order at Places of Entertainment Regulations and any other applicable legislation.

Limit Values.

15. The permit, in Article 14 shall include the following general conditions:

(a) The contribution of the annoyance noise to the total noise levels shall not exceed:

5 dB (A) from 0700h to 2200h; and
3 dB(A) from 2200h to 0700h.

(b) The corrections in Annex C shall be added to the measured total noise levels as applicable.

Provided that articles 15(a) and (b) are not applicable in situations where the total noise levels including the annoyance noise are ≤ 25 dB(A) indoors and irrespective of whether the doors are open or closed or ≤ 30 dB(A) anywhere else.

Financial guarantee and permit fees.

(c) The competent authority shall require the provision of a suitable financial guarantee to be made in favour of itself in order to secure the obligations of the event organiser(s) under the permit. The guarantee shall be as per the Fee Schedule in Annex D and shall depend on the scale and the frequency of the event.

(d) All the permits in Article 14 shall be issued against a permit fee; the fee will depend on the scale and the frequency of the event.

Monitoring Method.

16. (a) Compliance with the limits in Article 15 shall be assessed on behalf of the competent authority and at the expense of the organiser by authorised officers through sound level measurement using a type-1 sound level meter as *per* EN 61672, and carried out according to NF S31-010 (*Acoustique – Caractérisation et mesurages des bruits de l’environnement – Méthodes particulières de mesure*).

(b) For events, which are not one-offs the competent authority shall decide on a suitable number of monitoring exercises to be carried out, which shall in no case be less than 20% of the total number of events organised. The frequency will be increased if the competent authority repeatedly receives complaints about a particular event.

17. The monitoring in Article 16 shall be carried out at the closest receptor, which could be a private or public place and which shall be approved by the competent authority taking into account the meteorological factors.

18. (1) The guarantee shall be refunded, in full or in part as determined by the competent authority, if the noise levels in Article 15 including any correction factor applied to it are complied with.

(2) In the case of events, which are not one-offs, there shall be no refund in full or in part of the guarantee unless the limit values in Article 15 including any correction factor have been complied with any time the monitoring exercise is carried out.

Minimum distance from sensitive receptors.

19. The competent authority shall normally permit the holding of events unless; the event venue is more than 1km from any sensitive receptor (houses, hospitals, retirement homes, etc.).

Provided that events, which will attract less than 1000 attendees, and to open air events, which are held in establishments covered by an appropriate permit as long as the event is over by midnight, shall not be covered by this provision.

Provided further that the Activities in parts 1 and 2 of Annex B shall be excluded from compliance with this Article.

20. (1) The competent authority, following consultations with the minister and with the general public, especially with the residents of the affected area, may in the case of isolated one off, events considered by the minister to be of national importance and outside the scope of Annex B, waive the requirement in article 19.

(2) The competent authority shall ensure that the residents of the affected area are not excessively burdened by noise from the activity through the setting of conditions, which must be complied with by the organisers of the activity.

Additional limits for professional activities.

21. (1) Any annoyance noise emitted by professional activity carried out in workshops and perceived in any adjacent or neighbouring dwelling or outdoors in a residential area, be in excess of the limits in Article 15 together with the relevant correction in Annex C.

(2) In addition to the noise levels in sub-article (1), the contribution of the annoyance noise from professional activity carried out in workshops, shall not exceed the spectrally characterised noise limits, for the respective normalised octave band shown below:

7 dB(A) at 125 Hz and at 250 Hz;

5 dB(A) at 500 Hz; at 1000 Hz; at 2000 Hz; and at 4000 Hz.

(3) No professional activity shall be carried out in workshops during the night hours.

Provided that the competent authority following consultations with the minister and with the general public especially the residents of the affected area, may under special circumstances waive the requirement in sub-article (3).

22. The provisions of Article 20:

(a) Apply wherever the total noise levels including the annoyance noise exceed 25 dB(A) indoors, irrespective of whether the windows are open or closed and 30 dB(A) anywhere else.

