



# Noise Act 1996

## 1996 CHAPTER 37

### *Summary procedure for dealing with noise at night*

#### 1 <sup>[F1]</sup>Adoption of these provisions by local authorities][<sup>F1</sup>Application of sections 2 to 9]

<sup>[F1</sup>Sections 2 to 9 apply to the area of every local authority in England and Wales.]

#### **Extent Information**

**E1** 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** S. 1 and heading substituted (E.W.) (31.3.2004 for W., 31.3.2004 for E.) by [Anti-social Behaviour Act 2003 \(c. 38\), ss. 42\(2\), 93](#); [S.I. 2004/690, art. 3\(c\)](#); [S.I. 2004/999, art. 2\(c\)](#); [S.I. 2004/690, art. 3\(c\)](#); [S.I. 2004/999, art. 2\(c\)](#)

#### **Commencement Information**

**II** S. 1 wholly in force at 1.9.1997; s. 1 not in force at Royal Assent see s. 14(2); s. 1 in force at 23.7.1997 for England and Wales by [S.I. 1997/1695, art. 2](#) and 1.9.1997 for Northern Ireland by [S.R. 1997/366, art. 2](#)

#### 2 **Investigation of complaints of noise [<sup>F2</sup>from a dwelling] at night.**

- (1) <sup>[F3]</sup>A local authority in England and Wales may, if they receive a complaint of the kind mentioned in subsection (2), arrange for an officer of the authority to take reasonable steps to investigate the complaint.]
- (2) The kind of complaint referred to is one made by any individual present in a dwelling during night hours (referred to in this Act as “the complainant’s dwelling”) that excessive noise is being emitted from
  - <sup>[F4]</sup>(a) another dwelling (referred to in this group of sections as “the offending dwelling”)<sup>[F5]</sup>, or

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- (b) any premises in respect of which a premises licence or a temporary event notice has effect (referred to in this group of sections as “the offending premises”).]
- (3) A complaint under subsection (2) may be made by any means.
- (4) If an officer of the authority is satisfied, in consequence of an investigation under subsection (1), that—
- (a) noise is being emitted from the offending dwelling [<sup>F6</sup>or the offending premises] during night hours, and
  - (b) the noise, if it were measured from within the complainant’s dwelling, would or might exceed the permitted level,
- he may serve a notice about the noise under section 3.
- (5) For the purposes of subsection (4), it is for the officer of the authority dealing with the particular case—
- (a) to decide whether any noise, if it were measured from within the complainant’s dwelling, would or might exceed the permitted level, and
  - (b) for the purposes of that decision, to decide whether to assess the noise from within or outside the complainant’s dwelling and whether or not to use any device for measuring the noise.
- (6) In this group of sections, “night hours” means the period beginning with 11 p.m. and ending with the following 7 a.m.
- (7) Where a local authority receive a complaint under subsection (2) and the offending dwelling is [<sup>F7</sup>, or the offending premises are,] within the area of another local authority, the first local authority may act under this group of sections as if the offending dwelling [<sup>F8</sup>or the offending premises] were within their area, [<sup>F9</sup>and accordingly may so act whether or not this group of sections applies to the area of the other local authority].
- [<sup>F10</sup>(7A) In this group of sections—
- “premises licence” has the same meaning as in the Licensing Act 2003 (c. 17);
- “temporary event notice” has the same meaning as in the Licensing Act 2003 (and is to be treated as having effect in accordance with section 171(6) of that Act).]
- (8) In this section and sections 3 to 9, “this group of sections” means this and those sections.

