

STATUTORY INSTRUMENTS

1978 No. 1049

**Pollution Control and Local Government
(Northern Ireland) Order 1978**

PART III

NOISE

Periodical inspections by district councils

Periodical inspections by district councils

37. Every district council shall cause its district to be inspected—

^{F1}(a)

(b) to decide how to exercise its powers concerning noise abatement zones.

F1 [Art. 37\(a\)](#) repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011](#) (c. 23), s. 78, [Sch. 4 Pt. 5](#); S.R. 2012/13, art. 2(2), Sch. 2

Summary proceedings to deal with noise

Summary proceedings by district councils

^{F2}**38.**

F2 [Art. 39](#) repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011](#) (c. 23), s. 78, [Sch. 4 Pt. 5](#); S.R. 2012/13, art. 2(2), Sch. 2

Summary proceedings by occupier of premises

^{F2}**39.**

F2 [Art. 39](#) repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011](#) (c. 23), s. 78, [Sch. 4 Pt. 5](#); S.R. 2012/13, art. 2(2), Sch. 2

Construction sites

Control of noise on construction sites

40.—(1) This Article applies to works of the following description, that is to say—

- (a) the erection, construction, alteration, repair or maintenance of buildings, structures or roads;

- (b) breaking up, opening or boring under any road or adjacent land in connection with the construction, inspection, maintenance or removal of works;
- (c) demolition or dredging work; and
- (d) (whether or not also comprised in sub-paragraph (a), (b) or (c) above) any work of engineering construction;

but shall not apply to any such works carried out by a government department.

(2) Where it appears to a district council that works to which this Article applies are being, or are going to be, carried out on any premises, the council may serve a notice imposing requirements as to the way in which the works are to be carried out and may if it thinks fit publish notice of the requirements in such way as appears to the council to be appropriate.

(3) The notice may in particular—

- (a) specify the plant or machinery which is, or is not, to be used;
- (b) specify the hours during which the works may be carried out;
- (c) specify the level of noise which may be emitted from the premises in question or at any specified point on those premises or which may be so emitted during specified hours; and
- (d) provide for any change of circumstances.

(4) In acting under this Article the district council shall have regard—

- (a) to the relevant provisions of any code of practice issued under this Part;
- (b) to the need for ensuring that the best practicable means are employed to minimise noise;
- (c) before specifying any particular methods or plant or machinery, to the desirability in the interests of any recipients of the notice in question of specifying other methods or plant or machinery which would be substantially as effective in minimising noise and more acceptable to them;
- (d) to the need to protect any persons in the locality in which the premises in question are situated from the effects of noise.

(5) A notice under this Article shall be served on the person who appears to the district council to be carrying out, or going to carry out, the works, and on such other persons appearing to the council to be responsible for, or to have control over, the carrying out of the works as the council thinks fit.

(6) A notice under this Article may specify the time within which the notice is to be complied with, and may require the execution of such works, and the taking of such other steps, as may be necessary for the purpose of the notice, or as may be specified in the notice.

(7) A person served with a notice under this Article may appeal against the notice to a court of summary jurisdiction within twenty-one days from the service of the notice.

(8) If a person on whom a notice is served under this Article without reasonable excuse contravenes any requirement of the notice he shall be guilty of an offence against this Part.

Prior consent for work on construction sites

41.—(1) A person who intends to carry out works to which Article 40 applies may apply to the district council for a consent under this Article.

(2) Where approval under the Building Regulations (Northern Ireland) Order 1972 ^{F3} is required for the carrying out of the works, the application under this Article must be made at the same time as, or later than, the request for the approval under building regulations.

(3) An application under this Article shall contain particulars of—

- (a) the works, and the method by which they are to be carried out; and
- (b) the steps proposed to be taken to minimise noise resulting from the works.

(4) If the district council considers that the application contains sufficient information for the purpose and that, if the works are carried out in accordance with the application, it would not serve a notice under Article 40 in respect of those works, the district council shall give its consent to the application.

