



# Noise Act 1996

## 1996 CHAPTER 37

### *General*

#### **11 Interpretation and subordinate legislation.**

- (1) In this Act, “local authority” means—
- (a) in Greater London, a London borough council, the Common Council of the City of London and, as respects the Temples, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple respectively,
  - (b) outside Greater London—
    - (i) any district council,
    - (ii) the council of any county so far as they are the council for any area for which there are no district councils,
    - (iii) in Wales, the council of a county borough, and
  - (c) the Council of the Isles of Scilly.
- (2) In this Act—
- (a) “dwelling” means any building, or part of a building, used or intended to be used as a dwelling,
  - (b) references to noise emitted from a dwelling include noise emitted from any garden, yard, outhouse or other appurtenance belonging to or enjoyed with the dwelling.
- [<sup>F1</sup>(2A) In this Act “appropriate person” means—
- (a) the Secretary of State, in relation to England;
  - (b) the National Assembly for Wales, in relation to Wales.]
- (3) The power to make an order [<sup>F2</sup>or regulations] under this Act is exercisable by statutory instrument which (except in the case of an order [<sup>F3</sup>or regulations] under section [<sup>F3</sup>8A(7) or] 14 [<sup>F4</sup>or an order or regulations made solely by the National Assembly for Wales]) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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[<sup>F5</sup>(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.]

#### Extent Information

- E1** S. 11(1) extends to England and Wales only.  
In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 14; see 14(4)

#### Textual Amendments

- F1** S. 11(2A) inserted (E.W.) (7.4.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 85(2)**, 108
- F2** Words in s. 11(3) inserted (E.W.) (31.3.2004 for W., 31.3.2004 for E.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 42(6)**, 93; S.I. 2004/690, art. 3(c); S.I. 2004/999, art. 2(c); S.I. 2004/690, art. 3(c); S.I. 2004/999, art. 2(c); same words inserted (N.I.) (18.1.2012 for specified purposes) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), **ss. 61(4)(a)**, 78; S.R. 2012/13, art. 2(1), Sch. 1
- F3** Words in s. 11(3) inserted (N.I.) (18.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), **ss. 61(4)(a)**, 78; S.R. 2012/13, art. 2(1)(2), Sch. 1, Sch. 2
- F4** Words in s. 11(3) inserted (E.W.) (7.4.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 85(3)**, 108
- F5** S. 11(4) inserted (N.I.) (18.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), **ss. 61(4)(b)**, 78; S.R. 2012/13, art. 2(1)(2), Sch. 1, Sch. 2

#### Commencement Information

- I1** S. 11 wholly in force; s. 11 not in force at Royal Assent see s. 14(2); s. 11 in force for England and Wales for specified purposes at 19.9.1996 by [S.I. 1996/2219](#), **art. 2**; s. 11 in force at 23.7.1997 insofar as not already in force for England and Wales by [S.I. 1997/1695](#), **art. 2**; s. 11 in force at 1.9.1997 for Northern Ireland by [S.R. 1997/366](#), **art. 2**

## 12 Protection from personal liability.

- (1) A member of a local authority or an officer or other person authorised by a local authority is not personally liable in respect of any act done by him or by the local authority or any such person if the act was done in good faith for the purpose of executing powers conferred by, or by virtue of, this Act.
- (2) Subsection (1) does not apply to liability under [<sup>F6</sup>section 17 or 18 of the Audit Commission Act 1998] (powers of district auditor and court).

#### Textual Amendments

- F6** Words in s. 12(2) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), **Sch. 3 para. 31**

#### Commencement Information

- I2** S. 12 wholly in force; s. 12 not in force at Royal Assent see s. 14(2); s. 12 in force for England and Wales for specified purposes at 19.9.1996 by [S.I. 1996/2219](#), **art. 2**; s. 12 in force at 23.7.1997 insofar

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as not already in force for England and Wales by S.I. 1997/1695, **art. 2**; s. 12 in force at 1.9.1997 for Northern Ireland by S.R. 1997/366, **art. 2**

### 13 Expenses.

There is to be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

#### Commencement Information

**I3** S. 13 wholly in force at 1.9.1997; s. 13 not in force at Royal Assent see s. 14(2); s. 13 in force at 19.9.1996 by S.I. 1996/2219, **art. 2**; and 1.9.1997 for Northern Ireland by S.R. 1997/366, **art. 2**

### 14 Short title, commencement and extent.

- (1) This Act may be cited as the Noise Act 1996.
- (2) This Act is to come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different purposes.
- (3) This Act does not extend to Scotland.
- (4) In its application to Northern Ireland this Act has effect with the following modifications—
  - (a) for any reference to a local authority there is substituted a reference to a district council,
  - (b) for any reference to the area of a local authority there is substituted a reference to the district of a district council,
  - (c) for any reference to the Secretary of State there is substituted a reference to the Department of the Environment for Northern Ireland,
  - (d) any reference to an enactment includes reference to an enactment comprised in Northern Ireland legislation,
  - (e) in section 10(4) for the words “sworn information” there is substituted the words “a complaint made on oath and”,
  - (f) in section 11 for subsection (3) there is substituted—

“(3) The power to make orders under this Act shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979, and any orders made under this Act shall (except in the case of an order under section 14) be subject to negative resolution within the meaning assigned by section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.”,
  - (g) in section 12 for subsection (2) there is substituted—

“(2) Subsection (1) does not apply to liability under section 81 or 82 of the Local Government Act (Northern Ireland) 1972 (powers of local government auditor and court).”,
  - (h) the following provisions are omitted—
    - (i) <sup>[F7]</sup>section 10(7),]
    - (ii) <sup>[F7]</sup>in section 10(8) the words “or by virtue of subsection (7)”,]

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- (iii) section 11(1),
- (iv) [<sup>F8</sup>in the Schedule, paragraph 1(a)(ii) and the word “and” immediately before it,]
- (v) [<sup>F8</sup>in the Schedule, in paragraph 1(b), the words “or section 81(3) of the Environmental Protection Act 1990 (as so extended)”.]

#### Extent Information

- E2** S. 14 extends to Northern Ireland but the operation of s. 14 is limited by application as mentioned in s. 14(4)

#### Subordinate Legislation Made

- P1** S. 14(2) power partly exercised (28.8.1996): 19.9.1996 appointed for specified provisions by [S.I. 1996/2219](#), [art. 2](#)  
S. 14(2) power partly exercised (10.7.1997): 23.7.1997 appointed for specified provisions by [S.I. 1997/1695](#), [art. 2](#)
- P2** S. 14(2)(4) power partly exercised (12.8.1997): 1.9.1997 appointed for Northern Ireland by [S.R. 1997/366](#), [art. 2](#)

#### Textual Amendments

- F7** S. 14(4)(h)(i)(ii) repealed (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, Sch. 3 para. 14(2), [Sch. 4 Pt. 5](#); [S.R. 2012/13](#), art. 2(2), Sch. 2
- F8** S. 14(4)(h)(iv)(v) repealed (N.I.) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, Sch. 3 para. 14(2), [Sch. 4 Pt. 5](#); [S.R. 2012/13](#), art. 2(2), Sch. 2

#### Commencement Information

- I4** S. 14 wholly in force; s. 14 not in force at Royal Assent see s. 14(2); s. 14(1)-(3) in force for England and Wales at 19.9.1996 by [S.I. 1996/2219](#), [art. 2](#); s. 14 in force at 23.7.1997 insofar as not already in force for England and Wales by [S.I. 1997/1695](#), [art. 2](#); s. 14 in force at 1.9.1997 for Northern Ireland by [S.R. 1997/366](#), [art. 2](#)

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