



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 5

NOISE NUISANCE

Noise control provisions

44 Warning notices

- (1) A notice under this section (a “warning notice”) shall—
 - (a) state that an officer of the authority considers—
 - (i) that noise is being emitted from the offending property during a noise control period; and
 - (ii) that the noise exceeds, or may exceed, the permitted level, as measured from a relevant place; and
 - (b) state that any person who is responsible for noise which—
 - (i) is emitted from the offending property in the period specified in the notice; and
 - (ii) exceeds the permitted level as measured from a relevant place, may be guilty of an offence.
- (2) The period specified in a warning notice shall be a period—
 - (a) beginning not earlier than 10 minutes after the time when the notice is served; and
 - (b) ending at the relevant time.
- (3) In subsection (2)(b), “relevant time” means the earlier of—
 - (a) the end of the noise control period during which the warning notice is served; and
 - (b) the point (if any) at which the permitted level at the time the notice is served ceases to be applicable.

Status: Point in time view as at 26/03/2020.

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Section 44 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) Subject to subsection (5), a warning notice shall be served by delivering it to any person present at or near the offending property and appearing to the officer of the authority to be responsible for the noise.
- (5) If it is not reasonably practicable to identify any person present at or near the offending property as being a person responsible for the noise on whom the notice may reasonably be served, a warning notice shall be served by leaving it at the offending property.
- (6) A warning notice shall state the time at which it is served.
- (7) For the purpose of the noise control provisions, a person is responsible for noise emitted from relevant property if the emission of the noise is wholly or partly attributable to the person's act, failure or sufferance.

Status:

Point in time view as at 26/03/2020.

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