(b) are without prejudice to any noise related condition, which could have been included in any other permit or consent issued by any other competent authority for the building in question.

Monitoring Method.

23. (1) In order to determine compliance with Article 20, the competent authority shall carry out monitoring surveys at the closest receptor(s), taking into account the meteorological factors, and according to NF S31-010 (*Acoustique – Caractérisation et mesurages des bruits de l'environnement – Méthodes particulières de mesure*), using an integrating averaging type-1 sound level meter as per EN 61672.

(2) The cost of the monitoring shall be recovered from the owner of the workshop in the event of a contribution by the annoyance noise to the total noise in excess of levels in Article 14 or the spectrally characterised levels in Article 20.

- 24.** The measurements of the noise levels in Articles 15 and 20 should include periods in which the annoying noise is present and periods in which only the residual noise is present. The measurements should be made as continuous A-weighted noise levels.

Noise from the ill-treatment of animals.

- 25.** (1) Complaints on noise resulting from animals shall be investigated by the competent authority.

Cap.10,

(2) The person responsible for the animal shall be subject to administrative fine if the noise results from an offence under Article 153 of the Code of Police Laws.

Cap.439.

(3) Should it result noise in sub-article (1) is caused by an "ill treatment" as defined in The Animal welfare Act, of the animal or by a violation of Part IV of the same Act, then the person accused of these acts, shall be prosecuted under the mentioned Act, and the resulting noise nuisance shall be considered as an aggravating factor. Any fines resulting from a conviction shall take into account the annoyance caused by this noise over and above the violation of The Animal Welfare Act.

Noise at night, Cap.9

- 26.** (1) A complaint made by an individual during the night hours, regarding excessive noise affecting a dwelling or regarding any offence under Article 338(m) of the Criminal Code, shall be investigated by the competent authority.

(2) The provisions of sub-article 1 apply to noise sources other than the ones regulated by Articles 14, 20 and 24 and include noise from the use of household appliances and power tools as well as the use of equipment capable of emitting sound.

Cap 9.

- 27.** If in the opinion of the Police officer the noise in article 26 is loud enough in order to constitute a source of annoyance, then the offender shall be charged with a contravention under the respective provisions of the Criminal Code.
- 28.** The observations of the Police officer shall be considered as evidence in favour or against the complaint in a Court of Laws.
- 29.** It is defence for a person charged with an offence under Article 25 to show that there was a reasonable excuse for the excessive noise.

S.L.427.19

- 30.** The owner of any dwelling shall ensure that electrical equipment for outdoor use within the scope of Noise emission in the environment by equipment for use outdoors Regulations, and which is used continuously for more than an hour shall be mounted on absorbent isolators in order to minimise nuisance to neighbours

S.L.441.07

- 31.** The owners of commercial establishments within the scope of the Trading Licenses Regulations shall ensure that continuously operating electrical equipment within or servicing the premises from which they exercise their trade shall be mounted on absorbent isolators, which minimise nuisance to neighbours.

Part V
Noise from Construction Sites

Construction site noise.

- 32.** No person shall carry out construction, demolition or excavation works in any locality in Malta and in Gozo unless he notifies the interested Local Council(s) about the nature and the duration of the works, which will be carried out.

Notification of Residents.

- 33.** The Local Council(s) in Article 31 shall at the owner's expense notify the residents of the affected neighbourhood about the works planned on the site in question.

The notification shall include the equipment, which shall be used on site, the duration of the works and a timetable for all the works to be carried out on site.

Time window for the carrying out of works.

- 34.** (1) No works shall be carried out on site before 0700h and after 2000h during weekdays and before 0800h and after 1400h on Saturdays. Furthermore, no works shall be carried out during public holidays and on Sundays.

Proof for the carrying out of works outside the permitted time window.

