

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Section 61. (See end of Document for details)*



## 2011 CHAPTER 23

### **PART 6**

#### NOISE

#### CHAPTER 2

#### AMENDMENTS TO THE NOISE ACT 1996

#### **Noise offences: fixed penalty notices**

**61.**—(1) In section 8 of the Noise Act 1996, 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 district council in pursuance of a notice under section 8.

(2) In the case of an offence under section 4 the amount of the fixed penalty—

(a) is the amount specified by the district council in relation to the council's district, or

(b) if no amount is so specified, is £100.

(3) In the case of an offence under section 4A the amount of the fixed penalty is £500.

(4) A district council may make provision for treating the fixed penalty payable in the case of an offence under section 4 as having been paid if a lesser amount is paid before the end of a period specified by the council.

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(5) The Department may by regulations make provision in connection with the powers conferred on district councils under subsections (2)(a) and (4).

(6) Regulations under subsection (5) 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 district council can make provision under subsection (4).

(7) The Department may by order substitute a different amount for the amount for the time being specified in subsection (2)(b) or (3).

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

(1) If an officer of a district council 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.”.

(3) In section 9 of the Noise Act 1996 (c. 37) (section 8: supplementary), for subsection (4) substitute—

“(4) A district council may use any sums it receives under section 8 (its “penalty receipts”) only for the purposes of functions of the council that are qualifying functions.

(4A) The following are qualifying functions for the purposes of this section—

- (a) functions under this Act;
- (b) functions under Chapter 1 of Part 6 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011;
- (c) functions under section 63 to 70 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (statutory nuisances), in connection with statutory nuisances falling with section 63(1)(i) or (j) (noise) of that Act;
- (d) functions of a description specified in regulations made by the Department.

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(4B) Regulations under subsection (4A)(d) may (in particular) have the effect that a district council may use its penalty receipts for the purposes of any of its functions.

(4C) A district council must supply the Department with such information relating to the use of its penalty receipts as the Department may require.

(4D) The Department may by regulations—

- (a) make provision for what a district council is to do with its penalty receipts—
  - (i) pending their being used for the purposes of qualifying functions of the council;
  - (ii) if they are not so used before such time after their receipt as may be specified by the regulations;
- (b) make provision for accounting arrangements in respect of a district council's penalty receipts.

(4E) The provision that may be made under subsection (4D)(a)(ii) includes (in particular) provision for the payment of sums to a person (including the Department) other than the district council.

(4F) Before making regulations under this section, the Department must consult—

- (a) district councils, and
- (b) such other persons as the Department considers appropriate.”.

(4) In section 11 of the Noise Act 1996 (c. 37) (interpretation and subordinate legislation)—

- (a) in subsection (3) after the word “orders”, in both places where it occurs, insert “ or regulations ” and after “section” insert “ 8A(7) or ”;
- (b) after subsection (3) insert—

“(4) An order under section 8A(7) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.”.

#### **Commencement Information**

- I1** S. 61 in operation at 18.1.2012 for specified purposes by [S.R. 2012/13, art. 2\(1\)](#), [Sch. 1](#)
- I2** S. 61 in operation at 1.4.2012 in so far as not already in operation by [S.R. 2012/13, art. 2\(2\)](#), [Sch. 2](#)

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