



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 5

NOISE NUISANCE

Miscellaneous

49 Approval of measuring devices

- (1) For the purposes of the noise control provisions, the Scottish Ministers may by regulations approve any type of device used for the measurement of noise.
- (2) An approval under subsection (1) may be given subject to such conditions as to—
 - (a) the purposes for which; or
 - (b) the manner and circumstances in which,devices of the type approved are to be used as may be prescribed in the regulations.

50 Power to provide funds to local authorities

- (1) The Scottish Ministers may make to a local authority payments in respect of—
 - (a) the whole; or
 - (b) any part,of the expenditure of the authority in relation to the discharge of the functions under this Part of the authority and its officers.
- (2) Payments under this section shall be made at such times, in such manner and subject to such conditions as the Scottish Ministers may determine.

51 Fixed penalty notices: supplementary

- (1) If a form for a fixed penalty notice is specified in an order made by the Scottish Ministers, a fixed penalty notice shall be given in that form.

- (2) Where a person is given a fixed penalty notice—
- (a) proceedings for the offence in respect of which the notice was given shall not be instituted before the end of the period of 28 days beginning with the date of the notice;
 - (b) the person cannot be convicted of that offence if the person pays the fixed penalty before the end of that period; and
 - (c) the person may be convicted of a further offence under section 45 in respect of noise emitted from the relevant property—
 - (i) after the notice is given; and
 - (ii) before the end of the period specified in the warning notice.
- (3) In proceedings for an offence under section 45, evidence that payment of a fixed penalty was or was not made before the end of any period may be given by the production of a certificate which—
- (a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the local authority; and
 - (b) states that payment of a fixed penalty was made on any date or, as the case may be, was not received before the end of that period.
- (4) Subject to subsection (5), the Scottish Ministers may by order amend section 46(10) by substituting an amount specified in the order for the amount that is for the time being mentioned in that section.
- (5) The Scottish Ministers may not specify an amount exceeding level 2 on the standard scale.
- (6) Any sum received by a local authority under section 46 shall be treated as if the fixed penalty payable under that section were a fine imposed by a district court.

52 Guidance in relation to this Part

A person (other than a court) shall, in discharging functions by virtue of this Part, have regard to any guidance given by the Scottish Ministers about—

- (a) the discharge of those functions; and
- (b) matters arising in connection with the discharge of those functions.