



Noise Act 1996

1996 CHAPTER 37

Summary procedure for dealing with noise at night

1 Adoption of these provisions by local authorities

- (1) Sections 2 to 9 only apply to the area of a local authority if the authority have so resolved or an order made by the Secretary of State so provides.
- (2) If a local authority resolve to apply those sections to their area—
 - (a) those sections are to have effect there on and after a date specified in the resolution (“the commencement date”), which must be at least three months after the passing of the resolution, and
 - (b) the local authority must cause a notice to be published, in two consecutive weeks ending at least two months before the commencement date, in a local newspaper circulating in their area.
- (3) A notice published under subsection (2)(b) must—
 - (a) state that the resolution has been passed,
 - (b) give the commencement date, and
 - (c) set out the general effect of those sections.
- (4) An order under this section must not provide for those sections to have effect before the end of the period of three months beginning with the making of the order.

2 Investigation of complaints of noise from a dwelling at night

- (1) A local authority must, if they receive a complaint of the kind mentioned in subsection (2), secure that an officer of the authority takes reasonable steps to investigate the complaint.
- (2) The kind of complaint referred to is one made by any individual present in a dwelling during night hours (referred to in this Act as “the complainant’s dwelling”) that excessive noise is being emitted from another dwelling (referred to in this group of sections as “the offending dwelling”).

Status: This is the original version (as it was originally enacted).

- (3) A complaint under subsection (2) may be made by any means.
- (4) If an officer of the authority is satisfied, in consequence of an investigation under subsection (1), that—
- (a) noise is being emitted from the offending dwelling during night hours, and
 - (b) the noise, if it were measured from within the complainant's dwelling, would or might exceed the permitted level,
- he may serve a notice about the noise under section 3.
- (5) For the purposes of subsection (4), it is for the officer of the authority dealing with the particular case—
- (a) to decide whether any noise, if it were measured from within the complainant's dwelling, would or might exceed the permitted level, and
 - (b) for the purposes of that decision, to decide whether to assess the noise from within or outside the complainant's dwelling and whether or not to use any device for measuring the noise.
- (6) In this group of sections, “night hours” means the period beginning with 11 p.m. and ending with the following 7 a.m.
- (7) Where a local authority receive a complaint under subsection (2) and the offending dwelling is within the area of another local authority, the first local authority may act under this group of sections as if the offending dwelling were within their area, and accordingly may so act whether or not this group of sections applies to the area of the other local authority.
- (8) In this section and sections 3 to 9, “this group of sections” means this and those sections.

3 Warning notices

- (1) A notice under this section (referred to in this Act as “a warning notice”) must—
- (a) state that an officer of the authority considers—
 - (i) that noise is being emitted from the offending dwelling during night hours, and
 - (ii) that the noise exceeds, or may exceed, the permitted level, as measured from within the complainant's dwelling, and
 - (b) give warning that any person who is responsible for noise which is emitted from the dwelling, in the period specified in the notice, and exceeds the permitted level, as measured from within the complainant's dwelling, may be guilty of an offence.
- (2) The period specified in a warning notice must be a period—
- (a) beginning not earlier than ten minutes after the time when the notice is served, and
 - (b) ending with the following 7 a.m.
- (3) A warning notice must be served—
- (a) by delivering it to any person present at or near the offending dwelling and appearing to the officer of the authority to be responsible for the noise, or

- (b) if it is not reasonably practicable to identify any person present at or near the dwelling as being a person responsible for the noise on whom the notice may reasonably be served, by leaving it at the offending dwelling.

- (4) A warning notice must state the time at which it is served.
- (5) For the purposes of this group of sections, a person is responsible for noise emitted from a dwelling if he is a person to whose act, default or sufferance the emission of the noise is wholly or partly attributable.

4 Offence where noise exceeds permitted level after service of notice

- (1) If a warning notice has been served in respect of noise emitted from a dwelling, any person who is responsible for noise which—
 - (a) is emitted from the dwelling in the period specified in the notice, and
 - (b) exceeds the permitted level, as measured from within the complainant's dwelling,is guilty of an offence.
- (2) It is a defence for a person charged with an offence under this section to show that there was a reasonable excuse for the act, default or sufferance in question.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

5 Permitted level of noise

- (1) For the purposes of this group of sections, the Secretary of State may by directions in writing determine the maximum level of noise (referred to in this group of sections as “the permitted level”) which may be emitted during night hours from any dwelling.
- (2) The permitted level is to be a level applicable to noise as measured from within any other dwelling in the vicinity by an approved device used in accordance with any conditions subject to which the approval was given.
- (3) Different permitted levels may be determined for different circumstances, and the permitted level may be determined partly by reference to other levels of noise.
- (4) The Secretary of State may from time to time vary his directions under this section by further directions in writing.