(5) In acting under this Article a district council shall have regard to the considerations set out in Article 40(4) and may—

- (a) attach any conditions to a consent; and
- (b) limit or qualify a consent to allow for any change in circumstances; and
- (c) limit the duration of a consent,

and any person who knowingly carries out the works, or permits the works to be carried out, in contravention of any conditions attached to a consent under this Article shall be guilty of an offence against this Part.

(6) The district council shall give notice of its decision to the applicant and if the council gives its consent to the application it may if it thinks fit publish notice of the consent, and of the works to which it relates in such way as appears to the council to be appropriate.

(7) If within the period of twenty-eight days from receipt of the application, or within such longer period as the council and the applicant may at any time agree in writing, the district council—

- (a) has not given notice to the applicant of its decision on the application; or
- (b) refuses its consent; or
- (c) gives its consent but attaches any condition to the consent or limits or qualifies the consent in any way,

the applicant may appeal to a court of summary jurisdiction within twenty-one days from the end of that period.

(8) In any proceedings for an offence under Article 40(8) it shall be a defence to prove that the alleged contravention amounted to the carrying out of the works in accordance with a consent given under this Article.

(9) A consent given under this Article shall contain a statement to the effect that the consent does not of itself constitute any ground of defence against any proceedings instituted under [F4]section 70 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 [] .

(10) Where a consent has been given under this Article and the works are carried out by a person other than the applicant for the consent, the applicant shall take all reasonable steps to bring the consent to the notice of that other person; and if he fails to comply with this paragraph he shall be guilty of an offence against this Part.

F3 1979 NI 16

F4 Words in art. 41(9) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 9(1); S.R. 2012/13, art. 2(2), Sch. 2

Noise in streets

Noise in streets

42.—(1) Subject to the provisions of this Article, a loudspeaker in a street shall not be operated—

- (a) between the hours of nine in the evening and eight in the following morning, for any purpose;
- (b) at any other time, for the purpose of advertising any entertainment, trade or business;

and any person who operates or permits the operation of a loudspeaker in contravention of this paragraph shall be guilty of an offence against this Part.

(2) Paragraph (1) shall not apply to the operation of a loudspeaker—

- (a) for police, [^{F5}fire and rescue] or ambulance purposes, by the Department in the exercise of its functions under the [^{F6}Water (Northern Ireland) Order 1999][^{F7}by a water undertaker or a sewerage undertaker in the exercise of any of its functions] or by a district council within its district;
- (b) for communicating with persons on a vessel for the purposes of directing the movement of that or any other vessel;
- (c) if the loudspeaker forms part of a public telephone system;
- (d) if the loudspeaker—
 - (i) is in or fixed to a vehicle, and
 - (ii) is operated solely for the entertainment of or for communicating with the driver or a passenger of the vehicle or, where the loudspeaker is or forms part of the horn or similar warning instrument of the vehicle, solely for giving warning to other traffic, and
 - (iii) is so operated as not to give reasonable cause for annoyance to persons in the vicinity;
- (e) otherwise than on a road, by persons employed in connection with a transport undertaking used by the public in a case where the loudspeaker is operated solely for making announcements to passengers or prospective passengers or to other persons so employed;
- (f) by a travelling showman on land which is being used for the purposes of a pleasure fair;
- (g) in case of emergency.

(3) Paragraph (1)(b) shall not apply to the operation of a loudspeaker between the hours of noon and seven in the evening on the same day if the loudspeaker—

- (a) is fixed to a vehicle which is being used for the conveyance of a perishable commodity for human consumption; and
- (b) is operated solely for informing members of the public (otherwise than by means of words) that the commodity is on sale from the vehicle; and
- (c) is so operated as not to give reasonable cause for annoyance to persons in the vicinity.

- F5** Words in art. 42(2)(a) substituted (1.7.2006) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts 1(3), 63(1), **Sch. 3 para. 12** (with arts. 49, 62); S.R. 2006/257, **art. 2(d)**
- F6** 1999 NI 6
- F7** Words in art. 42(2)(a) substituted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(1), **Sch. 12 para. 14(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Noise abatement zones

Designation of zones

43.—(1) A district council may by order^{F8}. . . (in this Part referred to as a “noise abatement order”) designate all or any part of its district a noise abatement zone.