#### Extent Information

- E2** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 14; see 14(4)

#### Textual Amendments

- F2** Words in s. 2 heading repealed (E.W.) (6.4.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), Sch. 1 para. 2, **Sch. 5 Pt. 7**; S.I. 2006/795, art. 2(3), Sch. 2
- F3** S. 2(1) substituted (E.W.) (31.3.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 42(3)**, 93; S.I. 2004/690, art. 3(c); S.I. 2004/999, art. 2(c); S.I. 2004/690, art. 3(c); S.I. 2004/999, art. 2(c)
- F4** Word in s. 2(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. 3(2)**; S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)

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- F5** S. 2(2)(b) and preceding word 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. 3\(2\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)
- F6** Words in s. 2(4)(a) inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 3\(3\)](#); S.I. 2006/2006, art. 2
- F7** Words in s. 2(7) inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 3\(4\)\(a\)](#); S.I. 2006/2006, art. 2
- F8** Words in s. 2(7) inserted (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 3\(4\)\(b\)](#); S.I. 2006/2006, art. 2
- F9** Words in s. 2(7) repealed (E.W.) (31.3.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 42(4), 93, [Sch. 3](#); S.I. 2004/690, art. 2(c)(ii)
- F10** S. 2(7A) 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. 3\(5\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)

#### Commencement Information

- I2** S. 2 wholly in force at 1.9.1997; s. 2 not in force at Royal Assent see s. 14(2); s. 2 in force at 23.7.1997 for England and Wales by [S.I. 1997/1695](#), [art. 2](#) and 1.9.1997 for Northern Ireland by [S.R. 1997/366](#), [art. 2](#)

### 3 Warning notices.

- (1) A notice under this section (referred to in this Act as “a warning notice”) must—
- (a) state that an officer of the authority considers—
- (i) that noise is being emitted from the offending dwelling [<sup>F11</sup>or the offending premises] during night hours, and
- (ii) that the noise exceeds, or may exceed, the permitted level, as measured from within the complainant’s dwelling, and
- [<sup>F12</sup>(b) give warning—
- (i) in a case where the complaint is in respect of a dwelling, that any person who is responsible for noise which is emitted from the offending dwelling in the period specified in the notice and which exceeds the permitted level, as measured from within the complainant’s dwelling, may be guilty of an offence;
- (ii) in a case where the complaint is in respect of other premises, that the responsible person in relation to the offending premises may be guilty of an offence if noise which exceeds the permitted level, as measured from within the complainant’s dwelling, is emitted from the premises in the period specified in the notice.]
- (2) The period specified in a warning notice must be a period—
- (a) beginning not earlier than ten minutes after the time when the notice is served, and
- (b) ending with the following 7 a.m.
- (3) [<sup>F13</sup>In a case where the complaint is in respect of a dwelling, ] A warning notice must be served—
- (a) by delivering it to any person present at or near the offending dwelling and appearing to the officer of the authority to be responsible for the noise, or

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- (b) if it is not reasonably practicable to identify any person present at or near the dwelling as being a person responsible for the noise on whom the notice may reasonably be served, by leaving it at the offending dwelling.

[<sup>F14</sup>(3A) In a case where the complaint is in respect of other premises, a warning notice must be served by delivering it to the person who appears to the officer of the authority to be the responsible person in relation to the offending premises at the time the notice is delivered.]

(4) A warning notice must state the time at which it is served.

(5) For the purposes of this group of sections, a person is responsible for noise emitted from a dwelling if he is a person to whose act, default or sufferance the emission of the noise is wholly or partly attributable.

[<sup>F15</sup>(6) For the purposes of this group of sections, the responsible person in relation to premises at a particular time is—

- (a) where a premises licence has effect in respect of the premises—
- (i) the person who holds the premises licence if he is present at the premises at that time,
  - (ii) where that person is not present at the premises at that time, the designated premises supervisor under the licence if he is present at the premises at that time, or
  - (iii) where neither of the persons mentioned in sub-paragraphs (i) and (ii) is present at the premises at that time, any other person present at the premises at that time who is in charge of the premises;
- (b) where a temporary event notice has effect in respect of the premises—
- (i) the premises user in relation to that notice if he is present at the premises at that time, or
  - (ii) where the premises user is not present at the premises at that time, any other person present at the premises at that time who is in charge of the premises.]

