



Control of Pollution Act 1974

1974 CHAPTER 40

PART III

NOISE

Summary proceedings to deal with noise

[^{F1}58A Service of notice in respect of anticipated road noise or road noise from unattended vehicles, machinery or equipment.

- (1) In the case of road noise to which subsection (1) of section 58 of this Act applies and which—
 - (a) has not yet occurred; or
 - (b) is emitted from or caused by an unattended vehicle or unattended machinery or equipment;any such notice as is mentioned in the said subsection (1) shall be served in accordance with subsection (2) below.
- (2) The notice shall be served—
 - (a) where the person responsible for the vehicle, machinery or equipment can be found, on that person;
 - (b) where—
 - (i) that person cannot be found; or
 - (ii) the local authority determines that this paragraph shall apply,by fixing the notice to the vehicle, machinery or equipment.
- (3) Where a notice is fixed in accordance with subsection (2)(b)(ii) above but within an hour thereafter the person responsible for the vehicle, machinery or equipment can be found and served with a copy of the notice, then the copy shall be so served on him.
- (4) A notice served in accordance with subsection (2)(b)(ii) above shall state that, if a copy of the notice is subsequently served under subsection (3) above, the time specified

Status: Point in time view as at 05/01/1994. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 58A. (See end of Document for details)

in the notice as the time within which its requirements are to be complied with is extended by such further period as is so specified.

- (5) Where a notice is served in accordance with subsection (2)(b) above, the person responsible for the vehicle, machinery or equipment may appeal, under section 58(3) of this Act, against the notice as if he had been served with it on the date on which it was fixed to the vehicle, machinery or equipment.
- (6) Section 58(4) of this Act shall apply in relation to a person on whom a copy of a notice is served under subsection (3) above as if the copy were the notice itself.
- (7) A person who removes or interferes with a notice fixed, in accordance with subsection (2)(b) above, to a vehicle, machinery or equipment shall be guilty of an offence, unless he is, or does so with the authority of, the person responsible for the vehicle, machinery or equipment.
- (8) A person who commits an offence under subsection (7) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

Textual Amendments

F1 Ss. 58A, 58B inserted (S.) (5.1.1994) by 1993 c. 40, ss. 6, 12(1), **Sch. 1 para. 3**

Status:

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