(2) The presence of workers on site prior to 0700h and after 2000h during weekdays and prior to 0800h and after 1400h on Saturdays, and at any time on Sundays and during public holidays shall be considered as proof that works were indeed being carried out on the site during the time windows when this is prohibited.

(3) The presence or absence of workers on site shall be determined by the enforcement officers of the competent authority.

(4) In case of an offence against sub-articles (1) and (2) above, which will be determined according to sub-article (3) above, works on the site shall in order to make up for any annoyance, which could have been caused to site neighbours be stopped for at least 24 hours.

Provided that the competent authority may impose an administrative fine upon the owner as deemed necessary.

Waiving of requirements.

- 35.** (1) The obligations in Article 33 may be waived only if not carrying out the construction, demolition and excavation works would result in an immediate threat to human life, cultural heritage, property owned by third parties or the environment.

Informing the Competent authority.

(2) The competent authority shall duly be informed within at most an hour from the initiation of the construction, demolition and excavation works, about the reasons behind the use of the derogation in sub-article (1) above.

Equipment on site.

36. All equipment on site must have functional exhaust and muffler systems.

Unnecessary noise.

37. No unnecessary noise such as that resulting from idling machinery, shouting, loud music being played by radios or other equipment capable of playing recorded music, or excessive revving of engines shall be emitted from any construction, demolition or excavation site.

Complaints.

38. A complaint made by an individual, regarding the noise in Article 36 shall be investigated by the competent authority.

39. If in the opinion of the Police officer the noise in question is loud enough in order to constitute a source of annoyance, then the offender shall be charged with an offence under Article 49 of this Act.

Police Observations.

40. The observations of the Police officer shall be considered as evidence in favour or against the complaint in a Court of Laws.

Part VI Noise from Catering Establishments

Catering Establishments.

41. The obligations arising from this part of the Act shall apply to indoor and outdoor catering establishments within the scope of Catering Establishments Regulations and which are licensed to serve X patrons or more, as may be applicable.

Nuisance Noise Prevention Officer.

42. All catering establishments shall employ a Nuisance Noise Prevention Officer.

Indoor catering establishments.

43. (a) Indoor catering establishments, such as bars, discotheques, nightclubs and restaurants shall not play any amplified music, unless all the doors and windows in the establishment are closed.
- (b) All the windows in catering establishments shall be triple glazed.
- (c) All doors in all the entrances and exits of catering establishments shall be fitted with self-closing hinges. The doors shall not have any gaps, which reduce their acoustical insulation
- (d) It shall be the duty of the operators of catering establishments to ensure that the patrons of their establishments do not consume drinks outside the establishment.

Provided that this requirement does not apply to establishments that do not play live or recorded amplified music.

- (e) All establishments covered by sub-article (a), playing amplified live or recorded music, shall be acoustically insulated in such a way that the establishment with the public address system working at the maximum power contributes only 3dB(A), $LA_{eq,15\text{ mins}}$ over and above the background expressed as $LA_{90,15\text{ mins}}$ measured with the music off.
- (f) The contribution of the establishment to the noise levels shall apply all around the accessible perimeter of the establishment and shall be measured by a qualified independent consultant, at a distance of 1m from the establishment and a height, which is representative of the floor height of the establishment, above ground level.
- (g) The measurement height and the noise measurement plan for the establishment shall be approved by the competent authority and signed by the consultant carrying out the measurements. Furthermore the report compiled by the consultant in order to assess the suitability of the acoustic insulation of the establishment, shall upon request, be made available to the inspectors of the competent authority.
- (h) All the measurements in connection with sub-article (f) shall be carried out according to ISO 1996-1 and ISO 1996-2, using an integrating averaging type-1 sound level meter as *per* EN 61672.

- (i) The noise nuisance prevention officer in article 42 shall ensure that the requirements in sub-articles (a) to (f) are complied with as applicable.
- (j) The noise nuisance prevention officer in article 42 shall ensure that the sound of television sets inside the establishments is kept reasonably low in order to avoid annoyance to neighbours.
- (k) Existing catering establishments have a period of five years to comply with the requirements of sub-articles (a) to (f).

