



# 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.
- (3) The power to make an order under this Act is exercisable by statutory instrument which (except in the case of an order under section 14) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **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.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Subsection (1) does not apply to liability under section 19 or 20 of the Local Government Finance Act 1982 (powers of district auditor and court).

### **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.

### **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) section 10(7),
    - (ii) in section 10(8) the words “or by virtue of subsection (7)”,
    - (iii) section 11(1),
    - (iv) in the Schedule, paragraph 1(a)(ii) and the word “and” immediately before it,
    - (v) in the Schedule, in paragraph 1(b), the words “or section 81(3) of the Environmental Protection Act 1990 (as so extended)”.