



Noise Act 1996

1996 CHAPTER 37

Summary procedure for dealing with noise at night

7 Evidence.

- (1) In proceedings for an offence under section 4 [^{F1}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.

- ^{F2}[(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

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- (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.]
- [^{F3}(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 district council, 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) [^{F4}, (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

- 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. 7(1) 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. 9\(2\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 7(1) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 1 para. 9\(2\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F2** S. 7(3A) 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. 9\(3\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)
- F3** S. 7(3A) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 1 para. 9\(3\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F4** Words in s. 7(4) 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. 9\(4\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 7(4) substituted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 1 para. 9\(4\)](#); S.R. 2012/13, art. 2(2), Sch. 2

Commencement Information

- I1** 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](#)

Changes to legislation:

There are currently no known outstanding effects for the Noise Act 1996, Section 7.