



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 5

NOISE NUISANCE

Noise control provisions

44 Warning notices

- (1) A notice under this section (a “warning notice”) shall—
 - (a) state that an officer of the authority considers—
 - (i) that noise is being emitted from the offending property during a noise control period; and
 - (ii) that the noise exceeds, or may exceed, the permitted level, as measured from a relevant place; and
 - (b) state that any person who is responsible for noise which—
 - (i) is emitted from the offending property in the period specified in the notice; and
 - (ii) exceeds the permitted level as measured from a relevant place, may be guilty of an offence.
- (2) The period specified in a warning notice shall be a period—
 - (a) beginning not earlier than 10 minutes after the time when the notice is served; and
 - (b) ending at the relevant time.
- (3) In subsection (2)(b), “relevant time” means the earlier of—
 - (a) the end of the noise control period during which the warning notice is served; and
 - (b) the point (if any) at which the permitted level at the time the notice is served ceases to be applicable.

Status: This is the original version (as it was originally enacted).

- (4) Subject to subsection (5), a warning notice shall be served by delivering it to any person present at or near the offending property and appearing to the officer of the authority to be responsible for the noise.
- (5) If it is not reasonably practicable to identify any person present at or near the offending property as being a person responsible for the noise on whom the notice may reasonably be served, a warning notice shall be served by leaving it at the offending property.
- (6) A warning notice shall state the time at which it is served.
- (7) For the purpose of the noise control provisions, a person is responsible for noise emitted from relevant property if the emission of the noise is wholly or partly attributable to the person's act, failure or sufferance.