#### Extent Information

**E3** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 14; see 14(4)

#### Textual Amendments

- F11** Words in s. 3(1)(a)(i) inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 4\(2\)\(a\)](#); S.I. 2006/2006, art. 2
- F12** S. 3(1)(b) substituted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 4\(2\)\(b\)](#); S.I. 2006/2006, art. 2
- F13** Words in s. 3(3) inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 4\(3\)](#); S.I. 2006/2006, art. 2
- F14** S. 3(3A) inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 4\(4\)](#); S.I. 2006/2006, art. 2
- F15** S. 3(6) 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. 4\(5\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)

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#### Commencement Information

- I3** S. 3 wholly in force at 1.9.1997; s. 3 not in force at Royal Assent see s. 14(2); s. 3 in force at 23.7.1997 for England and Wales by [S.I. 1997/1695](#), [art. 2](#) and 1.9.1997 for Northern Ireland by [S.R. 1997/366](#), [art. 2](#)

#### **4 Offence where noise [<sup>F16</sup>from a dwelling] exceeds permitted level after service of notice.**

- (1) If a warning notice has been served in respect of noise emitted from a dwelling, any person who is responsible for noise which—
- is emitted from the dwelling in the period specified in the notice, and
  - exceeds the permitted level, as measured from within the complainant's dwelling,
- is guilty of an offence.
- (2) It is a defence for a person charged with an offence under this section to show that there was a reasonable excuse for the act, default or sufferance in question.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Textual Amendments

- F16** Words in s 4 heading inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 5](#); [S.I. 2006/2006](#), art. 2

#### Commencement Information

- I4** S. 4 wholly in force at 1.9.1997; s. 4 not in force at Royal Assent see s. 14(2); s. 4 in force at 23.7.1997 for England and Wales by [S.I. 1997/1695](#), [art. 2](#) and 1.9.1997 for Northern Ireland by [S.R. 1997/366](#), [art. 2](#)

#### **[<sup>F17</sup>4A Offence where noise from other premises exceeds permitted level after service of notice**

- (1) If—
- a warning notice has been served under section 3 in respect of noise emitted from premises,
  - noise is emitted from the premises in the period specified in the notice, and
  - the noise exceeds the permitted level, as measured from within the complainant's dwelling,
- the responsible person in relation to the offending premises at the time at which the noise referred to in paragraph (c) is emitted is guilty of an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

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### Textual Amendments

- F17** S. 4A inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 6](#); S.I. 2006/2006, art. 2

## 5 Permitted level of noise.

- (1) For the purposes of this group of sections, [<sup>F18</sup>the Secretary of State][<sup>F18</sup>the appropriate person] may by directions in writing determine the maximum level of noise (referred to in this group of sections as “the permitted level”) which may be emitted during night hours from any dwelling [<sup>F19</sup>or other premises].
- (2) The permitted level is to be a level applicable to noise as measured from within any other dwelling in the vicinity by an approved device used in accordance with any conditions subject to which the approval was given.
- (3) Different permitted levels may be determined for different circumstances, and the permitted level may be determined partly by reference to other levels of noise.
- (4) [<sup>F20</sup>The Secretary of State][<sup>F20</sup>The appropriate person] may from time to time vary his directions under this section by further directions in writing.

### Extent Information

- E4** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 14; see 14(4)

### Textual Amendments

- F18** Words in s. 5(1) substituted (E.W.) (6.4.2006 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 7\(2\)\(a\)](#); S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 2(p)
- F19** Words in s. 5(1) inserted (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. 7\(2\)\(b\)](#); S.I. 2006/2006, art. 2
- F20** Words in s. 5(4) substituted (E.W.) (6.4.2006 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 7\(3\)](#); S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 2(p)

### Commencement Information

- I5** S. 5 wholly in force at 1.9.1997; s. 5 not in force at Royal Assent see s. 14(2); s. 5 in force at 23.7.1997 for England and Wales by [S.I. 1997/1695](#), [art. 2](#) and 1.9.1997 for Northern Ireland by [S.R. 1997/366](#), [art. 2](#)

## 6 Approval of measuring devices.

- (1) For the purposes of this group of sections, [<sup>F21</sup>the Secretary of State][<sup>F21</sup>the appropriate person] may approve in writing any type of device used for the measurement of noise; and references in this group of sections to approved devices are to devices of a type so approved.

