



# Noise Act 1996

## 1996 CHAPTER 37

### *Seizure, etc. of equipment used to make noise unlawfully*

#### **10 Powers of entry and seizure etc. E+W+N.I.**

- (1) The power conferred by subsection (2) may be exercised where an officer of a local authority has reason to believe that—
  - (a) a warning notice has been served in respect of noise emitted from a dwelling [<sup>F1</sup>or other premises], and
  - (b) at any time in the period specified in the notice, noise emitted from the dwelling [<sup>F2</sup>or other premises] has exceeded the permitted level, as measured from within the complainant's dwelling.
- (2) An officer of the local authority, or a person authorised by the authority for the purpose, may enter the dwelling [<sup>F3</sup>or other premises] from which the noise in question is being or has been emitted and may seize and remove any equipment which it appears to him is being or has been used in the emission of the noise.
- (3) A person exercising the power conferred by subsection (2) must produce his authority, if he is required to do so.
- (4) If it is shown to a justice of the peace on sworn information in writing that—
  - (a) a warning notice has been served in respect of noise emitted from a dwelling [<sup>F4</sup>or other premises],
  - (b) at any time in the period specified in the notice, noise emitted from the dwelling [<sup>F5</sup>or other premises] has exceeded the permitted level, as measured from within the complainant's dwelling, and
  - (c) entry of an officer of the local authority, or of a person authorised by the authority for the purpose, to the dwelling [<sup>F6</sup>or other premises] has been refused, or such a refusal is apprehended, or a request by an officer of the authority, or of such a person, for admission would defeat the object of the entry,

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the justice may by warrant under his hand authorise the local authority, by any of their officers or any person authorised by them for the purpose, to enter the [F<sup>7</sup>dwelling or other] premises, if need be by force.

- (5) A person who enters any [F<sup>8</sup>dwelling or other] premises under subsection (2), or by virtue of a warrant issued under subsection (4), may take with him such other persons and such equipment as may be necessary; and if, when he leaves, [F<sup>9</sup>the dwelling is, or the other premises are, unoccupied, must leave it or them as effectively secured against trespassers as he found it or them. ]
- (6) A warrant issued under subsection (4) continues in force until the purpose for which the entry is required has been satisfied.
- (7) The power of a local authority under [F<sup>10</sup>section 81(3) of the M<sup>1</sup>Environmental Protection Act 1990][F<sup>10</sup>section 67(5) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ] to abate any matter, where that matter is a statutory nuisance by virtue of [F<sup>11</sup>section 79(1)(g)][F<sup>11</sup>section 63(1)(i) ] of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance), includes power to seize and remove any equipment which it appears to the authority is being or has been used in the emission of the noise in question.
- (8) A person who wilfully obstructs any person exercising any powers conferred under subsection (2) or by virtue of subsection (7) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (9) The Schedule to this Act (which makes further provision in relation to anything seized and removed by virtue of this section) has effect.

#### Extent Information

- E1** S. 10(7) extends to England and Wales only.  
In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 14; see 14(4)

#### Textual Amendments

- F1** Words in s. 10(1)(a) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 13\(2\)\(a\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 10(1)(a) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, [Sch. 1 para. 12\(2\)\(a\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F2** Words in s. 10(1)(b) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 13\(2\)\(b\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 10(1)(b) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, [Sch. 1 para. 12\(2\)\(b\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F3** Words in s. 10(2) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 13\(3\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 10(2) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, [Sch. 1 para. 12\(3\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F4** Words in s. 10(4)(a) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 13\(4\)\(a\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s.

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- 10(4)(a) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 1 para. 12\(4\)\(a\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F5** Words in s. 10(4)(b) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 13\(4\)\(b\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 10(4)(b) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 1 para. 12\(4\)\(b\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F6** Words in s. 10(4)(c) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 13\(4\)\(c\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 10(4)(c) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 1 para. 12\(4\)\(c\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F7** Words in s. 10(4) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 13\(4\)\(d\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 10(4) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 1 para. 12\(4\)\(d\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F8** Words in s. 10(5) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 13\(5\)\(a\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 10(5) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 1 para. 12\(5\)\(a\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F9** Words in s. 10(5) substituted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 13\(5\)\(b\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 10(5) substituted (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 1 para. 12\(5\)\(b\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F10** Words in s. 10(7) substituted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 3 para. 14\(1\)\(a\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F11** Words in s. 10(7) substituted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 3 para. 14\(1\)\(b\)](#); S.R. 2012/13, art. 2(2), Sch. 2

### Commencement Information

- I1** S. 10 wholly in force; s. 10 not in force at Royal Assent see s. 14(2); s. 10(7) fully in force and s. 10(8) (9) in force for England and Wales for specified purposes at 19.9.1996 by [S.I. 1996/2219, art. 2](#); s. 10 in force at 23.7.1997 insofar as not already in force for England and Wales by [S.I. 1997/1695, art. 2](#); s. 10 in force at 1.9.1997 for Northern Ireland by [S.R. 1997/366, art. 2](#)

### Marginal Citations

- M1** 1990 c. 43.

**Changes to legislation:**

There are currently no known outstanding effects for the Noise Act 1996, Cross Heading: Seizure, etc. of equipment used to make noise unlawfully.