Status: *Point in time view as at 15/03/2007.*
Changes to legislation: *Clean Neighbourhoods and Environment Act 2005, SCHEDULE 1 is up to date with all changes known to be in force on or before 01 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 84

APPLICATION OF THE NOISE ACT 1996 TO LICENSED PREMISES ETC

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

Commencement Information

I1 Sch. 1 para. 1 in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I2 Sch. 1 para. 1 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

2 In the heading to section 2, omit "from a dwelling".

Commencement Information

I3 Sch. 1 para. 2 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), **Sch. 2**

I4 Sch. 1 para. 2 in force at 27.10.2006 for W. by S.I. 2006/2797, **art. 2(p)**

3 (1) Section 2 (investigations of complaints of noise) is amended as follows.

(2) In subsection (2), after "emitted from" insert " (a) " and at the end insert ", or

(b) any premises in respect of which a premises licence or a temporary event notice has effect (referred to in this group of sections as "the offending premises")".

(3) In subsection (4)(a), after "the offending dwelling" insert " or the offending premises ".

(4) In subsection (7)—

(a) after "the offending dwelling is" insert " , or the offending premises are, ";

(b) after "if the offending dwelling" insert " or the offending premises ".

(5) After subsection (7) insert—

"(7A) In this group of sections—

"premises licence" has the same meaning as in the Licensing Act 2003 (c. 17);

"temporary event notice" has the same meaning as in the Licensing Act 2003 (and is to be treated as having effect in accordance with section 171(6) of that Act)."

Commencement Information

I5 Sch. 1 para. 3 in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

Status: *Point in time view as at 15/03/2007.*
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I6 Sch. 1 para. 3 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

4 (1) Section 3 (warning notices) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a)(i), after "offending dwelling" insert " or the offending premises ";

(b) for paragraph (b) substitute—

"(b) give warning—

(i) in a case where the complaint is in respect of a dwelling, that any person who is responsible for noise which is emitted from the offending dwelling in the period specified in the notice and which exceeds the permitted level, as measured from within the complainant's dwelling, may be guilty of an offence;

(ii) in a case where the complaint is in respect of other premises, that the responsible person in relation to the offending premises may be guilty of an offence if noise which exceeds the permitted level, as measured from within the complainant's dwelling, is emitted from the premises in the period specified in the notice."

(3) In subsection (3), at the beginning insert " In a case where the complaint is in respect of a dwelling, ".

(4) After subsection (3) insert—

"(3A) In a case where the complaint is in respect of other premises, a warning notice must be served by delivering it to the person who appears to the officer of the authority to be the responsible person in relation to the offending premises at the time the notice is delivered."

(5) After subsection (5) insert—

"(6) For the purposes of this group of sections, the responsible person in relation to premises at a particular time is—

(a) where a premises licence has effect in respect of the premises—

(i) the person who holds the premises licence if he is present at the premises at that time,

(ii) where that person is not present at the premises at that time, the designated premises supervisor under the licence if he is present at the premises at that time, or

(iii) where neither of the persons mentioned in sub-paragraphs (i) and (ii) is present at the premises at that time, any other person present at the premises at that time who is in charge of the premises;

(b) where a temporary event notice has effect in respect of the premises—

(i) the premises user in relation to that notice if he is present at the premises at that time, or

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(ii) where the premises user is not present at the premises at that time, any other person present at the premises at that time who is in charge of the premises."

Commencement Information

I7 Sch. 1 para. 4 in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I8 Sch. 1 para. 4 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

5 In the heading to section 4, after "where noise" insert " from a dwelling ".

Commencement Information

I9 Sch. 1 para. 5 in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I10 Sch. 1 para. 5 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

6 After section 4 insert—

"**4A Offence where noise from other premises exceeds permitted level after service of notice**

(1) If—

(a) a warning notice has been served under section 3 in respect of noise emitted from premises,

(b) noise is emitted from the premises in the period specified in the notice, and

(c) the noise exceeds the permitted level, as measured from within the complainant's dwelling,

the responsible person in relation to the offending premises at the time at which the noise referred to in paragraph (c) is emitted is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale."

Commencement Information

I11 Sch. 1 para. 6 in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I12 Sch. 1 para. 6 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

7 (1) Section 5 (permitted level of noise) is amended as follows.

(2) In subsection (1)—

(a) for "the Secretary of State" substitute " the appropriate person ";

(b) after "from any dwelling" insert " or other premises ".

(3) In subsection (4), for "The Secretary of State" substitute " The appropriate person ".