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- (2) Any such approval may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, devices of the type concerned are to be used.
- (3) In proceedings for an offence under section 4 [<sup>F22</sup>or 4A], a measurement of noise made by a device is not admissible as evidence of the level of noise unless it is an approved device and any conditions subject to which the approval was given are satisfied.

#### Extent Information

- E5** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 14; see 14(4)

#### Textual Amendments

- F21** Words in s. 6(1) substituted (E.W.) (6.4.2006 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 8\(2\)](#); S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 2(p)
- F22** Words in s. 6(3) inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 8\(3\)](#); S.I. 2006/2006, art. 2

#### Commencement Information

- I6** S. 6 wholly in force at 1.9.1997; s. 6 not in force at Royal Assent see s. 14(2); s. 6 in force at 23.7.1997 for England and Wales by [S.I. 1997/1695](#), [art. 2](#) and 1.9.1997 for Northern Ireland by [S.R. 1997/366](#), [art. 2](#)

## 7 Evidence.

- (1) In proceedings for an offence under section 4 [<sup>F23</sup>or 4A], evidence—
  - (a) of a measurement of noise made by a device, or of the circumstances in which it was made, or
  - (b) that a device was of a type approved for the purposes of section 6, or that any conditions subject to which the approval was given were satisfied,may be given by the production of a document mentioned in subsection (2).
- (2) The document referred to is one which is signed by an officer of the local authority and which (as the case may be)—
  - (a) gives particulars of the measurement or of the circumstances in which it was made, or
  - (b) states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied;and if the document contains evidence of a measurement of noise it may consist partly of a record of the measurement produced automatically by a device.
- (3) In proceedings for an offence under section 4, evidence that noise, or noise of any kind, measured by a device at any time was noise emitted from a dwelling may be given by the production of a document—
  - (a) signed by an officer of the local authority, and
  - (b) stating that he had identified that dwelling as the source at that time of the noise or, as the case may be, the noise of that kind.



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- [<sup>F24</sup>(3A) In proceedings for an offence under section 4A, evidence that noise, or noise of any kind, measured by a device at any time was noise emitted from any other premises may be given by the production of a document—
- (a) signed by an officer of the local authority, and
  - (b) stating that he had identified those premises as the source at that time of the noise or, as the case may be, noise of that kind.]
- (4) For the purposes of this section, a document purporting to be signed as mentioned in subsection (2) [<sup>F25</sup>or (3)(a)] [<sup>F25</sup>, (3)(a) or (3A)(a)] is to be treated as being so signed unless the contrary is proved.
- (5) This section does not make a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than seven days before the hearing or trial, been served on the person charged with the offence.
- (6) This section does not make a document admissible as evidence of anything other than the matters shown on a record produced automatically by a device if, not less than three days before the hearing or trial or within such further time as the court may in special circumstances allow, the person charged with the offence serves a notice on the prosecutor requiring attendance at the hearing or trial of the person who signed the document.

#### Extent Information

- E6** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 14; see 14(4)

#### Textual Amendments

- F23** Words in s. 7(1) inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 9\(2\)](#); S.I. 2006/2006, art. 2
- F24** S. 7(3A) inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 9\(3\)](#); S.I. 2006/2006, art. 2
- F25** Words in s. 7(4) substituted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 9\(4\)](#); S.I. 2006/2006, art. 2

#### Commencement Information

- I7** S. 7 wholly in force at 1.9.1997; s. 7 not in force at Royal Assent see s. 14(2); s. 7 in force at 23.7.1997 for England and Wales by [S.I. 1997/1695](#), [art. 2](#) and 1.9.1997 for Northern Ireland by [S.R. 1997/366](#), [art. 2](#)

