



Control of Pollution Act 1974

1974 CHAPTER 40

PART III

NOISE

Summary proceedings to deal with noise

59 Summary proceedings by occupier of premises

- (1) A magistrates' court may act under this section on a complaint made by the occupier of any premises on the ground that in his capacity as occupier of the premises he is aggrieved by noise amounting to a nuisance.
- (2) If the magistrates' court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court shall make an order for either or both of the following purposes—
 - (a) requiring the defendant to abate the nuisance, within a time specified in the order, and to execute any works necessary for that purpose ;
 - (b) prohibiting a recurrence of the nuisance, and requiring the defendant, within a time specified in the order, to execute any works necessary to prevent the recurrence.
- (3) Proceedings under this section shall be brought against the person responsible for the nuisance or, if that person cannot be found, against the owner or occupier of the premises from which the noise is emitted, or would be emitted.
- (4) A person who without reasonable excuse contravenes any requirement of an order under subsection (2) of this section shall be guilty of an offence against this Part of this Act.
- (5) In proceedings for an offence under this section in respect of noise caused in the course of a trade or business, it shall be a defence to prove that the best practicable means have been used for preventing, or for counteracting the effect of, the noise.

Status: This is the original version (as it was originally enacted).

- (6) If a person is convicted of an offence under subsection (4) of this section, a magistrates' court may, after giving the local authority in whose area the nuisance has occurred an opportunity of being heard, direct the authority to do anything which the person convicted was required to do by the order to which the conviction relates.
- (7) In the application of this section to Scotland—
- (a) in subsection (1), for the reference to a complaint there shall be substituted a reference to a summary application ;
 - (b) for the references to the defendant there shall be substituted references to the person against whom the proceedings are taken.