



Noise Act 1996

1996 CHAPTER 37

Summary procedure for dealing with noise at night

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 [^{F1}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
 - (b) if it is not reasonably practicable to deliver it to him, by leaving the notice, addressed to him, at the offending dwelling [^{F2}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.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Noise Act 1996, Section 8. (See end of Document for details)

- (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.

^{F3}(8)

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. 8(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. 10\(2\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 8(1) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, [Sch. 1 para. 10\(2\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F2** Words in s. 8(2)(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. 10\(3\)](#); S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk) and words in s. 8(2)(b) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, [Sch. 1 para. 10\(3\)](#); S.R. 2012/13, art. 2(2), Sch. 2
- F3** 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. 1Sch. 2

Commencement Information

- I1** 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](#)

Status:

Point in time view as at 01/04/2012.

Changes to legislation:

There are currently no known outstanding effects for the Noise Act 1996, Section 8.