## 8 Fixed penalty notices.

- (1) Where an officer of a local authority who is authorised for the purposes of this section has reason to believe that a person is committing or has just committed an offence under section 4 [<sup>F26</sup>or 4A], he may give that person a notice (referred to in this Act as a “fixed penalty notice”) offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- (2) A fixed penalty notice may be given to a person—
  - (a) by delivering the notice to him, or



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- (b) if it is not reasonably practicable to deliver it to him, by leaving the notice, addressed to him, at the offending dwelling [<sup>F27</sup>or the offending premises (as the case may be)].
- (3) Where a person is given a fixed penalty notice in respect of such an offence—
- (a) proceedings for that offence must not be instituted before the end of the period of fourteen days following the date of the notice, and
- (b) he cannot be convicted of that offence if he pays the fixed penalty before the end of that period.
- (4) A fixed penalty notice must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.
- (5) A fixed penalty notice must state—
- (a) the period during which, because of subsection (3)(a), proceedings will not be taken for the offence,
- (b) the amount of the fixed penalty, and
- (c) the person to whom and the address at which the fixed penalty may be paid.
- (6) Payment of the fixed penalty may (among other methods) be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (7) Where a letter containing the amount of the penalty is sent in accordance with subsection (6), payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (8) [<sup>F28</sup>The fixed penalty payable under this section is £100.]

#### Extent Information

- E7** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 14; see 14(4)

#### Textual Amendments

- F26** Words in s. 8(1) inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 10\(2\)](#); S.I. 2006/2006, art. 2
- F27** Words in s. 8(2)(b) inserted (E.W.) (1.10.2006 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 1 para. 10\(3\)](#); S.I. 2006/2006, art. 2
- F28** S. 8(8) repealed (E.W.) (16.3.2006 for W. for specified purposes, 6.4.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. in so far as not already in force) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 82(1), 108(1), (2), [Sch. 5 Pt. 7](#); S.I. 2006/768, art. 3; S.I. 2006/795, art. 2(3), [Sch. 2](#); S.I. 2006/2797, art. 4(jj); s. 8(8) repealed (N.I.) (18.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), ss. 61(1), 78, [Sch. 4 Pt. 4](#); S.R. 2012/13, art. 2(1), [Sch. 1](#)Sch. 2

#### Commencement Information

- I8** S. 8 wholly in force at 1.9.1997; s. 8 not in force at Royal Assent see s. 14(2); s. 8 in force at 23.7.1997 for England and Wales by [S.I. 1997/1695](#), [art. 2](#) and 1.9.1997 for Northern Ireland by [S.R. 1997/366](#), [art. 2](#)

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## <sup>F29</sup>8A Amount of fixed penalty

- (1) This section applies in relation to a fixed penalty payable to a local authority in pursuance of a notice under section 8.
- (2) [<sup>F30</sup>In the case of an offence under section 4] The amount of the fixed penalty—
  - (a) is the amount specified by the local authority in relation to the authority's area, or
  - (b) if no amount is so specified, is £100.

[ In the case of an offence under section 4A the amount of the fixed penalty is £500.]  
<sup>F31</sup>(2A)

- (3) The local authority may make provision for treating the fixed penalty [<sup>F32</sup>payable in the case of an offence under section 4] as having been paid if a lesser amount is paid before the end of a period specified by the authority.
- (4) The appropriate person may by regulations make provision in connection with the powers conferred on local authorities under subsections (2)(a) and (3).
- (5) Regulations under subsection (4) may (in particular)—
  - (a) require an amount specified under subsection (2)(a) to fall within a range prescribed in the regulations;
  - (b) restrict the extent to which, and the circumstances in which, a local authority can make provision under subsection (3).
- (6) The appropriate person may by order substitute a different amount for the amount for the time being specified in subsection (2)(b) [<sup>F33</sup>or (2A)].

