



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART III

#### NOISE

##### *Noise in streets*

#### 62 Noise in streets. **E+W**

- (1) Subject to the provisions of this section, a loudspeaker in a street shall not be operated—
- between the hours of nine in the evening and eight in the following morning, for any purpose;
  - At any other time, for the purpose of advertising any entertainment, trade or business;

and any person who operates or permits the operation of a loudspeaker in contravention of this subsection shall be guilty of an offence against this Part of this Act.

[<sup>F1</sup>In this section] “street” means a highway and any other road, footway, square or court which is for the time being open to the public.

<sup>F2</sup>[(1A) Subject to subsection (1B) of this section, the Secretary of State may by order amend the times specified in subsection (1)(a) of this section.

(1B) An order under subsection (1A) of this section shall not amend the times so as to permit the operation of a loudspeaker in a street at any time between the hours of nine in the evening and eight in the following morning.]

- (2) [<sup>F3</sup>Subsection (1) of this section] shall not apply to the operation of a loudspeaker—
- for police, [<sup>F4</sup>fire and rescue authority] or ambulance purposes, by [<sup>F5</sup>the [<sup>F6</sup>Environment Agency], [<sup>F7</sup>the Natural Resources Body for Wales,] a water undertaker or a sewerage undertaker] in the exercise of any of its functions, or by a local authority within its area;

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- (b) for communicating with persons on a vessel for the purpose of directing the movement of that or any other vessel;
  - (c) if the loudspeaker forms part of a public telephone system;
  - (d) if the loudspeaker—
    - (i) is in or fixed to a vehicle, and
    - (ii) is operated solely for the entertainment of or for communicating with the driver or a passenger of the vehicle or, where the loudspeaker is or forms part of the horn or similar warning instrument of the vehicle, solely for giving warning to other traffic, and
    - (iii) is so operated as not to give reasonable cause for annoyance to persons in the vicinity;
  - (e) otherwise than on a highway, by persons employed in connection with a transport undertaking used by the public in a case where the loudspeaker is operated solely for making announcements to passengers or prospective passengers or to other persons so employed;
  - (f) by a travelling showman on land which is being used for the purposes of a pleasure fair;
  - (g) in case of emergency.
- (3) Subsection (1)(b) of this section shall not apply to the operation of a loudspeaker between the hours of noon and seven in the evening on the same day if the loudspeaker—
- (a) is fixed to a vehicle which is being used for the conveyance of a perishable commodity for human consumption; and
  - (b) is operated solely for informing members of the public (otherwise than by means of words) that the commodity is on sale from the vehicle; and
  - (c) is so operated as not to give reasonable cause for annoyance to persons in the vicinity.
- <sup>F8</sup>[(3A) Subsection (1) of this section shall not apply to the operation of a loudspeaker in accordance with a consent granted by a local authority under Schedule 2 to the Noise and Statutory Nuisance Act 1993.]
- (4) An offence under this section in Scotland may be prosecuted in any court of summary jurisdiction within the meaning of the <sup>M1</sup>Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F1** Words in s. 62(1) substituted (E.W.) (1.5.1994) by 1993 c. 40, ss. 7, 12(1).
- F2** S.62(1A)(1B) inserted (E.W.) (5.1.1994) by 1993 c. 40, ss. 7(3)(6), 12(1).
- F3** Words in s. 62(2) substituted (5.1.1994) by 1993 c. 40, ss. 7(4), 12(1).
- F4** Words in s. 62(2)(a) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 45](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F5** Words in s. 62(2)(a) substituted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 25 para. 48\(7\)](#), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#)

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- F6** Words in s. 62(2)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 28** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F7** Words in s. 62(2)(a) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2)**, **Sch. 2 para. 116** (with Sch. 7)
- F8** S. 62(3A) inserted (5.1.1994) by 1993 c. 40, **ss. 7(5)**, 12(1).

**Modifications etc. (not altering text)**

- C10** S. 69(1) power to exclude conferred (5.1.1994) by 1993 c. 40, **ss. 8**, 12(1), **Sch. 2 para. 1(1)**

**Marginal Citations**

- M1** 1954 c. 48.

**62 Noise in streets. S**

- (1) Subject to the provisions of this section, a loudspeaker in a [<sup>F9</sup>road] shall not be operated—
- (a) between the hours of nine in the evening and eight in the following morning, for any purpose;
  - (b) At any other time, for the purpose of advertising any entertainment, trade or business;

and any person who operates or permits the operation of a loudspeaker in contravention of this subsection shall be guilty of an offence against this Part of this Act.

<sup>F10</sup> .....