Sound limiting system.

44. (a) In addition to the requirements in Article 42, the operators of night clubs, discotheques, bars, pubs, within the scope of this section and indoor wedding venues, playing amplified live or recorded music shall be fitted with a sound limiting system, which will shut down all equipment playing music once the A-weighted noise levels exceed 110 dB(A) measured as $LA_{peak,1min}$.

(b) All equipment fitted with a sound amplification system, shall be connected to the sound limiting system.

(c) The sound limiting system in article 4(a) must have at least the following functions:

i. an internal calibration system, which detects possible manipulations of the sound equipment.

ii. The possibility of storing the sound levels measured within the establishment with the date, starting time and finishing time for each session. The system should store this information for at least 1 month.

iii. A protection mechanism which uses either electronic keys or access codes, and which prevents *post hoc* manipulations of the records in ii above, and if any manipulation is carried out, the system should register this and store it in its internal memory.

iv. Storage of sound levels, periodic calibrations, and an uninterruptable power supply in order to protect the system from power outages.

v. An inspection system, which allows the inspectors of the competent authority to extract any stored data for analysis and evaluation.

(d) i. The operators of the establishments in article 44 are obliged to store electronically as computer files, the monthly records from the sound interruption system at the end of each calendar month. Operators shall retain these files for a minimum period of five years so that they may be inspected at any time by the inspectors of the competent authority.

ii. Without prejudice to sub-article 4(d)i, operators of the establishments in article 44 shall forward the records from the sound interruption system on a monthly basis to the competent authority.

(e) The operators of the establishments in article 44 are obliged to obtain a certificate of conformity following a verification by a technically competent person of the conformity of the system with the requirements in this article.

43(c). The certificate of conformity shall *inter alia* include the following information on the installed sound limiting system:

i. the commercial brand;

ii the model and type;

iii. the manufacturer; and

iv. the serial number

(f) The operators of the establishments in article 44 are responsible for the correct operation of the sound limiter and are obliged to hire a technical service in order to ensure that the sound limiting system is permanently maintained and that its correct functioning is verified at least on an annual basis.

(g) In case of failures of the sound limiting system, operators of the establishments in article 44 are required to repair or replace the equipment within a week from the emergence of the fault.

Record keeping.

45. (a) The operators of the indoor establishments in article 44 are required to keep a logbook in which all repairs, replacements, activities related to equipment maintenance and verifications are recorded and signed and stamped by the responsible technician. This logbook should be made available to the inspectors of the competent authority upon request.

(b) Sub-articles (a) to (h) of this article apply to “new” establishments; “existing” establishments will have five years to be compliant with the requirements of these sub-articles.

(c) Following the installation of the sound limiting system, operators of establishments in article 44 shall submit an installation certificate signed by a technically competent person to the competent authority. The installation certificate will contain the following documentation:

i. a floor plan indicating the x,y and z coordinates in metres relative to an arbitrarily chosen point of reference, and including the position of the microphone of the sound limiting system, the positioning of each speaker, the point inside the establishment where the reference noise levels were measured and the adjustments of the sound limiting systems;

ii. brand model and serial number of all the elements in the “sound chain” including the sound limiting system;

iii. the RMS power in W and the impedance in Ω of the sound amplifying elements according to the manufacturer. If the “sound chain” has serial-parallel switching of speakers, it shall be clearly indicated;

iv. The RMS power in W, the impedance in Ω , the frequency response and the sensitivity in dB/W at 1.00m according to the manufacturer, for each of the speakers installed;

v. The total impedance of the speakers connected to the output of each power stage. If the sound chain has serial-parallel switching of loudspeakers, the total impedance shall be indicated for each configuration at each power stage;

vi. A single line diagram showing the connection of the different elements of the sound chain, including the sound limiting system and the identification of each element (type of element, brand, model and serial number);