(2) An order under this Article shall specify the classes of premises to which it applies (that is to say, the classes of premises subject to control under the following provisions of this Part).

(3) The provisions of Schedule 1 shall apply to the^{F8} making] and coming into operation of an order under this Article.

F8 1985 NI 15

Register of noise levels

44.—(1) Every district council which has designated its district or any part of its district a noise abatement zone shall measure the level of noise emanating from premises within the zone which are of any class to which the relevant noise abatement order relates.

(2) The district council shall record all measurements taken under paragraph (1) in a register (in this Part referred to as a “noise level register”) to be kept by the council for the purpose in accordance with regulations.

(3) The district council on recording any measurement in the noise level register shall serve a copy of that record on the owner and occupier of the premises in respect of which the measurement was taken; and any person on whom a copy of such a record is served may, within twenty-eight days of the date of service, appeal to the Department against the record.

(4) On an appeal to the Department under paragraph (3) the Department may give to the district council in question such directions as the Department thinks fit as to the record of the measurement of noise which is the subject of the appeal, and the council shall comply with the directions.

(5) Except as provided by paragraphs (3) and (4) the validity or accuracy of any entry in a noise level register shall not be questioned in any proceedings under this Part.

(6) The premises as to which a district council is to make measurements under this Article shall include those which come within a class to which the relevant noise abatement order relates after the making of the order; and it shall be for the council to determine, both for those premises and all other premises of any class to which the relevant noise abatement order relates, when the measurements under this Article are to be made.

(7) A noise level register shall be open to public inspection at the principal office of the district council free of charge at all reasonable hours, and the council shall afford members of the public reasonable facilities for obtaining from the authority, on payment of reasonable charges, copies of entries in the register.

(8) Provision may be made by regulations—

- (a) for determining, or for authorising the Department to determine, the methods by which noise levels are to be measured for the purposes of any provision of this Article and Articles 45 to 47; and
- (b) for enabling noise levels calculated in accordance with the regulations, or in accordance with the directions of the Department to be treated for those purposes as measured by a method determined under sub-paragraph (a).

Noise exceeding registered level

45.—(1) The level of noise recorded in the noise level register in respect of any premises shall not be exceeded except with the consent in writing of the district council.

(2) The district council's consent may be made subject to such conditions, whether as to the amount by which the level of noise may be increased, or as to the period for which, or the periods during which, the level of noise may be increased, as may be specified in the consent; and the council shall record particulars of the consent in the noise level register.

(3) If within the period of two months beginning with the date on which a district council receives an application for its consent under this Article or within such longer period as the council and the

applicant agree in writing, the council has not notified the applicant of its decision on the application, the council shall be deemed to have refused the consent.

(4) An applicant for consent under this Article may appeal to the Department against the district council's decision on the application within the period of three months beginning with the date on which the council notifies him of the decision or, in a case falling within paragraph (3), beginning with the expiration of the period or longer period there mentioned; and the district council shall act in accordance with the decision of the Department on the appeal.

(5) If noise emitted from any premises constitutes a contravention of paragraph (1) or of a condition attached to a consent under this Article, the person responsible shall be guilty of an offence against this Part.

(6) The court of summary jurisdiction convicting a person of an offence under paragraph (5) may, if satisfied that the offence is likely to continue or recur, make an order requiring the execution of any works necessary to prevent it continuing or recurring, and if that person without reasonable excuse contravenes any requirement of the order he shall be guilty of an offence against this Part.

(7) The court of summary jurisdiction may, after giving the district council in whose district the premises are situated an opportunity of being heard, direct the council to do anything which the court may under paragraph (6) require the person convicted to do, either instead of, or in addition to, imposing any requirement on that person.

(8) A consent given under this Article shall contain a statement to the effect that the consent does not of itself constitute any ground of defence against any proceedings instituted under [F9 section 70 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011] .

