



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 7

#### NOISE

### CHAPTER 2

#### GENERAL

#### *Statutory noise nuisances*

## 86 Deferral of duty to serve abatement notice

In section 80 of the Environmental Protection Act 1990 (c. 43) (summary proceedings for statutory nuisances), at the beginning of subsection (1) insert “ Subject to subsection (2A) ” and after subsection (2) insert—

“(2A) Where a local authority is satisfied that a statutory nuisance falling within paragraph (g) of section 79(1) above exists, or is likely to occur or recur, in the area of the authority, the authority shall—

- (a) serve an abatement notice in respect of the nuisance in accordance with subsections (1) and (2) above; or
- (b) take such other steps as it thinks appropriate for the purpose of persuading the appropriate person to abate the nuisance or prohibit or restrict its occurrence or recurrence.

(2B) If a local authority has taken steps under subsection (2A)(b) above and either of the conditions in subsection (2C) below is satisfied, the authority shall serve an abatement notice in respect of the nuisance.

(2C) The conditions are—

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**Changes to legislation:** Clean Neighbourhoods and Environment Act 2005, Section 86 is up to date with all changes known to be in force on or before 06 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (a) that the authority is satisfied at any time before the end of the relevant period that the steps taken will not be successful in persuading the appropriate person to abate the nuisance or prohibit or restrict its occurrence or recurrence;
  - (b) that the authority is satisfied at the end of the relevant period that the nuisance continues to exist, or continues to be likely to occur or recur, in the area of the authority.
- (2D) The relevant period is the period of seven days starting with the day on which the authority was first satisfied that the nuisance existed, or was likely to occur or recur.
- (2E) The appropriate person is the person on whom the authority would otherwise be required under subsection (2A)(a) above to serve an abatement notice in respect of the nuisance.”

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#### Commencement Information

- I1** S. 86 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2
- I2** S. 86 in force at 27.10.2006 for W. by S.I. 2006/2797, art. 2(q)

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**Commencement Orders yet to be applied to the Clean Neighbourhoods and Environment Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/120 art. 3](#) Amendment to earlier commencing [S.I. 2006/2797](#)