- vii. Photos taken in situ of the amplifying elements of the sound chain, once they have been installed and the relative cross references to the single line diagram;
- viii. The parameters of the configuration and optimisation of the sound limiting system including (measurements of the losses of acoustic energy to air, applicable noise limits, installation noise levels and adjustments and reference noise levels). The original sheet supplied by the manufacturer which shall include the default settings of the sound limiting system and which shall be signed and dated by a technically competent person;
- ix. The functioning of the sound limiting system shall be tested and appropriately adjusted by measuring the noise levels at the most unfavourable receptor. The test shall be conducted using a noise generator emitting a stereo pink noise signal at the maximum volume and shall be carried out once the sound limiting system has been installed.
- (d) Any modifications to the sound chain, the sound limiting system or acoustic characteristic of the establishment shall be communicated to the competent authority through a new report, which shall include all the items in sub-article (c), above.
- (e) In the event of a complaint, which has been verified by a Police officer the operators of the establishments in article 41 shall forward to the competent authority a technical report signed by a technically competent person and which includes a list of all the incidents, which have occurred at the establishment in question since the last similar report. The report should trace the configuration of the sound limiting system back to the last verified configuration and for which it shall include the following:
- i. The validity of the sound limiting system's certificate;
- ii. A physical verification of the electrical and audio connection of the equipment as well as the different elements making up the.
- iii. A single line diagram showing the connection of the elements of the sound chain, including the sound limiting system, together with an identification of these elements as well as the brand, model and serial number of each element.
- iv. A spectral analysis in one-third octave bands of the maximum sound emission spectrum of the pink noise generator.

v. Verification of the traceability of the report back to the last notified report as per article 44(c) or 44(d) in case of modifications.

vi. Incidents in the operation of the sound limiting system together with information on the periods of malfunction and breakdowns of the sound limiting system together with any other causes that would have prevented the correct functioning of the sound limiting system

Outdoor catering establishment.

46. In addition to the applicable requirements in Part IV, operators of outdoor catering establishments and of outdoor wedding venues shall also comply with the following requirements:

- (a) No outdoor catering establishment or wedding venue shall be fitted with multi-directional speakers, but shall instead be fitted with circuit, highly directional speakers around the premises.
- (b) The layout of the speaker system shall be designed by a professional sound engineer in such a way that the loss of sound to the environment is effectively minimised.
- (c) The operators of outdoor catering establishments and wedding venues shall refrain from excessive use of sound equipment and in no circumstance may the maximum installed RMS power be greater than 1kW per 100 people in the premises. The maximum installed power shall be calculated based on the licensed patron capacity of the establishment.
- (d) The operators of outdoor catering establishments and wedding venues are obliged to send a report to the competent authority, which shall include a copy of the line diagram showing the arrangement of the sound system within their premises. The report shall include:
 - i. A floor plan including the x,y and z coordinates in metres relative to an arbitrarily chosen point of reference showing the positions of all the components in the “sound chain”, including all the directional speakers.
 - ii. A line diagram showing all the components in the “sound chain”, including all the directional speakers.

- iii. The brand, model and serial number of all the elements in the sound chain.
- iv. The RMS power in W, the impedance in Ω and the sensitivity in dB/W at 1.00m of each speaker at 1.00m, the lateral dispersion of each speaker in degrees, according to the manufacturer.
- v The required RMS power calculated on the licensed patron capacity of the establishment.
- vi. The total impedance of the speakers in Ω connected to the output of each power stage. If the sound chain has serial-parallel switching of loudspeakers, the total impedance shall be indicated for each configuration at each power stage.
- vii. Photos taken *in situ* of the speakers and amplifying elements in the sound chain, once they have been installed and the relative cross-referencing to the line diagram.
- viii. A declaration signed by an acoustics specialist attesting that the speakers have been arranged in such a way that sound loss to the environment is minimised.
- ix. The operators of outdoor catering establishments and wedding venues are obliged to keep a logbook in which all repairs, replacements, and activities related to equipment maintenance are recorded and signed by a responsible technician. This logbook should be made available to the inspectors of the competent authority upon request.
- x. Any modifications to the “sound chain” which will cause a modification to the acoustic characteristics of the establishments shall be communicated to the competent authority through a new report, which shall include all the items in i to viii, above. No modification may cause an increase of the sound loss to the environment.
- xi. Existing outdoor establishments and wedding venues shall have a maximum of 5 years from the date of issue of this Act to comply with sub-articles (a) to (b).