<p>F9 Words in art. 45(8) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 9(2); S.R. 2012/13, art. 2(2), Sch. 2</p>
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Reduction of noise levels

46.—(1) If it appears to the district council—

- (a) that the level of noise emanating from any premises to which a noise abatement order applies is not acceptable having regard to the purposes for which the order was made; and
- (b) that a reduction in that level is practicable at reasonable cost and would afford a public benefit,

the council may serve a notice on the person responsible.

(2) The notice shall require that person—

- (a) to reduce the level of noise emanating from the premises to such level as may be specified in the notice;
- (b) to prevent any subsequent increase in the level of noise emanating from those premises without the consent of the district council; and
- (c) to take such steps as may be specified in the notice to achieve those purposes.

(3) A notice under this Article (in this Part referred to as a “noise reduction notice”) shall specify a time, not being less than six months from the date of service of the notice, within which the noise level is to be reduced to the specified level and, where the notice specifies any steps necessary to achieve that purpose, within which those steps shall be taken.

(4) A noise reduction notice may specify particular times, or particular days, during which the noise level is to be reduced, and may require the noise level to be reduced to different levels for different times or days.

(5) A noise reduction notice shall take effect whether or not a consent under Article 45 authorises a level of noise higher than that specified in the notice.

(6) The district council shall record particulars of a noise reduction notice in the noise level register.

(7) A person who is served with a noise reduction notice may, within three months of the date of service, appeal to a court of summary jurisdiction against the notice.

(8) A person who without reasonable excuse contravenes a noise reduction notice shall be guilty of an offence against this Part.

(9) In proceedings for an offence under paragraph (8) in respect of noise caused in the course of a trade or business, it shall be a defence to prove that the best practicable means had been used for preventing, or for counteracting the effect of, the noise.

New buildings, etc.

47.—(1) Where it appears to the district council—

- (a) that a building is going to be constructed and that a noise abatement order will apply to it when it is erected; or
- (b) that any premises will, as the result of any works, become premises to which a noise abatement order applies,

the council may, on the application of the owner or occupier of the premises or a person who satisfies the authority that he is negotiating to acquire an interest in the premises or on its own initiative, determine the level of noise which will be acceptable as that emanating from the premises.

(2) The district council shall record in the noise level register the level of noise determined under this Article for any premises.

(3) The district council shall give notice of its decision to the applicant or, in the case of a decision made on its own initiative, to the owner or the occupier of the premises, and the recipient of the notice may appeal to the Department against that decision within three months of the date on which the council notifies him of that decision; and the district council shall act in accordance with the decision of the Department on the appeal.

(4) If within the period of two months beginning with the date when the district council receives an application under paragraph (1), or within such longer period as the council and the applicant may at any time agree in writing, the council has not given notice to the applicant of its decision on the application, the council shall be deemed to have given him notice that it has decided not to make a determination on the application; and the applicant may accordingly appeal against the decision to the Department under paragraph (3).

(5) Where at any time after the coming into force of a noise abatement order any premises become premises to which the order applies as a result of the construction of a building or as a result of any works carried out on the premises but no level of noise has been determined under this Article as respects the premises, Article 46 shall apply as if—

- (a) paragraph (1)(b) were omitted; and
- (b) three months were substituted for six months in paragraph (3); and
- (c) paragraph (9) were omitted.

Noise from plant or machinery

Noise from plant or machinery

48.—(1) Provision may be made by regulations—

- (a) for requiring the use on or in connection with any plant or machinery of devices or arrangements for reducing the noise caused by the plant or machinery;
- (b) for limiting the level of noise which may be caused by any plant or machinery when used for works to which Article 40 applies or which may be caused outside a factory within the meaning of the Factories Act (Northern Ireland) 1965 by the use of plant or machinery in the factory;

and regulations under this Article may apply standards, specifications, descriptions or tests laid down in documents not forming part of the regulations.

(2) The Department before making regulations under this Article, shall consult persons appearing to the Department to represent producers and users of plant and machinery with a view to ensuring that the regulations do not contain requirements which in the opinion of the Department would be impracticable or involve unreasonable expense.

