



Noise Abatement Act 1960

1960 CHAPTER 68

1 Noise or vibration nuisance

- (1) Subject to the provisions of this section, noise or vibration which is a nuisance shall be a statutory nuisance for the purposes of Part III of the Public Health Act, 1936, and the provisions of that Act shall have effect accordingly as if subsections (1) to (4) of this section were provisions of the said Part III.
- (2) In relation to noise or vibration alleged to be a statutory nuisance by virtue of the foregoing subsection—
 - (a) section ninety-nine of the said Act of 1936 (which provides that a complaint of the existence of a statutory nuisance may be made by any person aggrieved by the nuisance) shall have effect as if for the reference to any person aggrieved by the nuisance there were substituted a reference to any three or more persons each of whom is the occupier of land or premises and is in that capacity aggrieved by the nuisance; and
 - (b) section one hundred and nine of that Act (which contains a saving from the operation of the said Part III for mines and industrial processes) and section three hundred and thirteen and three hundred and seventeen of that Act (which relate to repeals and alterations of local Acts) shall not apply.
- (3) In proceedings brought by virtue of subsection (1) of this section in respect of noise or vibration caused in the course of a trade or business, it shall be a defence for the defendant to prove that the best practicable means have been used for preventing, and for counteracting the effect of, the noise or vibration.
- (4) Without prejudice to the savings contained in Part XII of the said Act of 1936, no notice shall be served or proceedings brought by virtue of subsection (1) of this section in respect of noise or vibration caused by statutory undertakers in the exercise of powers conferred on them by any enactment or statutory order.
- (5) In the application of this section to Scotland—
 - (a) in subsection (1) for the words from " shall be a statutory nuisance " to the end of the subsection there shall be substituted the words " shall be a nuisance liable to be dealt with summarily in the manner provided in Part II of the Public Health (Scotland) Act, 1897, in the same way and to the same effect as

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- in the case of a nuisance under paragraph (b) of section sixteen of that Act, and a county or town council shall have the like powers and duties in relation to such noise or vibration as they have in relation to a nuisance under that Act";
- (b) subsection (2) shall be omitted, but in relation to noise or vibration alleged to be a nuisance by virtue of this section section twenty-two of the said Act of 1897 shall have effect with substitution for references to ten ratepayers of the district of the local authority of references to any three or more persons each of whom is the occupier of land or premises and is in that capacity aggrieved by the nuisance; and
 - (c) in subsection (4) for the reference to Part XII of the said Act of 1936 there shall be substituted a reference to Part XII of the said Act of 1897.
- (6) In section sixty-six of the London County Council (General Powers) Act, 1937 (which provides that any excessive or unreasonable or unnecessary noise which is injurious or dangerous to health shall be a noise nuisance which may be dealt with summarily under the Public Health (London) Act, 1936), for the words " excessive or unreasonable or unnecessary noise which is injurious or dangerous to health " in subsection (3) there shall be substituted the words " noise which is a nuisance " ; and that section shall apply to vibration as it applies to noise and references in that section to noise shall be construed accordingly, so however that in relation to both noise and vibration the reference in the proviso to subsection (1) to three persons being either householders or occupiers of premises within hearing of the noise nuisance shall be construed as a reference to three persons each of whom is the occupier of land or premises and is in that capacity aggrieved by the nuisance.
- (7) Nothing in this section or the said section sixty-six shall apply to noise or vibration caused by aircraft.