



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART III

#### NOISE

##### *Noise abatement zones*

#### **65 Noise exceeding registered level.**

- (1) The level of noise recorded in the noise level register in respect of any premises shall not be exceeded except with the consent in writing of the local authority.
- (2) The local authority's consent may be made subject to such conditions, whether as to the amount by which the level of noise may be increased, or as to the period for which, or the periods during which, the level of noise may be increased, as may be specified in the consent; and the authority shall record particulars of the consent in the noise level register.
- (3) If within the period of two months beginning with the date on which a local authority receives an application for its consent under this section, or within such longer period as the authority and the applicant agree in writing, the authority has not notified the applicant of its decision on the application, the authority shall be deemed to have refused consent in pursuance of the application.
- (4) An applicant for consent under this section may appeal to the Secretary of State against the local authority's decision on the application within the period of three months beginning with the date on which the authority notifies him of the decision or, in a case falling within the preceding subsection, beginning with the expiration of the period or longer period there mentioned; and it shall be the duty of the local authority to act in accordance with the decision of the Secretary of State on the appeal.
- (5) If noise emitted from any premises constitutes a contravention of subsection (1) of this section or of a condition attached to a consent under this section, the person responsible shall be guilty of an offence against this Part of this Act.

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- (6) The magistrates' court convicting a person of an offence under the preceding subsection may, if satisfied that the offence is likely to continue or recur, make an order requiring the execution of any works necessary to prevent it continuing or recurring, and if that person without reasonable excuse contravenes any requirement of the order he shall be guilty of an offence against this Part of this Act.
- (7) The magistrates' court may, after giving the local authority in whose area the premises are situated an opportunity of being heard, direct the local authority to do anything which the court has power under the preceding subsection to require the person convicted to do, either instead of, or in addition to, imposing any requirement on that person.
- (8) A consent given under this section shall contain a statement to the effect that the consent does not of itself constitute any ground of defence against any proceedings instituted under <sup>F1</sup> . . . [<sup>F2</sup>section 82 of the Environmental Protection Act 1990 <sup>F1</sup> ] .

#### Textual Amendments

- F1** Words in s. 65(8) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 15(4)**

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

- C1** Ss. 63-67 excluded (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 70(3)**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, **art. 2**, **sch.**
- C2** S. 65(8) excluded (9.11.2001) by S.I. 2001/3682, **art. 31(2)(b)**
- C3** S. 65(8) restricted (18.7.2001) by S.I. 2001/2870, **art. 22(2)(b)**
- C4** S. 65(8) excluded (20.8.1999) by S.I. 1999/2336, **art. 23(2)**
- C5** S. 65(8) excluded (18.12.1996) by 1996 c. 61, **s. 30(2)**
- C6** S. 65(8) excluded (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 43(2)(b)**
- C7** S. 65(8) excluded (28.4.2003) by Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), **arts. 1**, **35(2)(b)** (with art. 40)
- C8** S. 65(8) excluded (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), **arts. 1**, **33(2)(b)** (with art. 38)
- C9** S. 65(8) excluded (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), **arts. 1**, **50(2)(b)** (with art. 50(3))
- C10** S. 65(8) excluded (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), **arts. 1**, **73(2)** (with arts. 65, 66)
- C11** S. 65(8) excluded (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), **arts. 1**, **20(2)(b)**
- C12** S. 65(8) excluded (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), **arts. 1**, **48(2)(b)** (with arts. 3(5), 15(3))
- C13** S. 65(8) excluded (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), **arts. 1**, **46(2)(b)** (with arts. 43, 46(3))
- C14** S. 65(8) excluded (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), **arts. 1**, **36(2)(b)** (with arts. 34, 35(2))
- C15** S. 65(8) excluded (30.5.2007) by The Mersey Docks and Harbour Company (Seaforth River Terminal) Harbour Revision Order 2007 (S.I. 2007/1440), **arts. 1(1)**, **17(2)(b)** (with arts. 19, 20)
- C16** S. 65(8) excluded (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), **arts. 1**, **41(2)(b)** (with arts. 3(6), 12(3), 41(3))

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- C17** S. 65(8) excluded (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **26(2)(b)** (with arts. 19, 28, Sch. 3 para. 13(2))
- C18** S. 65(8) excluded (13.11.2007) by The Felixstowe Dock and Railway Harbour Revision Order 2007 (S.I. 2007/3219), arts. 1, **21(2)(b)** (with arts. 24, 25)
- C19** S. 65(8) excluded (8.5.2008) by The Teesport Harbour Revision Order 2008 (S.I. 2008/1160), arts. 1(1), **16(2)(b)** (with arts. 19, 20)
- C20** S. 65(8) excluded (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **27(2)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
- C21** S. 65(8) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), s. **21(3)(b)**
- C22** S. 65(8) excluded (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **40(2)(b)** (with art. 36(3))
- C23** S. 65(8) excluded (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **78(2)(b)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)
- C24** S. 65(8) excluded (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **38(2)(b)**
- C25** S. 65(8) excluded (17.3.2010) by The Harwich Parkeston Quay Harbour Revision Order 2010 (S.I. 2010/626), arts. 1, **16** (with art. 20)
- C26** S. 65(8) excluded (13.4.2010) by The Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order 2010 (S.I. 2010/2020), arts. 1(2), **26(2)(b)** (with arts. 18, 19)
- C27** S. 65(8) excluded (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **26(2)(b)**
- C28** S. 65(8) excluded (27.8.2010) by The Llangollen and Corwen Railway Order 2010 (S.I. 2010/2136), arts. 1(1), **10(2)(b)** (with art. 10(3))
- C29** S. 65(8) excluded (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **50(2)(b)** (with art. 51, Sch. 10 paras. 68, 85)
- C30** S. 65(8) excluded (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **41(2)(b)** (with art. 41(3))
- C31** S. 65(8) excluded (16.3.2012) by The Dover Harbour Revision Order 2012 (S.I. 2012/416), arts. 1(1), **16(2)(b)** (with arts. 18, 19, Sch. para. 7)
- C32** S. 65(8) excluded (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), arts. 1, **52(2)(b)** (with arts. 46-48, Sch. 8 para. 18)
- C33** S. 65(8) excluded (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **29(2)** (with art. 26(2))
- C34** S. 65(8) excluded (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **38(2)** (with art. 35(2))
- C35** S. 65(8) excluded (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **38(2)(b)** (with art. 42(2))

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