



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART III

#### STATUTORY NUISANCES AND CLEAN AIR

##### *<sup>F1</sup> Statutory nuisances . . .*

#### **[<sup>F1</sup>80A Abatement notice in respect of noise in street.**

- (1) In the case of a statutory nuisance within section 79(1)(ga) above that—
  - (a) has not yet occurred, or
  - (b) arises from noise emitted from or caused by an unattended vehicle or unattended machinery or equipment,the abatement notice 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 that person cannot be found or where the local authority determines that this paragraph should apply, by fixing the notice to the vehicle, machinery or equipment.
- (3) Where—
  - (a) an abatement notice is served in accordance with subsection (2)(b) above by virtue of a determination of the local authority, and
  - (b) the person responsible for the vehicle, machinery or equipment can be found and served with a copy of the notice within an hour of the notice being fixed to the vehicle, machinery or equipment,a copy of the notice shall be served on that person accordingly.
- (4) Where an abatement notice is served in accordance with subsection (2)(b) above by virtue of a determination of the local authority, the notice shall state that, if a copy of the notice is subsequently served under subsection (3) above, the time specified in the

*Status: Point in time view as at 29/12/2022.*

*Changes to legislation: Environmental Protection Act 1990, Section 80A is up to date with all changes known to be in force on or before 19 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

- (5) Where an abatement notice is served in accordance with subsection (2)(b) above, the person responsible for the vehicle, machinery or equipment may appeal against the notice under section 80(3) above as if he had been served with the notice on the date on which it was fixed to the vehicle, machinery or equipment.
- (6) Section 80(4) above shall apply in relation to a person on whom a copy of an abatement 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 to a vehicle, machinery or equipment in accordance with subsection (2)(b) above shall be guilty of an offence, unless he is the person responsible for the vehicle, machinery or equipment or he does so with the authority of that person.
- (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.]

#### **Extent Information**

- E1** Ss. 79-82, which previously extended to England and Wales only, extend to Scotland from 1.4.1996 (except where specified) by virtue of the repeal of s. 83 of this Act by [1995 c. 25, s. 120\(3\)](#), [Sch. 24](#); [S.I. 1996/186, art. 3](#)

#### **Textual Amendments**

- F1** S. 80A inserted (5.1.1994) by [1993 c. 40, ss. 3\(6\), 12\(1\)](#)

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

- C1** S. 80A applied (with modifications)(17.12.1996) by [1996 c. ix, ss. 1\(1\), 24\(2\)](#)
- C2** Ss. 79-81 excluded (S.) (22.4.2006 for certain purposes and otherwise prosp.) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\), ss. 26\(10\), 37\(2\)](#) (with s. 36); [S.S.I. 2006/167, art. 2, Sch. 2](#)

**Status:**

Point in time view as at 29/12/2022.

**Changes to legislation:**

Environmental Protection Act 1990, Section 80A is up to date with all changes known to be in force on or before 19 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.