



# Noise and Statutory Nuisance Act 1993

## 1993 CHAPTER 40

### *Noise in street to be a statutory nuisance*

#### **3 Summary proceedings in respect of noise in street.**

- (1) Section 80 of the 1990 Act (summary proceedings for statutory nuisances) shall be amended as follows.
- (2) In subsection (2) (person on whom abatement notice is to be served) for “The abatement notice” there shall be substituted “ Subject to section 80A(1) below, the abatement notice ”.
- (3) In subsection (3) (right of appeal to magistrates’ court) for “The person served with the notice” there shall be substituted “ A person served with an abatement notice ”.
- (4) In subsection (8) (defence that the best practicable means were used to prevent, or counteract the effects of, the nuisance not available in certain cases) after paragraph (a) there shall be inserted—
  - “(aa) in the case of a nuisance falling within paragraph (ga) of section 79(1) above except where the noise is emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes;”.
- (5) In subsection (9) (defence to proceedings in respect of a nuisance within section 79(1) (g) that noise was authorised by a notice served under section 60 or a consent given under section 61 etc. of the 1974 Act: construction sites) after “paragraph (g)” there shall be inserted “ or (ga) ”.
- (6) After section 80 of the 1990 Act there shall be inserted—

#### **“80A Abatement notice in respect of noise in street.**

- (1) In the case of a statutory nuisance within section 79(1)(ga) above that—
  - (a) has not yet occurred, or
  - (b) arises from noise emitted from or caused by an unattended vehicle or unattended machinery or equipment,

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**Changes to legislation:** There are currently no known outstanding effects for the Noise and Statutory Nuisance Act 1993, Section 3. (See end of Document for details)

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the abatement notice shall be served in accordance with subsection (2) below.

- (2) The notice shall be served—
  - (a) where the person responsible for the vehicle, machinery or equipment can be found, on that person;
  - (b) where that person cannot be found or where the local authority determines that this paragraph should apply, by fixing the notice to the vehicle, machinery or equipment.
- (3) Where—
  - (a) an abatement notice is served in accordance with subsection (2)(b) above by virtue of a determination of the local authority, and
  - (b) the person responsible for the vehicle, machinery or equipment can be found and served with a copy of the notice within an hour of the notice being fixed to the vehicle, machinery or equipment,a copy of the notice shall be served on that person accordingly.
- (4) Where an abatement notice is served in accordance with subsection (2)(b) above by virtue of a determination of the local authority, the notice shall state that, if a copy of the notice is subsequently served under subsection (3) above, the time specified in the notice as the time within which its requirements are to be complied with is extended by such further period as is specified in the notice.
- (5) Where an abatement notice is served in accordance with subsection (2)(b) above, the person responsible for the vehicle, machinery or equipment may appeal against the notice under section 80(3) above as if he had been served with the notice on the date on which it was fixed to the vehicle, machinery or equipment.
- (6) Section 80(4) above shall apply in relation to a person on whom a copy of an abatement notice is served under subsection (3) above as if the copy were the notice itself.
- (7) A person who removes or interferes with a notice fixed to a vehicle, machinery or equipment in accordance with subsection (2)(b) above shall be guilty of an offence, unless he is the person responsible for the vehicle, machinery or equipment or he does so with the authority of that person.
- (8) A person who commits an offence under subsection (7) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

**Changes to legislation:**

There are currently no known outstanding effects for the Noise and Statutory Nuisance Act 1993, Section 3.