



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 5

NOISE NUISANCE

Summary procedure for dealing with noise from certain places

41 Application of noise control provisions to local authority areas

- (1) Sections 43 to 47 (the “noise control provisions”) apply to the area of a local authority only if the authority has so resolved.
- (2) A resolution for the purpose of subsection (1) shall specify—
 - (a) a date (being a date at least 2 months after the passing of the resolution) on and after which the noise control provisions are to have effect in the area of the authority (the “commencement date”); and
 - (b) periods of the week during which noise is to be controlled by virtue of those provisions (each such period being a “noise control period”).
- (3) For the purpose of subsection (2)(b), a resolution may specify—
 - (a) the whole week as a noise control period; and
 - (b) different noise control periods for different—
 - (i) areas;
 - (ii) times of year; or
 - (iii) other circumstances.
- (4) For the purpose of subsection (2)(b), a week begins on Monday.
- (5) If a local authority resolves to apply the noise control provisions to its area, it shall—
 - (a) cause a notice to be published (in consecutive weeks with the second notice appearing at least a month before the commencement date) in a local newspaper circulating in its area; and
 - (b) at least a month before the commencement date—

Status: This is the original version (as it was originally enacted).

- (i) give a copy of the resolution to the Scottish Ministers; and
 - (ii) give a copy of the notice mentioned in paragraph (a) to each local authority whose area adjoins its area.
- (6) A notice published under subsection (5)(a) shall—
 - (a) state that the resolution has been passed;
 - (b) state the commencement date; and
 - (c) set out—
 - (i) the general effect of the noise control provisions and sections 48, 49 and 51; and
 - (ii) the noise control periods specified in the resolution.
- (7) Where a local authority is given a notice under subsection (5)(b)(ii), it shall take such steps as it considers necessary for the purpose of making persons in its area aware of the contents of the notice.

42 Revocation or variation of resolution under section 41

- (1) A local authority may by resolution—
 - (a) revoke the resolution made for the purpose of section 41(1);
 - (b) revoke any noise control period specified in that resolution; or
 - (c) specify noise control periods—
 - (i) in addition to; or
 - (ii) in substitution for,
 any such noise control period.
- (2) A resolution under subsection (1) shall specify a date (being a date at least 2 months after the passing of the resolution) on which the provision made by the resolution shall come into effect (the “effective date”).
- (3) If a local authority passes a resolution under subsection (1), it shall—
 - (a) cause a notice to be published (in consecutive weeks with the second notice appearing at least a month before the effective date) in a local newspaper circulating in its area; and
 - (b) at least a month before the effective date—
 - (i) give a copy of the resolution to the Scottish Ministers; and
 - (ii) give a copy of the notice mentioned in paragraph (a) to each local authority whose area adjoins its area.
- (4) A notice published under subsection (3)(a) shall—
 - (a) state that the resolution has been passed;
 - (b) state the effective date; and
 - (c) set out the provision made by the resolution.
- (5) Where a local authority is given a copy of a notice under subsection (3)(b)(ii), it shall take such steps as it considers necessary for the purpose of making persons in its area aware of the contents of the notice.