



Control of Pollution Act 1974

1974 CHAPTER 40

PART III

NOISE

Supplemental

74 Penalties.

- (1) . . . ^{F1}, a person guilty of an offence against this Part of this Act shall be liable on summary conviction—
- (a) [^{F2}in the case of a first offence against this Part of this Act,] to a fine not exceeding [^{F3}level 5 on the standard scale][^{F4}; and
 - (b) in the case of a second or subsequent offence against this Part of this Act, to a fine not exceeding [^{F5}level 5 on the standard scale],
- together, in any case, with a further fine not exceeding £50 for each day on which the offence continues after the conviction.]
- [^{F4}(2) In determining whether an offence is a second or subsequent offence against this Part of this Act, account shall be taken of any offence—
- (a) under section 24 of the ^{M1}Public Health (Scotland) Act 1897 by way of contravening a decree or interdict relating to noise; or
 - (b) under section 95 of the ^{M2}Public Health Act 1936 by way of contravening a nuisance order relating to noise, [^{F6}; or
 - (c) under section 80(4) of the Environmental Protection Act 1990,]
- as if it were an offence against this Part of this Act.]

Textual Amendments

- F1** Words in s. 74 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 74. (See end of Document for details)

- F2** Words in s. 74(1)(a) repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(8)(a)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F3** Words in s. 74(1)(a) substituted (S.) (11.4.1983) by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), **ss. 289E—289G** (as inserted by Criminal Justice Act 1982 (c. 48), **s. 54**)
- F4** Words in s. 74 repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 16(8)(b)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F5** Words in s. 74(1)(b) substituted (S.) (11.4.1983) by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), **ss. 389F, 389G** (as inserted by Criminal Justice Act 1982 (c. 48), **s. 54**)
- F6** S. 74(2)(c) and word “; or” immediately preceding it inserted (E.W.S.) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 15(5)**

Marginal Citations

- M1** 1897 c. 38.
M2 1936 c. 49.

Changes to legislation:

There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 74.