(3) Any person who contravenes or causes or permits another person to contravene regulations under this Article shall be guilty of an offence against this Part; but in any proceedings for a contravention of regulations made under paragraph (1)(a) it shall be a defence to prove that means were used for the purpose of reducing the noise in question which were not less effective for that purpose than the means required by the regulations.

(4) Without prejudice to the generality of Article 86(2), different regulations may be made under this Article for different localities, and each district council shall enforce the provisions of regulations within its district.

(5) Nothing in this Article or in regulations under this Article shall be construed as derogating from any other provision of this Part.

Supplemental

Execution of works by district council

49.—(1) This Article applies—

- ^{F10}(a)
- (b) to a noise reduction notice; and
- (c) to an order of a court of summary jurisdiction under Article ^{F11}... 45(6),

being a notice or order which requires any person to execute any works.

(2) If that person fails to execute all or any of the works in accordance with the notice or order, the district council may execute those works.

- (3) Where a district council executes works under—
 - (a) Article ^{F12}... 45(7); or
 - (b) this Article,

the district council may recover from the person in default the expenditure incurred by the council in executing the works, except such of the expenditure as that person shows was unnecessary in the circumstances.

(4) In proceedings to recover any amount due to a district council under paragraph (3) in respect of works executed by the council under this Article, it shall not be open to the person in default to raise any question which he could have raised on an appeal against the notice or order.

(5) In this Article “the person in default” means—

- ^{F13}(i)
- (ii) in a case under Article 45(7), the person convicted of an offence under paragraph (5) of that Article, and

(iii) in any other case, the person to whom the notice or order applies.

- F10** Art. 49(1)(a) repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, [Sch. 4 Pt. 5](#); S.R. 2012/13, art. 2(2), Sch. 2
- F11** Words in art. 49(1)(c) repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, [Sch. 4 Pt. 5](#); S.R. 2012/13, art. 2(2), Sch. 2
- F12** Words in art. 49(3) repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, [Sch. 4 Pt. 5](#); S.R. 2012/13, art. 2(2), Sch. 2
- F13** Art. 49(5)(i) repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, [Sch. 4 Pt. 5](#); S.R. 2012/13, art. 2(2), Sch. 2

Appeals

50.—(1) Regulations may make provision as to appeals under this Part to the Department or to courts of summary jurisdiction; and the regulations may in particular—

- (a) include provisions comparable to those in section 42 of the Public Health Acts Amendment Act 1907 (appeals against notices requiring the execution of works);
- (b) prescribe the cases in which a notice under this Part is, or is not, to be suspended until the appeal is decided, or until some other stage in the proceedings;
- (c) prescribe the cases in which the decision on appeal may in some respects be less favourable to the appellant than the decision from which he is appealing;
- (d) prescribe the cases in which the appellant may claim that a notice should have been served on some other person and prescribe the procedure to be followed in those cases.

(2) Regulations may prescribe the procedure and practice as respect appeals to the Department under this Part, and in particular may make provision as respects—

- (a) the particulars to be included in the notice of appeal;
- (b) the persons on whom notice of appeal is to be served and the particulars, if any, to accompany the notice; and
- (c) the abandonment of an appeal.

(3) In entertaining any appeal under this Part the Department or, as the case may be, the court of summary jurisdiction shall have regard to any duty imposed by law on the appellant which concerns the activities in the course of which the noise is emitted.

Codes of practice for minimising noise

51.—(1) For the purpose of giving guidance on appropriate methods (including the use of specified types of plant or machinery) for minimising noise the Department may by order—

- (a) prepare and approve and issue such codes of practice as in the opinion of the Department are suitable for the purpose; and
- (b) approve such codes of practice issued or proposed to be issued otherwise than by the Department as in the opinion of the Department are suitable for the purpose.

(2) The Department shall by order under paragraph (1)(a) or (b) approve a code of practice for the carrying out of works to which Article 40 applies.

“Best practicable means”

52.—(1) This Article shall apply for the construction of references in this Part to best practicable means.

(2) In that expression “practicable” means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications.