### Textual Amendments

- F29** Ss. 8A, 8B inserted (E.W.) (16.3.2006 for W. for specified purposes, 6.4.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. in so far as not already in force) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 82(2)**, 108(1), (2); S.I. 2006/768, art. 3; S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 4(jj)
- F30** Words in s. 8A(2) inserted (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. 11(2)**; S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)
- F31** S. 8A(2A) inserted (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. 11(3)**; S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)
- F32** Words in s. 8A(3) inserted (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. 11(4)**; S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)
- F33** Words in s. 8A(6) inserted (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. 11(5)**; S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)

## 8B Fixed penalty notices: power to require name and address

- (1) If an officer of a local authority who is authorised for the purposes of section 8 proposes to give a person a fixed penalty notice, the officer may require the person to give him his name and address.

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Noise Act 1996,  
Cross Heading: Summary procedure for dealing with noise at night. (See end of Document for details)*

- (2) A person commits an offence if—
  - (a) he fails to give his name and address when required to do so under subsection (1), or
  - (b) he gives a false or inaccurate name or address in response to a requirement under that subsection.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

#### Textual Amendments

**F29** Ss. 8A, 8B inserted (E.W.) (16.3.2006 for W. for specified purposes, 6.4.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. in so far as not already in force) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. **82(2)**, 108(1), (2); S.I. 2006/768, art. 3; S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 4(jj)

## 9 Section 8: supplementary.

- (1) If a form for a fixed penalty notice is specified in an order made by [<sup>F34</sup>the Secretary of State][<sup>F34</sup>the appropriate person], a fixed penalty notice must be in that form.
- (2) If a fixed penalty notice is given to a person in respect of noise emitted from a dwelling in any period specified in a warning notice—
  - (a) no further fixed penalty notice may be given to that person in respect of noise emitted from the dwelling during that period, but
  - (b) that person may be convicted of a further offence under section 4 in respect of noise emitted from the dwelling after the fixed penalty notice is given and before the end of that period.
- [<sup>F35</sup>(2A) If a fixed penalty notice is given to a person in respect of noise emitted from other premises in any period in a warning notice—
  - (a) no further fixed penalty notice may be given to that person in respect of noise emitted from the premises during that period, but
  - (b) that person may be convicted of a further offence under section 4A in respect of noise emitted from the premises after the fixed penalty notice is given and before the end of that period.]
- (3) [<sup>F36</sup>The Secretary of State may from time to time by order amend section 8(8) so as to change the amount of the fixed penalty payable under that section.]
- [<sup>F37</sup>(4) A local authority may use any sums it receives under section 8 (its “penalty receipts”) only for the purposes of functions of its that are qualifying functions.
- (4A) The following are qualifying functions for the purposes of this section—
  - (a) functions under this Act, <sup>F38</sup>...
  - [<sup>F39</sup>(aa) functions under Chapter 1 of Part 7 of the Clean Neighbourhoods and Environment Act 2005;
  - (ab) functions under sections 79 to 82 of the Environmental Protection Act 1990 (statutory nuisances) in connection with statutory nuisances falling with section 79(1)(g) or (ga) (noise) of that Act;]

