

SCHEDULES

SCHEDULE 1

APPLICATION OF THE NOISE ACT 1996 TO LICENSED PREMISES ETC.

4.—(1) Section 3 (warning notices) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a)(i), after the words “offending dwelling” insert “or the offending premises”;

(b) for paragraph (b) substitute—

“(b) give warning—

(i) in a case where the complaint is in respect of a dwelling, that any person who is responsible for noise which is emitted from the offending dwelling in the period specified in the notice and which exceeds the permitted level, as measured from within the complainant’s dwelling, may be guilty of an offence;

(ii) in a case where the complaint is in respect of other premises, that the responsible person in relation to the offending premises may be guilty of an offence if noise which exceeds the permitted level, as measured from within the complainant’s dwelling, is emitted from the premises in the period specified in the notice.”.

(3) In subsection (3), at the beginning insert “In a case where the complaint is in respect of a dwelling,”.

(4) After subsection (3) insert—

“(3A) In a case where the complaint is in respect of other premises, a warning notice must be served by delivering it to the person who appears to the officer of the district council to be the responsible person in relation to the offending premises at the time the notice is delivered.”.

(5) After subsection (5) insert—

“(6) For the purposes of this group of sections, the responsible person in relation to offending premises at a particular time is—

(a) in the case of any premises mentioned in sub-paragraph (i), (ii), (iii) or (iv) of section 2(2)(b)—

- (i) the holder of the licence if he is present at the premises at that time,
 - (ii) where that person is not present at the premises at that time, any other person who is present at the premises at that time and in charge of the premises;
- (b) in the case of any premises mentioned in sub-paragraph (v) of section 2(2)(b), any person who is present at the premises at that time and in charge of the premises;
- (c) in the case of any premises mentioned in sub-paragraph (vi) of section 2(2)(b)—
- (i) any official of the club who is present at the premises at that time;
 - (ii) where no such official is present at the premises at that time, any other person who is present at the premises at that time and in charge of the premises;

and for the purposes of this paragraph “official” has the same meaning as in Article 2(2) of the Registration of Clubs (Northern Ireland) Order 1996.”.