



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 5

NOISE NUISANCE

Summary procedure for dealing with noise from certain places

41 Application of noise control provisions to local authority areas

- (1) Sections 43 to 47 (the “noise control provisions”) apply to the area of a local authority only if the authority has so resolved.
- (2) A resolution for the purpose of subsection (1) shall specify—
 - (a) a date (being a date at least 2 months after the passing of the resolution) on and after which the noise control provisions are to have effect in the area of the authority (the “commencement date”); and
 - (b) periods of the week during which noise is to be controlled by virtue of those provisions (each such period being a “noise control period”).
- (3) For the purpose of subsection (2)(b), a resolution may specify—
 - (a) the whole week as a noise control period; and
 - (b) different noise control periods for different—
 - (i) areas;
 - (ii) times of year; or
 - (iii) other circumstances.
- (4) For the purpose of subsection (2)(b), a week begins on Monday.
- (5) If a local authority resolves to apply the noise control provisions to its area, it shall—
 - (a) cause a notice to be published (in consecutive weeks with the second notice appearing at least a month before the commencement date) in a local newspaper circulating in its area; and
 - (b) at least a month before the commencement date—

Status: This is the original version (as it was originally enacted).

- (i) give a copy of the resolution to the Scottish Ministers; and
 - (ii) give a copy of the notice mentioned in paragraph (a) to each local authority whose area adjoins its area.
- (6) A notice published under subsection (5)(a) shall—
 - (a) state that the resolution has been passed;
 - (b) state the commencement date; and
 - (c) set out—
 - (i) the general effect of the noise control provisions and sections 48, 49 and 51; and
 - (ii) the noise control periods specified in the resolution.
- (7) Where a local authority is given a notice under subsection (5)(b)(ii), it shall take such steps as it considers necessary for the purpose of making persons in its area aware of the contents of the notice.