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Commencement Information

I13 Sch. 1 para. 7(1)(2)(b) in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I14 Sch. 1 para. 7(1)(2)(b) in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

I15 Sch. 1 para. 7(2)(a)(3) in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), **Sch. 2**

I16 Sch. 1 para. 7(2)(a)(3) in force at 27.10.2006 for W. by S.I. 2006/2797, **art. 2(p)**

8 (1) Section 6 (approval of measuring devices) is amended as follows.

(2) In subsection (1), for "the Secretary of State" substitute " the appropriate person ".

(3) In subsection (3), after "section 4" insert " or 4A ".

Commencement Information

I17 Sch. 1 para. 8(1)(3) in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I18 Sch. 1 para. 8(1)(3) in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

I19 Sch. 1 para. 8(2) in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), **Sch. 2**

I20 Sch. 1 para. 8(2) in force at 27.10.2006 for W. by S.I. 2006/2797, **art. 2(p)**

9 (1) Section 7 (evidence) is amended as follows.

(2) In subsection (1), after "section 4" insert " or 4A ".

(3) After subsection (3) insert—

"(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

(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) In subsection (4), for "or (3)(a)" substitute " , (3)(a) or (3A)(a) ".

Commencement Information

I21 Sch. 1 para. 9 in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I22 Sch. 1 para. 9 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

10 (1) Section 8 (fixed penalty notices) is amended as follows.

(2) In subsection (1), after "section 4" insert " or 4A ".

(3) In subsection (2)(b), after "the offending dwelling" insert " or the offending premises (as the case may be) ".

Commencement Information

I23 Sch. 1 para. 10 in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I24 Sch. 1 para. 10 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

11 (1) Section 8A (amount of fixed penalty), as inserted by section 82 of this Act, is amended as follows.

(2) In subsection (2), at the beginning insert " In the case of an offence under section 4 ".

(3) After subsection (2) insert—

"(2A) In the case of an offence under section 4A the amount of the fixed penalty is £500."

(4) In subsection (3), after "the fixed penalty" insert " payable in the case of an offence under section 4 ".

(5) In subsection (6), after "(2)(b)" insert " or (2A) ".

Commencement Information

I25 Sch. 1 para. 11 in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I26 Sch. 1 para. 11 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

12 (1) Section 9 (section 8: supplementary) is amended as follows.

(2) In subsection (1), for "the Secretary of State" substitute " the appropriate person ".

(3) After subsection (2) insert—

"(2A) If a fixed penalty notice is given to a person in respect of noise emitted from other premises in any period in a warning notice—

(a) no further fixed penalty notice may be given to that person in respect of noise emitted from the premises during that period, but

(b) that person may be convicted of a further offence under section 4A in respect of noise emitted from the premises after the fixed penalty notice is given and before the end of that period."

(4) In subsections (4A)(b) and (4C), for each occurrence of "the Secretary of State" substitute " the appropriate person ".

(5) In subsection (4D), for "The Secretary of State" substitute " The appropriate person ".

(6) In subsections (4E) and (4F), for each occurrence of "the Secretary of State" substitute " the appropriate person ".

(7) In subsection (5), after "section 4" insert " or 4A ".

Commencement Information

I27 Sch. 1 para. 12(1)(3)(7) in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I28 Sch. 1 para. 12(1)(3)(4)(7) in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

I29 Sch. 1 para. 12(2)(5)(6) in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), **Sch. 2**

I30 Sch. 1 para. 12(2)(5)(6) in force at 27.10.2006 for W. by S.I. 2006/2797, **art. 2(p)**

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I31 Sch. 1 para. 12(4) in force at 14.3.2006 for E. by S.I. 2006/795, art. 2(1), **Sch. 1**

13 (1) Section 10 (powers of entry and seizure etc) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), after "a dwelling" insert " or other premises ";

(b) in paragraph (b), after "the dwelling" insert " or other premises ".

(3) In subsection (2), after "the dwelling" insert " or other premises ".

(4) In subsection (4)—

(a) in paragraph (a), after "a dwelling" insert " or other premises ";

(b) in paragraph (b), after "the dwelling" insert " or other premises ";

(c) in paragraph (c), after "the dwelling" insert " or other premises ";

(d) after "to enter the" insert " dwelling or other ".

(5) In subsection (5)—

(a) after "enters any" insert " dwelling or other ";

(b) for the words from "the premises are unoccupied" to the end substitute " the dwelling is, or the other premises are, unoccupied, must leave it or them as effectively secured against trespassers as he found it or them. "

Commencement Information

I32 Sch. 1 para. 13 in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I33 Sch. 1 para. 13 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

14 In the Schedule (powers in relation to seized equipment) in paragraph 1(a)(i), after "section 4" insert " or q4A ".

Commencement Information

I34 Sch. 1 para. 14 in force at 1.10.2006 for E. by S.I. 2006/2006, **art. 2**

I35 Sch. 1 para. 14 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(kk)**

Status:
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