<sup>F11</sup>[(1A) Subject to subsection (1B) of this section, the Secretary of State may by order amend the times specified in subsection (1)(a) of this section.

(1B) An order under subsection (1A) of this section shall not amend the times so as to permit the operation of a loudspeaker in a road at any time between the hours of nine in the evening and eight in the following morning.]

- (2) [<sup>F12</sup>Subsection (1) of this section] shall not apply to the operation of a loudspeaker—
- (a) for police <sup>F13</sup>... or ambulance purposes, [<sup>F14</sup>for or in connection with the exercise of any function of [<sup>F15</sup>the Scottish Fire and Rescue Service],] by [<sup>F16</sup>Scottish Water] in the exercise of any of its [<sup>F17</sup>core functions (within the meaning of section 70(2) of the Water Industry (Scotland) Act 2002) (asp 3)], or by a local authority within its area;
  - (b) for communicating with persons on a vessel for the purpose of directing the movement of that or any other vessel;
  - (c) if the loudspeaker forms part of a public telephone system;
  - (d) if the loudspeaker—
    - (i) is in or fixed to a vehicle, and
    - (ii) is operated solely for the entertainment of or for communicating with the driver or a passenger of the vehicle or, where the loudspeaker is or forms part of the horn or similar warning instrument of the vehicle, solely for giving warning to other traffic, and
    - (iii) is so operated as not to give reasonable cause for annoyance to persons in the vicinity;

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- (e) otherwise than on a [<sup>F18</sup>public road (within the meaning of the Roads (Scotland) Act 1984)], by persons employed in connection with a transport undertaking used by the public in a case where the loudspeaker is operated solely for making announcements to passengers or prospective passengers or to other persons so employed;
  - (f) by a travelling showman on land which is being used for the purposes of a pleasure fair;
  - (g) in case of emergency.
- (3) Subsection (1)(b) of this section shall not apply to the operation of a loudspeaker between the hours of noon and seven in the evening on the same day if the loudspeaker—
- (a) is fixed to a vehicle which is being used for the conveyance of a perishable commodity for human consumption; and
  - (b) is operated solely for informing members of the public (otherwise than by means of words) that the commodity is on sale from the vehicle; and
  - (c) is so operated as not to give reasonable cause for annoyance to persons in the vicinity.
- <sup>F19</sup>[(3A) Subsection (1) of this section shall not apply to the operation of a loudspeaker in accordance with a consent granted by a local authority under Schedule 2 to the Noise and Statutory Nuisance Act 1993.]
- (4) An offence under this section in Scotland may be prosecuted in any court of summary jurisdiction within the meaning of the <sup>M2</sup>Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F9** Word in s. 62(1) substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [s. 156\(1\) Sch. 9 para. 74\(5\)\(a\)\(i\)](#)
- F10** Words repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 74\(5\)\(a\)\(ii\)](#), Sch. 11
- F11** S. 62(1A)(1B) inserted (S.) (5.1.1994) by [1993 c. 40, ss. 7\(3\)\(6\)](#), 12(1).
- F12** Words in s. 62(2) substituted (5.1.1994) by [1993 c. 40, ss. 7\(4\)](#), 12(1).
- F13** Words in s. 62(2)(a) repealed (S.) (2.8.2005) by [Fire \(Scotland\) Act 2005 \(asp 5\)](#), s. 90, [Sch. 3 para. 6\(a\)](#) (with s. 77); [S.S.I. 2005/392](#), art. 2(k)
- F14** Words in s. 62(2)(a) inserted (2.8.2005) by [Fire \(Scotland\) Act 2005 \(asp 5\)](#), s. 90, [Sch. 3 para. 6\(b\)](#) (with s. 77); [S.S.I. 2005/392](#), art. 2(k)
- F15** Words in s. 62(2)(a) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 50](#); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F16** Words in s. 62(2)(a) substituted (S.) (25.6.2003) by [The Water Industry \(Scotland\) Act 2002 \(Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, [Sch. para. 4\(5\)\(a\)](#)
- F17** Words in s. 62(2)(a) substituted (S.) (25.6.2003) by [The Water Industry \(Scotland\) Act 2002 \(Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, [Sch. para. 4\(5\)\(b\)](#)
- F18** Words in s. 62(2)(e) substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 74\(5\)\(b\)](#)

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**F19** S. 62(3A) inserted (5.1.1994) by 1993 c. 40, **ss. 7(5)**, 12(1).

**Modifications etc. (not altering text)**

**C11** S. 62(1): power to exclude conferred (5.1.1994) by 1993 c. 40, **ss. 8**, 12(1), **Sch. 2 para. 1(1)**

**Marginal Citations**

**M2** 1954 c. 48.

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**Changes to legislation:**

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