



# Noise Act 1996

## 1996 CHAPTER 37

### *Summary procedure for dealing with noise at night*

#### **2 Investigation of complaints of noise<sup>F1</sup>... at night.**

- (1) [<sup>F2</sup>A district council may, if it receives a complaint of the kind mentioned in subsection (2), arrange for an officer of the council to take reasonable steps to investigate the complaint.]

[<sup>F3</sup>A local authority in England and Wales may, if they receive a complaint of the kind mentioned in subsection (2), arrange for an officer of the authority to take reasonable steps to investigate the complaint.]

- (2) The kind of complaint referred to is one made by any individual present in a dwelling during night hours (referred to in this Act as “the complainant’s dwelling”) that excessive noise is being emitted from

[<sup>F4</sup>(a) another dwelling (referred to in this group of sections as “the offending dwelling”)]<sup>F5</sup>, 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”).]

[<sup>F6</sup>(a)] another dwelling (referred to in this group of sections as “the offending dwelling”)]<sup>F6</sup>, or

- (b) any of the following (referred to in this group of sections as “the offending premises”)—

- (i) any premises in relation to which an exhibition licence has effect;
- (ii) any place in relation to which an entertainment licence has effect;
- (iii) any licensed premises;
- (iv) a place at which the sale of intoxicating liquor is for the time being authorised by an occasional licence;
- (v) any premises where meals or refreshments are supplied whether for consumption on or off the premises;
- (vi) any premises occupied by a registered club.”]

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*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Noise Act 1996, Section 2. (See end of Document for details)*

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[<sup>F7</sup>(2A) For the purposes of subsection (2)(b)—

“exhibition licence” means a licence granted under Article 3 of the Cinemas (Northern Ireland) Order 1991;

“entertainment licence” means a licence granted under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985;

“intoxicating liquor”, “licensed premises” and “occasional licence” have the same meanings as in the Licensing (Northern Ireland) Order 1996;

“registered club” has the same meaning as in Article 2(2) of the Registration of Clubs (Northern Ireland) Order 1996.]

- (3) A complaint under subsection (2) may be made by any means.
- (4) If an officer of the authority is satisfied, in consequence of an investigation under subsection (1), that—
- (a) noise is being emitted from the offending dwelling [<sup>F8</sup>or the offending premises] during night hours, and
  - (b) the noise, if it were measured from within the complainant’s dwelling, would or might exceed the permitted level,
- he may serve a notice about the noise under section 3.
- (5) For the purposes of subsection (4), it is for the officer of the authority dealing with the particular case—
- (a) to decide whether any noise, if it were measured from within the complainant’s dwelling, would or might exceed the permitted level, and
  - (b) for the purposes of that decision, to decide whether to assess the noise from within or outside the complainant’s dwelling and whether or not to use any device for measuring the noise.
- (6) In this group of sections, “night hours” means the period beginning with 11 p.m. and ending with the following 7 a.m.
- (7) Where a local authority receive a complaint under subsection (2) and the offending dwelling is [<sup>F9</sup>, or the offending premises are, ] within the area of another local authority, the first local authority may act under this group of sections as if the offending dwelling [<sup>F10</sup>or the offending premises] were within their area, <sup>F11</sup>....

[<sup>F12</sup>(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).]

- (8) In this section and sections 3 to 9, “this group of sections” means this and those sections.

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#### **Extent Information**

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 14; see 14(4)

*Status: Point in time view as at 01/04/2012.*

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### Textual Amendments

- F1** Words in s. 2 heading repealed (E.W.) (6.4.2006 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), Sch. 1 para. 2, **Sch. 5 Pt. 7**; S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 2(p); and words in s.2 heading repealed (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, Sch. 1 para. 2, **Sch. 4 Pt. 4**; S.R. 2012/13, art. 2(2), Sch. 2
- F2** S. 2(1) substituted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), **ss. 60(3)**, 78; S.R. 2012/13, art. 2(2), Sch. 2
- F3** S. 2(1) substituted (E.W.) (31.3.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 42(3)**, 93; S.I. 2004/690, art. 3(c); S.I. 2004/999, art. 2(c); S.I. 2004/690, art. 3(c); S.I. 2004/999, art. 2(c)
- F4** Word in s. 2(2) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), **Sch. 1 para. 3(2)**; S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)
- F5** S. 2(2)(b) and preceding word inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), **Sch. 1 para. 3(2)**; S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)
- F6** Words in s. 2(2) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, **Sch. 1 para. 3(2)**; S.R. 2012/13, art. 2(2), Sch. 2
- F7** S. 2(2A) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, **Sch. 1 para. 3(3)**; S.R. 2012/13, art. 2(2), Sch. 2
- F8** Words in s. 2(4)(a) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), **Sch. 1 para. 3(3)**; S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk); and words in s. 2(4)(a) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, **Sch. 1 para. 3(4)**; S.R. 2012/13, art. 2(2), Sch. 2
- F9** Words in s. 2(7) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), **Sch. 1 para. 3(4)(a)**; S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk); and words in s. 2(7) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, **Sch. 1 para. 3(5)(a)**; S.R. 2012/13, art. 2(2), Sch. 2
- F10** Words in s. 2(7) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), **Sch. 1 para. 3(4)(b)**; S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk); and words in s. 2(7) inserted (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, **Sch. 1 para. 3(5)(b)**; S.R. 2012/13, art. 2(2), Sch. 2
- F11** Words in s. 2(7) repealed (E.W.) (31.3.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 42(4)**, 93, **Sch. 3**; S.I. 2004/690, art. 2(c)(ii); and words in s. 2(7) repealed (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), **ss. 60(4)**, 78, **Sch. 4 Pt. 4**; S.R. 2012/13, art. 2(2), Sch. 2
- F12** S. 2(7A) inserted (E.W.) (1.10.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), **Sch. 1 para. 3(5)**; S.I. 2006/2006, art. 2; S.I. 2006/2797, art. 4(kk)

### Commencement Information

- I1** S. 2 wholly in force at 1.9.1997; s. 2 not in force at Royal Assent see s. 14(2); s. 2 in force at 23.7.1997 for England and Wales by S.I. 1997/1695, **art. 2** and 1.9.1997 for Northern Ireland by S.R. 1997/366, **art. 2**

**Status:**

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**Changes to legislation:**

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