



Noise Act 1996

1996 CHAPTER 37

Seizure, etc. of equipment used to make noise unlawfully

10 Powers of entry and seizure etc.

- (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, and
 - (b) at any time in the period specified in the notice, noise emitted from the dwelling 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 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,
 - (b) at any time in the period specified in the notice, noise emitted from the dwelling 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 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,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 premises, if need be by force.

Status: Point in time view as at 19/09/1996. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Noise Act 1996, Section 10. (See end of Document for details)

- (5) A person who enters any 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, the premises are unoccupied, must leave them as effectively secured against trespassers as he found 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 section 81(3) of the ^{M1}Environmental Protection Act 1990 to abate any matter, where that matter is a statutory nuisance by virtue of section 79(1)(g) 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)

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](#).

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Changes to legislation:

There are currently no known outstanding effects for the Noise Act 1996, Section 10.