Obligation to cap the legs of chairs and tables.

47. The legs of chairs and tables used inside indoor or outdoor catering establishments and wedding venues shall be fitted with caps made from acoustically absorbent material in order to limit the emission of noise from the dragging of these articles.

Rolling and dragging of objects.

48. The rolling or dragging of kegs, crates and furniture in all catering establishments and wedding venues, irrespective of whether they are indoor or outdoor shall be prohibited. The nuisance noise prevention officer in article 41 shall ensure that these items are transported using trolleys and other transportation devices, which limit the transmission of noise and vibrations to buildings other than the premises in question.

Part VII

Miscellaneous

Administrative fines.

49. (1) The Competent authority may impose an administrative fine upon any person:

(a) who infringes any provision of this Act;

(b) who fails to comply with any directive or decision given by the Competent authority whether under this Act, regulations prescribed thereunder or under any other law with which the Competent authority is entitled to secure compliance and to enforce;

(c) who fails to comply with any condition of any authorisation granted under this Act, including with failure to provide data or information required in authorisation conditions in a timely and/or appropriate manner:

Provided that if the infringement is committed by a body corporate and is proved to have been committed with the consent, or involvement of, or to be attributable to, any gross negligence on the part of a person being a director, manager, secretary or other officer, however so described, of such body corporate or a person who was purporting to act in any such capacity then such person and such body corporate shall be responsible for the said infringement and shall be jointly and severally liable for the payment of any administrative penalty imposed by the Authority as a consequence thereof.

(2) An administrative fine imposed under sub-article (1) shall not exceed fifty thousand euro (€50,000).

Penalties.

50. (1) Any person who -

- (a) carries out any activity without a permit as in force at the time of such activity, or, if the activity is carried out with a permit, fails to comply or to cause compliance with any condition, restriction or other limitation to which the permit is subject;
- (b) acts in contravention of any provision of this Act;
- (c) attempts to hinder, obstruct, threaten, molest or interfere with, any officer of the Competent authority, or relatives thereof, or any police officer, or any public officer, or any officer of any department of Government or of any entity of Government or of any local council, in the execution of his duties under the law or fails to comply with any reasonable requirement demanded of him by any such person as aforesaid or otherwise to assist him in the carrying out of the said duties, or knowingly furnishes such person with false information or neglects or refuses to give any information required for the purpose aforesaid; or
- (d) makes a declaration for any of the purposes of this Act which is false, misleading or incorrect in any material respect,

shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine (multa) of not less than one thousand five hundred (€1,500) and not exceeding sixty thousand (€60,000), and to imprisonment for a term not a term not exceeding two years.

(2) The Court, besides awarding the punishment referred to in sub-article (1), may confiscate the *corpus delicti* where applicable and shall order the offender to remove the causes of the offence and to undo anything which was done without an authorisation or to comply with the conditions imposed in the permit, as the case may be, within a time sufficient for the purpose, but in any case not exceeding three months from the date of the judgment, to be fixed by the court; and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (multa) of not less than fifty euro (€50) and not more than one hundred and thirty euro (€130), as the court may fix, for every day the default continues after the

expiration of the said time and the Court may also order the modification, suspension or revocation of any permit.

