



# Noise and Statutory Nuisance Act 1993

## 1993 CHAPTER 40

### *Noise in street to be a statutory nuisance*

#### **4 Supplementary provisions.**

- (1) Section 81 of the 1990 Act (provisions supplementary to sections 79 and 80) shall be amended as follows.
- (2) In subsection (1) (application of section 80 where more than one person is responsible for statutory nuisance) for “Where” there shall be substituted “ Subject to subsection (1A) below, where ”.
- (3) After subsection (1) there shall be inserted—
  - “(1A) In relation to a statutory nuisance within section 79(1)(ga) above for which more than one person is responsible (whether or not what any one of those persons is responsible for would by itself amount to such a nuisance), section 80(2)(a) above shall apply with the substitution of “any one of the persons” for “the person”.
  - (1B) In relation to a statutory nuisance within section 79(1)(ga) above caused by noise emitted from or caused by an unattended vehicle or unattended machinery or equipment for which more than one person is responsible, section 80A above shall apply with the substitution—
    - (a) in subsection (2)(a), of “any of the persons” for “the person” and of “one such person” for “that person”,
    - (b) in subsection (2)(b), of “such a person” for “that person”,
    - (c) in subsection (3), of “any of the persons” for “the person” and of “one such person” for “that person”,
    - (d) in subsection (5), of “any person” for “the person”, and
    - (e) in subsection (7), of “a person” for “the person” and of “such a person” for “that person”.
- (4) In subsection (6) (defence to proceedings in respect of a nuisance within section 79(1)(g) that noise was authorised by a notice served under section 60 or a consent given

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*Changes to legislation: There are currently no known outstanding effects for the Noise and Statutory Nuisance Act 1993, Section 4. (See end of Document for details)*

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under section 61 etc. of the 1974 Act: construction sites) after “paragraph (g)” there shall be inserted “ or (ga) ”.

- (5) In Schedule 3 to the 1990 Act (further supplementary provisions) after paragraph 2 there shall be inserted—

“2A (1) Any person authorised by a local authority may on production (if so required) of his authority—

- (a) enter or open a vehicle, machinery or equipment, if necessary by force, or
- (b) remove a vehicle, machinery or equipment from a street to a secure place,

for the purpose of taking any action, or executing any work, authorised by or required under Part III in relation to a statutory nuisance within section 79(1)(ga) above caused by noise emitted from or caused by the vehicle, machinery or equipment.

- (2) On leaving any unattended vehicle, machinery or equipment that he has entered or opened under sub-paragraph (1) above, the authorised person shall (subject to sub-paragraph (3) below) leave it secured against interference or theft in such manner and as effectually as he found it.

- (3) If the authorised person is unable to comply with sub-paragraph (2) above, he shall for the purpose of securing the unattended vehicle, machinery or equipment either—

- (a) immobilise it by such means as he considers expedient, or
- (b) remove it from the street to a secure place.

- (4) In carrying out any function under sub-paragraph (1), (2) or (3) above, the authorised person shall not cause more damage than is necessary.

- (5) Before a vehicle, machinery or equipment is entered, opened or removed under sub-paragraph (1) above, the local authority shall notify the police of the intention to take action under that sub-paragraph.

- (6) After a vehicle, machinery or equipment has been removed under sub-paragraph (1) or (3) above, the local authority shall notify the police of its removal and current location.

- (7) Notification under sub-paragraph (5) or (6) above may be given to the police at any police station in the local authority’s area or, in the case of the Temples, at any police station of the City of London Police.

- (8) For the purposes of section 81(4) above, any expenses reasonably incurred by a local authority under sub-paragraph (2) or (3) above shall be treated as incurred by the authority under section 81(3) above in abating or preventing the recurrence of the statutory nuisance in question.”

- (6) In paragraph 3(1) of that Schedule (wilful obstruction of a person exercising any powers under paragraph 2 is an offence) after “paragraph 2” there shall be inserted “ or 2A ”.

- (7) In paragraph 4(1) of that Schedule (function of local authority in relation to which Secretary of State’s default powers apply)—

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**Changes to legislation:** *There are currently no known outstanding effects for the Noise and Statutory Nuisance Act 1993, Section 4. (See end of Document for details)*

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- (a) after “section 80” there shall be inserted “ or sections 80 and 80A ”, and
- (b) after “paragraph 2” there shall be inserted “ or 2A ”.

**Changes to legislation:**

There are currently no known outstanding effects for the Noise and Statutory Nuisance Act 1993, Section 4.