



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 6

THE ENVIRONMENT

Noise

42 Dealing with noise at night

- (1) The Noise Act 1996 (c. 37) is amended as follows.
- (2) For section 1 (sections 2 to 9 only apply to area of local authority if authority have so resolved or an order by Secretary of State so provides) substitute—

“1 Application of sections 2 to 9

Sections 2 to 9 apply to the area of every local authority in England and Wales.”

- (3) For section 2(1) (local authority under duty to investigate complaint of noise from dwelling at night) substitute—

“(1) A local authority in England and Wales may, if they receive a complaint of the kind mentioned in subsection (2), arrange for an officer of the authority to take reasonable steps to investigate the complaint.”

- (4) In section 2(7) (power of local authority to act in relation to dwelling within area of other authority) omit the words from “and accordingly” to the end.

- (5) In section 9 (section 8: supplementary), for subsection (4) substitute—

“(4) A local authority may use any sums it receives under section 8 (its “penalty receipts”) only for the purposes of functions of its that are qualifying functions.

- (4A) The following are qualifying functions for the purposes of this section—

Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 42. (See end of Document for details)

- (a) functions under this Act, and
 - (b) functions of a description specified in regulations made by the Secretary of State.
- (4B) Regulations under subsection (4A)(b) may (in particular) have the effect that a local authority may use its penalty receipts for the purposes of any of its functions.
- (4C) A local authority must supply the Secretary of State with such information relating to the use of its penalty receipts as the Secretary of State may require.
- (4D) The Secretary of State may by regulations—
- (a) make provision for what a local authority is to do with its penalty receipts—
 - (i) pending their being used for the purposes of qualifying functions of the authority;
 - (ii) if they are not so used before such time after their receipt as may be specified by the regulations;
 - (b) make provision for accounting arrangements in respect of a local authority’s penalty receipts.
- (4E) The provision that may be made under subsection (4D)(a)(ii) includes (in particular) provision for the payment of sums to a person (including the Secretary of State) other than the local authority.
- (4F) Before making regulations under this section, the Secretary of State must consult—
- (a) the local authorities to which the regulations are to apply, and
 - (b) such other persons as the Secretary of State considers appropriate.”
- (6) In section 11 (interpretation and subordinate legislation), in subsection (3) after “order”, in the first place where it occurs, insert “ or regulations ”.
- (7) The reference to the Noise Act 1996 (c. 37) in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) is to be treated as referring to that Act as amended by this section.

Commencement Information

- I1** S. 42 in force at 31.3.2004 for E. by [S.I. 2004/690](#), [art. 3\(c\)](#)
- I2** S. 42 in force at 31.3.2004 for W. by [S.I. 2004/999](#), [art. 2\(c\)](#)

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