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(3) Proceedings against any person for any offence as is mentioned in sub-article (1) shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, as courts of criminal judicature in accordance with the provisions of the Criminal Code.

Provided that, notwithstanding the provisions of article 376(1)(b) of the Criminal Code, the Court shall, at the request of the prosecution or of the accused, take down evidence given by the witnesses in the manner provided for either in article 390(6) of the said Code or in any law for the time being in force.

(4) Article 21 of the Criminal Code and the provisions of the Probation Act shall not apply to any offences referred to in this article.

(5) Neither the filing of an application intended to regularise any activity to which a prosecution refers, nor the filing of an appeal against a refusal or partial approval of such an application shall be a bar to the continuation of such a prosecution and the court shall continue to hear such a case and shall give judgment and shall issue an order in terms of sub-article (2) as if such an application or such an appeal had never been filed: Provided that where such an activity has been regularised no fine under sub-article (2) shall be due in respect of the time after the activity has been regularised and all fines paid to the Authority.

Appeal by the Attorney General.

(6) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgment given in proceedings arising out of this Act or of any regulations, rules or orders made thereunder.

Annex A

1. Competent Authorities with respect to different noise issues:

Source	Act/Regulation	Competent Authority
Commercial Establishments including hawkers	Trading Licences Regulations, S.L. 441.07	
Industrial Installations within scope of Schedule 1 of S.L. 549.77	Environment Protection Act (Cap. 549), S.L. 549.76, S.L.549.77	
Places of Entertainment	Noise Control Act	
One off activities	Noise Control Act	
Outdoor places of entertainment	Noise Control Act	
Premises or garages in which professional equipment is used	Noise Control Act	
Animals	Noise Control Act	
Another dwelling	Criminal Code (Cap 9.), Noise Control Act	
Construction Sites	Environmental Management Construction Site Regulations, S.L. 552.09	

2. Competent Authorities with respect to the different Articles in this Act.

The Noise Abatement and Control Competent authority is the Competent Authority responsible for the implementation of Articles:

12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 35.

The Police Force is the Competent Authority responsible for the implementation of Articles:

25(2), 26, 27, 28, 29, 30, 31.

The Police Force together with the Competent Authority established under the Animal Welfare Act are jointly responsible for the implementation of Article:

25(3).

The Police Force together with the Competent Authority responsible for the implementation of the Environmental Management Construction Site Regulations shall be jointly responsible for implementing Articles:

32, 33, 34, 36, 37, 38, 39 and 40.

The [...] shall be responsible for implementing Articles:

41, 42, 43, 44, 45, 46, 47, and 48.

Annex B

Activities excluded from the obligation arising from Articles 14 and 19.

Part 1: Activities subject to no conditions.

Part 2: Activities subject to a restricted set of conditions.

1. Mass meetings;
2. Political Demonstrations;
3. Political festivals and celebrations related to political activities.

The Activities above are exempt from the requirement to seek a permit under Article 14. However if the activity involves the playing of music or the use of a sound system then the activity will be subject to the following conditions:

- a) The organisers have to duty to ensure that annoyance to the people living in the locality in which the activity will be held is minimised;
- b) The activity shall take place within a time window, which is subject to the Competent authority's approval and which shall in any case exclude periods earlier than 0700h on weekdays and 0800h on weekends and periods later than 2200h;
- c) The duration of the activity is limited to an absolute maximum of 3 hours;
- d) If the activity involves the use of a sound system including loud speakers than these shall be directional;
- e) The organisers of the activity will have to pay a processing fee.

Annex C

Corrections by duration of the monitoring period

Duration of annoyance noise - T (minutes)	Correction (dB) A-weighted
$30 > T \leq 120$	3
$120 > T \leq 240$	2
$240 > T \leq 480$	1
$T > 480$	0

The corrections above shall be added arithmetically to the total noise levels in Article 15 depending on the duration of the annoyance noise.

Annex D

Schedule of financial guarantees