



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 7

NOISE

CHAPTER 2

GENERAL

Noise from premises

82 Noise offences: fixed penalty notices

- (1) In section 8 of the Noise Act 1996 (c. 37) (fixed penalty notices), omit subsection (8) (amount of fixed penalty).
- (2) After that section insert—

“8A Amount of fixed penalty

- (1) This section applies in relation to a fixed penalty payable to a local authority in pursuance of a notice under section 8.
- (2) The amount of the fixed penalty—
 - (a) is the amount specified by the local authority in relation to the authority’s area, or
 - (b) if no amount is so specified, is £100.
- (3) The local authority may make provision for treating the fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by the authority.

Status: This is the original version (as it was originally enacted).

- (4) The appropriate person may by regulations make provision in connection with the powers conferred on local authorities under subsections (2)(a) and (3).
- (5) Regulations under subsection (4) may (in particular)—
 - (a) require an amount specified under subsection (2)(a) to fall within a range prescribed in the regulations;
 - (b) restrict the extent to which, and the circumstances in which, a local authority can make provision under subsection (3).
- (6) The appropriate person may by order substitute a different amount for the amount for the time being specified in subsection (2)(b).

8B Fixed penalty notices: power to require name and address

- (1) If an officer of a local authority who is authorised for the purposes of section 8 proposes to give a person a fixed penalty notice, the officer may require the person to give him his name and address.
- (2) A person commits an offence if—
 - (a) he fails to give his name and address when required to do so under subsection (1), or
 - (b) he gives a false or inaccurate name or address in response to a requirement under that subsection.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

83 Noise offences: use of fixed penalty receipts

- (1) Section 9 of the Noise Act 1996 (c. 37) (fixed penalty notices: supplementary) is amended as follows.
- (2) In subsection (4A) (qualifying functions for the use of penalty receipts), omit “and” at the end of paragraph (a) and after that paragraph insert—
 - “(aa) functions under Chapter 1 of Part 7 of the Clean Neighbourhoods and Environment Act 2005;
 - (ab) functions under sections 79 to 82 of the Environmental Protection Act 1990 (statutory nuisances) in connection with statutory nuisances falling with section 79(1)(g) or (ga) (noise) of that Act;”.
- (3) After subsection (4F) insert—
 - “(4G) The powers to make regulations conferred by this section are, for the purposes of subsection (1) of section 100 of the Local Government Act 2003, to be regarded as included among the powers mentioned in subsection (2) of that section.
 - (4H) Regulations under this section relating to local authorities in England may—
 - (a) make provision in relation to—
 - (i) all local authorities,
 - (ii) particular local authorities, or
 - (iii) particular descriptions of local authority;

- (b) make different provision in relation to different local authorities or descriptions of local authority.”

84 Extension of Noise Act 1996 to licensed premises etc

Schedule 1 (which makes provision amending the Noise Act 1996 (c. 37) so that it applies to licensed premises etc) has effect.

85 Noise Act 1996: supplementary

- (1) Section 11 of the Noise Act 1996 (interpretation and subordinate legislation) is amended as follows.
- (2) After subsection (2) insert—
 - “(2A) In this Act “appropriate person” means—
 - (a) the Secretary of State, in relation to England;
 - (b) the National Assembly for Wales, in relation to Wales.”
- (3) In subsection (3), after “section 14” insert “or an order or regulations made solely by the National Assembly for Wales”.