



Control of Pollution Act 1974

1974 CHAPTER 40

PART III

NOISE

Supplemental

69 Execution of works by local authority

- (1) This section applies—
- (a) to a notice under section 58 of this Act;
 - (b) to a noise reduction notice ; and
 - (c) to an order of a magistrates' court under section 59(2) or section 65(6) of this Act,

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 local authority may execute those works.

- (3) Where a local authority execute works in pursuance of—

- (a) section 59(6) or section 65(7) of this Act; or
- (b) this section,

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

In this and the following subsection " the person in default" means—

- (i) in a case under section 59(6), the person against whom the order was made under subsection (2) of that section,
- (ii) in a case under section 65(7), the person convicted of an offence under subsection (5) of that section, and
- (iii) in any other case, the person to whom the notice or order applies.

Status: This is the original version (as it was originally enacted).

- (4) In proceedings to recover any amount due to a local authority under the preceding subsection in respect of works executed by the local authority in pursuance of this section, 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.