(3) The means to be employed include the design, installation, maintenance and manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and acoustic structures.

(4) The test of best practicable means is to apply only so far as compatible with any duty imposed by law, and in particular is to apply to statutory undertakers only so far as compatible with the duties imposed on them in their capacity of statutory undertakers.

(5) The said test is to apply only so far as compatible with safety and safe working conditions, and with the exigencies of any emergency or unforeseeable circumstances.

(6) Subject to paragraphs (1) to (5), regard shall be had, in construing references to “best practicable means”, to any relevant provision of a code of practice approved under Article 51.

Interpretation, etc., of Part III

53.—(1) In this Part—

[^{F14}“electricity undertaker” means a holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992]

“noise” includes vibration;

“noise abatement order” and “noise abatement zone” have the meanings given by Article 43;

“noise level register” has the meaning given by Article 44(2);

“noise reduction notice” has the meaning given by Article 46(3);

“person responsible”, in relation to the emission of noise, means the person to whose act, default or sufferance the noise is attributable;

“statutory undertakers” means persons authorised by any statutory provision to carry on any railway, light railway, tramway, road transport, dock, harbour, pier or lighthouse undertaking,^{F15} . . . [^{F14}, or an electricity [^{F16}, water] undertaker], and includes the Post Office;

“work of engineering construction” means the construction, structural alteration, maintenance or repair of any railway line or siding or any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipeline, aqueduct, sewer, [^{F17}waste water treatment works] or gasholder.

(2) The district of a district council which is bounded by or is to seaward of the high-water mark of mean tides shall also include for the purposes of this Part except Articles 42 to 47, the territorial sea which is outside that district to seaward of any place where that mark is within or on the boundary of that district; and—

Sub.#para. (a) rep. by 1985 NI 15

(b) this Part (except Articles 42 to 47 and this paragraph) shall have effect, in relation to any district included in the district of a district council under this paragraph—

(i) as if references to premises and the occupier of premises included respectively a vessel and the master of a vessel, and

(ii) with such other modifications, if any, as are prescribed.

(3) Where more than one person is responsible for noise, this Part shall apply to each of those persons whether or not what any one of them is responsible for would by itself amount to a nuisance, or would result in a level of noise justifying action under this Part.

(4) This Part does not apply to noise caused by aircraft other than model aircraft and does not confer functions on port health authorities.

- F14** 1992 NI 1
- F15** 1996 NI 2
- F16** Words in [art. 53\(1\)](#) in definition of "statutory undertakers" inserted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), [arts. 1\(2\), 308\(1\)](#), **Sch. 12 para. 14(2)(a)** (with [arts. 8\(8\), 121\(3\), 307](#)); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to [art. 3, Sch. 2](#))
- F17** Words in [art. 53\(1\)](#) in definition of "work of engineering construction" substituted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), [arts. 1\(2\), 308\(1\)](#), **Sch. 12 para. 14(2)(b)** (with [arts. 8\(8\), 121\(3\), 307](#)); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to [art. 3, Sch. 2](#))

Penalties

54.—(1) A person guilty of an offence against any provision of this Part shall be liable on summary conviction to a fine not exceeding^[F18] level five on the standard scale]; and where a person is guilty of an offence against that provision within one year after the conviction he shall be guilty of a further offence and shall be liable, in addition to that fine, to a fine not exceeding £50 for every day subsequent to the day on which he is first convicted of an offence under that provision on which that provision is contravened.

^[F19](2) In determining whether an offence is a further offence against this Part, account shall be taken of any offence under section 65(9) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 where the offence consists of contravening an abatement notice relating to noise and of any offence under section 70(10) of that Act where the prohibition relates to noise as if it were an offence against this Part.]

- F18** 1984 NI 3
- F19** [Art. 54\(2\)](#) substituted (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, **Sch. 3 para. 9(3)**; S.R. 2012/13, [art. 2\(2\)](#), Sch. 2

Changes to legislation:

There are currently no known outstanding effects for the Pollution Control and Local Government (Northern Ireland) Order 1978, PART III.