



Noise and Statutory Nuisance Act 1993

1993 CHAPTER 40

Noise in street to be a statutory nuisance

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- (1) Section 79 of the 1990 Act (statutory nuisances) shall be amended as follows.
- (2) In subsection (1) (list of statutory nuisances)—
 - (a) for “Subject to subsections (2) to (6) below” there shall be substituted “Subject to subsections (2) to (6A) below”,
 - (b) after paragraph (g) there shall be inserted—
 - “(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street;”, and
 - (c) after “section 80 below” there shall be inserted “or sections 80 and 80A below”.
- (3) After subsection (6) there shall be inserted—

“(6A) Subsection (1)(ga) above does not apply to noise made—

 - (a) by traffic,
 - (b) by any naval, military or air force of the Crown or by a visiting force (as defined in subsection (2) above), or
 - (c) by a political demonstration or a demonstration supporting or opposing a cause or campaign.”
- (4) In subsection (7) (interpretation)—
 - (a) after the definition of “dust” there shall be inserted—

““equipment” includes a musical instrument;”,
 - (b) for the definition of “person responsible” there shall be substituted—

““person responsible”—

 - (a) in relation to a statutory nuisance, means the person to whose act, default or sufferance the nuisance is attributable;

Status: This is the original version (as it was originally enacted).

- (b) in relation to a vehicle, includes the person in whose name the vehicle is for the time being registered under the Vehicles (Excise) Act 1971 and any other person who is for the time being the driver of the vehicle;
 - (c) in relation to machinery or equipment, includes any person who is for the time being the operator of the machinery or equipment;”, and
- (c) after the definition of “smoke” there shall be inserted—
- ““street” means a highway and any other road, footway, square or court that is for the time being open to the public;”.
- (5) In subsection (8) (port health authority to have functions of a local authority under Part III of the 1990 Act, except those relating to a statutory nuisance within section 79(1) (g)) after “paragraph (g)” there shall be inserted “or (ga)”.