6 Approval of measuring devices

- (1) For the purposes of this group of sections, the Secretary of State may approve in writing any type of device used for the measurement of noise; and references in this group of sections to approved devices are to devices of a type so approved.
- (2) Any such approval may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, devices of the type concerned are to be used.
- (3) In proceedings for an offence under section 4, a measurement of noise made by a device is not admissible as evidence of the level of noise unless it is an approved device and any conditions subject to which the approval was given are satisfied.

7 Evidence

- (1) In proceedings for an offence under section 4, evidence—
 - (a) of a measurement of noise made by a device, or of the circumstances in which it was made, or
 - (b) that a device was of a type approved for the purposes of section 6, or that any conditions subject to which the approval was given were satisfied,may be given by the production of a document mentioned in subsection (2).
- (2) The document referred to is one which is signed by an officer of the local authority and which (as the case may be)—
 - (a) gives particulars of the measurement or of the circumstances in which it was made, or
 - (b) states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied;and if the document contains evidence of a measurement of noise it may consist partly of a record of the measurement produced automatically by a device.
- (3) In proceedings for an offence under section 4, evidence that noise, or noise of any kind, measured by a device at any time was noise emitted from a dwelling may be given by the production of a document—
 - (a) signed by an officer of the local authority, and
 - (b) stating that he had identified that dwelling as the source at that time of the noise or, as the case may be, the noise of that kind.
- (4) For the purposes of this section, a document purporting to be signed as mentioned in subsection (2) or (3)(a) is to be treated as being so signed unless the contrary is proved.
- (5) This section does not make a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than seven days before the hearing or trial, been served on the person charged with the offence.
- (6) This section does not make a document admissible as evidence of anything other than the matters shown on a record produced automatically by a device if, not less than three days before the hearing or trial or within such further time as the court may in special circumstances allow, the person charged with the offence serves a notice on the prosecutor requiring attendance at the hearing or trial of the person who signed the document.

8 Fixed penalty notices

- (1) Where an officer of a local authority who is authorised for the purposes of this section has reason to believe that a person is committing or has just committed an offence under section 4, he may give that person a notice (referred to in this Act as a “fixed penalty notice”) offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- (2) A fixed penalty notice may be given to a person—
 - (a) by delivering the notice to him, or
 - (b) if it is not reasonably practicable to deliver it to him, by leaving the notice, addressed to him, at the offending dwelling.

- (3) Where a person is given a fixed penalty notice in respect of such an offence—
 - (a) proceedings for that offence must not be instituted before the end of the period of fourteen days following the date of the notice, and
 - (b) he cannot be convicted of that offence if he pays the fixed penalty before the end of that period.
- (4) A fixed penalty notice must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.
- (5) A fixed penalty notice must state—
 - (a) the period during which, because of subsection (3)(a), proceedings will not be taken for the offence,
 - (b) the amount of the fixed penalty, and
 - (c) the person to whom and the address at which the fixed penalty may be paid.
- (6) Payment of the fixed penalty may (among other methods) be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (7) Where a letter containing the amount of the penalty is sent in accordance with subsection (6), payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (8) The fixed penalty payable under this section is £100.

9 Section 8: supplementary

- (1) If a form for a fixed penalty notice is specified in an order made by the Secretary of State, a fixed penalty notice must be in that form.
- (2) If a fixed penalty notice is given to a person in respect of noise emitted from a dwelling in any period specified in a warning notice—
 - (a) no further fixed penalty notice may be given to that person in respect of noise emitted from the dwelling during that period, but
 - (b) that person may be convicted of a further offence under section 4 in respect of noise emitted from the dwelling after the fixed penalty notice is given and before the end of that period.
- (3) The Secretary of State may from time to time by order amend section 8(8) so as to change the amount of the fixed penalty payable under that section.
- (4) Sums received by a local authority under section 8 must be paid to the Secretary of State.
- (5) In proceedings for an offence under section 4, evidence that payment of a fixed penalty was or was not made before the end of any period may be given by the production of a certificate which—
 - (a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the local authority, and
 - (b) states that payment of a fixed penalty was made on any date or, as the case may be, was not received before the end of that period.