



# Noise Act 1996

## 1996 CHAPTER 37

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

#### **2 Investigation of complaints of noise [<sup>F1</sup>from a dwelling] at night.**

- (1) [<sup>F2</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>F3</sup>(a) another dwelling (referred to in this group of sections as “the offending dwelling”)] [<sup>F4</sup>, or
  - (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>F5</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.

*Status: Point in time view as at 01/10/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Noise Act 1996, Section 2. (See end of Document for details)*

(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>[F6]</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>F7</sup>or the offending premises] were within their area, [<sup>F8</sup>and accordingly may so act whether or not this group of sections applies to the area of the other local authority].

[<sup>F9</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

**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** 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](#)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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
- F6** 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
- F7** 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
- F8** 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)
- F9** 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

**I1** 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](#)

**Status:**

Point in time view as at 01/10/2006. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Noise Act 1996, Section 2.