

SCHEDULES

SCHEDULE 1

APPLICATION OF THE NOISE ACT 1996 TO LICENSED PREMISES ETC

- 4 (1) Section 3 (warning notices) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a)(i), after “offending dwelling” insert “or the offending premises”;
 - (b) for paragraph (b) substitute—
 - “(b) give warning—
 - (i) in a case where the complaint is in respect of a dwelling, that any person who is responsible for noise which is emitted from the offending dwelling in the period specified in the notice and which exceeds the permitted level, as measured from within the complainant’s dwelling, may be guilty of an offence;
 - (ii) in a case where the complaint is in respect of other premises, that the responsible person in relation to the offending premises may be guilty of an offence if noise which exceeds the permitted level, as measured from within the complainant’s dwelling, is emitted from the premises in the period specified in the notice.”
- (3) In subsection (3), at the beginning insert “In a case where the complaint is in respect of a dwelling,”.
- (4) After subsection (3) insert—
“(3A) In a case where the complaint is in respect of other premises, a warning notice must be served by delivering it to the person who appears to the officer of the authority to be the responsible person in relation to the offending premises at the time the notice is delivered.”
- (5) After subsection (5) insert—
“(6) For the purposes of this group of sections, the responsible person in relation to premises at a particular time is—
 - (a) where a premises licence has effect in respect of the premises—
 - (i) the person who holds the premises licence if he is present at the premises at that time,
 - (ii) where that person is not present at the premises at that time, the designated premises supervisor under the licence if he is present at the premises at that time, or

Status: This is the original version (as it was originally enacted).

- (iii) where neither of the persons mentioned in sub-paragraphs (i) and (ii) is present at the premises at that time, any other person present at the premises at that time who is in charge of the premises;
- (b) where a temporary event notice has effect in respect of the premises—
 - (i) the premises user in relation to that notice if he is present at the premises at that time, or
 - (ii) where the premises user is not present at the premises at that time, any other person present at the premises at that time who is in charge of the premises.”