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SCHEDULES

^{F1}SCHEDULE 3

Section 9.

AUDIBLE INTRUDER ALARMS

Textual Amendments

- F1** Sch. 3 repealed (E.W.) (6.4.2006 for E., 18.1.2008 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 5 Pt. 7](#); S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2007/3371, art. 2(c)

PROSPECTIVE

^{F1} *Installation of new alarms*

- 1 (1) A person who installs an audible intruder alarm on or in any premises shall ensure—
- (a) that the alarm complies with any prescribed requirements, and
 - (b) that the local authority is notified within 48 hours of the installation.
- (2) A person who without reasonable excuse contravenes sub-paragraph (1) shall be guilty of an offence and liable on summary conviction—
- (a) where the alarm does not comply with any prescribed requirements, to a fine not exceeding level 5 on the standard scale, and
 - (b) in any other case, to a fine not exceeding level 2 on the standard scale.

PROSPECTIVE

Operation of alarms before second appointed day

- 2 (1) A person who is the occupier of any premises when (on or after the first appointed day) an audible intruder alarm is installed on or in the premises shall not permit the alarm to be operated unless paragraph 5 is satisfied.
- (2) A person who without reasonable excuse contravenes sub-paragraph (1) shall be guilty of an offence and liable on summary conviction—
- (a) where the alarm does not comply with any prescribed requirements, to a fine not exceeding level 5 on the standard scale, and
 - (b) in any other case, to a fine not exceeding level 2 on the standard scale.
- 3 (1) A person who (on or after the first appointed day) becomes the occupier of any premises on or in which an audible intruder alarm has been installed, shall not permit the alarm to be operated unless paragraph 5 is satisfied.
- (2) A person who without reasonable excuse contravenes sub-paragraph (1) shall be guilty of an offence and liable on summary conviction—

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- (a) where the alarm does not comply with any prescribed requirements, to a fine not exceeding level 4 on the standard scale, and
- (b) in any other case, to a fine not exceeding level 2 on the standard scale.

PROSPECTIVE

Operation of alarms on or after second appointed day

- 4
- (1) The occupier of any premises shall not permit any audible intruder alarm installed on or in those premises to be operated unless paragraph 5 is satisfied.
 - (2) A person who without reasonable excuse contravenes sub-paragraph (1) shall be guilty of an offence and liable on summary conviction—
 - (a) where the alarm does not comply with any prescribed requirements, to a fine not exceeding level 5 on the standard scale, and
 - (b) in any other case, to a fine not exceeding level 2 on the standard scale.

PROSPECTIVE

Requirements for operation of alarms

- 5
- (1) This paragraph is satisfied if—
 - (a) the alarm complies with any prescribed requirements,
 - (b) the police have been notified in writing of the names, addresses and telephone numbers of the current key-holders, and
 - (c) the local authority has been informed of the address of the police station to which notification has been given under paragraph (b).
 - (2) Notification under sub-paragraph (1)(b) may be given to the police at any police station in the local authority's area.

PROSPECTIVE

Entry to premises

- 6
- (1) Where—
 - (a) an intruder alarm installed on or in any premises is operating audibly more than one hour after it was activated, and
 - (b) the audible operation of the alarm is such as to give persons living or working in the vicinity of the premises reasonable cause for annoyance,
 an officer of the local authority who has been authorised (whether generally or specially) for that purpose may, on production (if so required) of his authority, enter the premises to turn off the alarm.
 - (2) An officer may not enter premises by force under this paragraph.
- 7
- (1) If, on an application made by an officer of the local authority who has been authorised (whether generally or specially) for that purpose, a justice of the peace is satisfied—

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- (a) that an intruder alarm installed on or in any premises is operating audibly more than one hour after it was activated,
- (b) that the audible operation of the alarm is such as to give persons living or working in the vicinity of the premises reasonable cause for annoyance,
- (c) where notification of any current key-holders has been given in accordance with paragraph 5(1)(b), that the officer has taken steps to obtain access to the premises with their assistance, and
- (d) that the officer has been unable to obtain access to the premises without the use of force,

the justice may issue a warrant authorising the officer to enter the premises, if need be by force.

- (2) Before applying for such a warrant, an officer shall leave a notice at the premises stating—
 - (a) that the audible operation of the alarm is such as to give persons living or working in the vicinity reasonable cause for annoyance, and
 - (b) that an application is to be made to a justice of the peace for a warrant authorising the officer to enter the premises and turn off the alarm.
- (3) An officer shall not enter premises by virtue of this paragraph unless he is accompanied by a constable.
- (4) A warrant under this paragraph shall continue in force until the alarm has been turned off and the officer has complied with paragraph 10.

8 An officer who enters premises by virtue of paragraph 6 or 7 may take with him such other persons and such equipment as may be necessary to turn off the alarm.

9 A person who enters premises by virtue of paragraph 6, 7 or 8 shall not cause more damage or disturbance than is necessary.

10 An officer who has entered premises by virtue of paragraph 6 or 7 which are unoccupied or from which the occupier is temporarily absent shall—

- (a) after the alarm has been turned off, re-set it if reasonably practicable,
- (b) leave a notice at the premises stating what action has been taken on the premises under this Schedule, and
- (c) leave the premises, so far as reasonably practicable, as effectually secured against trespassers as he found them.

PROSPECTIVE

Recovery of expenses

11 Where any premises are entered by virtue of paragraph 6 or 7 in a case where the occupier of those premises has committed an offence under paragraph 2, 3 or 4, any expenses reasonably incurred by the local authority in connection with the entry, turning off the alarm or complying with paragraph 10 may be recovered by the authority from that occupier.

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PROSPECTIVE

Protection from personal liability

- 12 Nothing done by, or by a member of, a local authority or by an officer of or another person authorised by a local authority shall, if done in good faith for the purposes of this Schedule, subject them or any of them personally to any action, liability, claim or demand whatsoever, other than any liability under [F2section 17 or 18 of the Audit Commission Act 1998] (powers of district auditor and court).

Textual Amendments

F2 Words in Sch. 3 para. 12 substituted (11.9.1998) by 1998 c. 18 ss. 54(1), 55(2), Sch. 3 para. 26

PROSPECTIVE

Interpretation

- 13 (1) In this Schedule references to the first appointed day or the second appointed day are to be read in accordance with section 9(2).
- (2) In this Schedule—
- “justice of the peace”, in relation to Scotland, includes a sheriff;
 - “key-holders”, in relation to an alarm, means—
 - (a) two persons, other than the occupier of the premises on or in which the alarm is installed, each of whom holds keys sufficient to obtain access to those premises, or
 - (b) a company which holds keys sufficient to obtain access to those premises, from which those keys can be obtained at any time and the business of which consists of or includes the service of holding keys for occupiers of premises;
 - “occupier”—
 - (a) in relation to premises that are unoccupied, means any person entitled to occupy the premises, and
 - (b) in relation to premises comprising a building that is being erected, constructed, altered, improved, maintained, cleaned or repaired, does not include a person whose occupancy—
 - (i) is connected with the erection, construction, alteration, improvement, maintenance, cleaning or repair, and
 - (ii) is by virtue of a licence granted for less than four weeks;
- “prescribed” means prescribed in regulations made by the Secretary of State for the purposes of this Schedule.
- (3) The Secretary of State’s power to make such regulations shall be exercisable by statutory instrument, and an instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Such regulations may make different provision for different cases, circumstances or areas.

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(5) Nothing in this Schedule applies to an audible intruder alarm installed on or in a vehicle.]

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