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- (b) functions of a description specified in regulations made by [<sup>F40</sup>the Secretary of State][<sup>F40</sup>the appropriate person].
- (4B) Regulations under subsection (4A)(b) may (in particular) have the effect that a local authority may use its penalty receipts for the purposes of any of its functions.
- (4C) A local authority must supply [<sup>F41</sup>the Secretary of State][<sup>F41</sup>the appropriate person] with such information relating to the use of its penalty receipts as [<sup>F41</sup>the Secretary of State][<sup>F41</sup>the appropriate person] may require.
- (4D) [<sup>F42</sup>The Secretary of State][<sup>F42</sup>The appropriate person] may by regulations—
- (a) make provision for what a local authority is to do with its penalty receipts—
    - (i) pending their being used for the purposes of qualifying functions of the authority;
    - (ii) if they are not so used before such time after their receipt as may be specified by the regulations;
  - (b) make provision for accounting arrangements in respect of a local authority's penalty receipts.
- (4E) The provision that may be made under subsection (4D)(a)(ii) includes (in particular) provision for the payment of sums to a person (including [<sup>F43</sup>the Secretary of State][<sup>F43</sup>the appropriate person]) other than the local authority.
- (4F) Before making regulations under this section, [<sup>F44</sup>the Secretary of State][<sup>F44</sup>the appropriate person] must consult—
- (a) the local authorities to which the regulations are to apply, and
  - (b) such other persons as [<sup>F44</sup>the Secretary of State][<sup>F44</sup>the appropriate person] considers appropriate.]
- [<sup>F45</sup>(4G) The powers to make regulations conferred by this section are, for the purposes of subsection (1) of section 100 of the Local Government Act 2003, to be regarded as included among the powers mentioned in subsection (2) of that section.
- (4H) Regulations under this section relating to local authorities in England may—
- (a) make provision in relation to—
    - (i) all local authorities,
    - (ii) particular local authorities, or
    - (iii) particular descriptions of local authority;
  - (b) make different provision in relation to different local authorities or descriptions of local authority.]
- (5) In proceedings for an offence under section 4 [<sup>F46</sup>or 4A], evidence that payment of a fixed penalty was or was not made before the end of any period may be given by the production of a certificate which—
- (a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the local authority, and
  - (b) states that payment of a fixed penalty was made on any date or, as the case may be, was not received before the end of that period.

#### **Extent Information**

- E8** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 14; see 14(4)

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Noise Act 1996,  
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### Textual Amendments

- F34** Words in s. 9(1) substituted (E.W.) (6.4.2006 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 12\(2\)](#); S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 2(p)
- F35** S. 9(2A) 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. 12\(3\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)
- F36** S. 9(3) repealed (E.W.) (6.4.2006 for E., 18.1.2008 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 5 Pt. 7](#); S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2007/3371, art. 2(c)
- F37** S. 9(4)-(4F) substituted for s. 9(4) (E.W.) (31.3.2004 for W., 31.3.2004 for E.) by [Anti-social Behaviour Act 2003 \(c. 38\), ss. 42\(5\), 93](#); S.I. 2004/690, art. 3(c); S.I. 2004/999, art. 2(c); S.I. 2004/690, art. 3(c); S.I. 2004/999, art. 2(c)
- F38** Word in s. 9(4A)(a) repealed (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 83\(2\), 108\(4\), Sch. 5 Pts. 7](#)
- F39** S. 9(4A)(aa)(ab) inserted (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 83\(2\), 108\(4\)](#)
- F40** Words in s. 9(4A)(b) substituted (14.3.2006 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. 12\(4\)](#); S.I. 2006/795, art. 2(1), Sch. 1; S.I. 2006/2797, art. 4(kk)
- F41** Words in s. 9(4C) substituted (14.3.2006 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. 12\(4\)](#); S.I. 2006/795, art. 2(1), Sch. 1; S.I. 2006/2797, art. 4(kk)
- F42** Words in s. 9(4D) substituted (6.4.2006 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 12\(5\)](#); S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 2(p)
- F43** Words in s. 9(4E) substituted (6.4.2006 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 12\(6\)](#); S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 2(p)
- F44** Words in s. 9(4F) substituted (6.4.2006 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), s. 108\(1\)\(2\), Sch. 1 para. 12\(6\)](#); S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 2(p)
- F45** S. 9(4G)(4H) inserted (E.W.) (14.3.2006 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 83\(3\), 108\(1\), \(2\)](#); S.I. 2006/795, art. 2(1), Sch. 1; S.I. 2006/2797, art. 2(o)
- F46** Words in s. 9(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. 12\(7\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)

### Commencement Information

- I9** S. 9 wholly in force at 1.9.1997; s. 9 not in force at Royal Assent see s. 14(2); s. 9 in force at 23.7.1997 for England and Wales by [S.I. 1997/1695, art. 2](#) and 1.9.1997 for Northern Ireland by [S.R. 1997/366, art. 2](#)

**Status:**

Point in time view as at 01/10/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Noise Act 1996, Cross Heading:  
Summary procedure for dealing with noise at night.