



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 6

#### THE ENVIRONMENT

##### *Noise*

#### **F<sup>1</sup>40** Closure of noisy premises

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##### **Textual Amendments**

- F1** S. 40 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 41\(d\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a)); and s. 40 so far as it is still in force amended (12.3.2015) by S.I. 2015/664, reg. 1(1), Sch. 4 para. 35 (with reg. 5(1))

#### **F<sup>2</sup>41** Closure of noisy premises: supplemental

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##### **Textual Amendments**

- F2** S. 41 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 41\(d\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))

#### **42** Dealing with noise at night

- (1) The Noise Act 1996 (c. 37) is amended as follows.

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*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Cross Heading: Noise. (See end of Document for details)*

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- (2) For section 1 (sections 2 to 9 only apply to area of local authority if authority have so resolved or an order by Secretary of State so provides) substitute—

**“1 Application of sections 2 to 9**

Sections 2 to 9 apply to the area of every local authority in England and Wales.”

- (3) For section 2(1) (local authority under duty to investigate complaint of noise from dwelling at night) substitute—

“(1) 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.”

- (4) In section 2(7) (power of local authority to act in relation to dwelling within area of other authority) omit the words from “and accordingly” to the end.

- (5) In section 9 (section 8: supplementary), for subsection (4) substitute—

“(4) A local authority may use any sums it receives under section 8 (its “penalty receipts”) only for the purposes of functions of its that are qualifying functions.

- (4A) The following are qualifying functions for the purposes of this section—

- (a) functions under this Act, and
- (b) functions of a description specified in regulations made by the Secretary of State.

- (4B) Regulations under subsection (4A)(b) may (in particular) have the effect that a local authority may use its penalty receipts for the purposes of any of its functions.

- (4C) A local authority must supply the Secretary of State with such information relating to the use of its penalty receipts as the Secretary of State may require.

- (4D) The Secretary of State may by regulations—

- (a) make provision for what a local authority is to do with its penalty receipts—
  - (i) pending their being used for the purposes of qualifying functions of the authority;
  - (ii) if they are not so used before such time after their receipt as may be specified by the regulations;
- (b) make provision for accounting arrangements in respect of a local authority’s penalty receipts.

- (4E) The provision that may be made under subsection (4D)(a)(ii) includes (in particular) provision for the payment of sums to a person (including the Secretary of State) other than the local authority.

- (4F) Before making regulations under this section, the Secretary of State must consult—

- (a) the local authorities to which the regulations are to apply, and
- (b) such other persons as the Secretary of State considers appropriate.”

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**Changes to legislation:** There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Cross Heading: Noise. (See end of Document for details)

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- (6) In section 11 (interpretation and subordinate legislation), in subsection (3) after “order”, in the first place where it occurs, insert “ or regulations ”.
- (7) The reference to the Noise Act 1996 (c. 37) in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) is to be treated as referring to that Act as amended by this section.

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**Commencement Information**

**I1** S. 42 in force at 31.3.2004 for E. by [S.I. 2004/690](#), **art. 3(c)**

**I2** S. 42 in force at 31.3.2004 for W. by [S.I. 2004/999](#), **art. 2(c)**

**Changes to legislation:**

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Cross  
Heading: Noise.