



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 5

NOISE NUISANCE

Interpretation

53 Meaning of “relevant place” and “relevant property”

(1) In this Part—

“relevant place” means—

- (a) any place within accommodation (except, in the case of measurement of noise emitted from relevant property which is accommodation, that accommodation); and
- (b) such other place as may be prescribed;

“relevant property” means—

- (a) any accommodation;
- (b) any land belonging exclusively to, or enjoyed exclusively with, any accommodation;
- (c) any land not falling within paragraph (b)—
 - (i) to which at least two persons have rights in common; and
 - (ii) which is used by those persons as a private garden;
- (d) any common passage, close, court, stair, lift or yard pertinent to any tenement or group of separately owned houses; or
- (e) such other place as may be prescribed.

(2) In subsection (1)—

“accommodation” means a building or other structure (or part of a building or other structure) used or intended to be used as a separate unit of accommodation (whether on a permanent basis or otherwise); and

“prescribed” means prescribed by the Scottish Ministers by order.

54 Interpretation of Part 5

(1) In this Part—

“fixed penalty notice” has the meaning given by section 46(1);

“noise control period” has the meaning given by section 41(2)(b);

“noise control provisions” has the meaning given by section 41(1);

“offending property” has the meaning given by section 43(3)(a);

“permitted level” has the meaning given by section 48(1); and

“warning notice” has the meaning given by section 44(1).

(2) References in this Part to approved devices are references to devices of a type approved by virtue of section 49(1).