

SCHEDULE 4  
MINOR AND CONSEQUENTIAL AMENDMENTS

*The Environmental Protection Act 1990 (c. 43)*

- 3       After section 81(3) of the Environmental Protection Act 1990 (power to abate statutory nuisance) there shall be inserted—
- “(3A) The power under subsection (3) above shall, where the matter to be abated is a statutory nuisance by virtue of section 79(1)(g) above, include power to seize and remove any equipment which it appears to the authority is being or has been used in the emission of the noise in question.
- (3B) A person who wilfully obstructs any person exercising, by virtue of subsection (3A) above, the power conferred by subsection (3) above shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (3C) Schedule 1 to the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) shall have effect in relation to equipment seized by virtue of subsection (3A) above as it does in relation to equipment seized under section 47(2) of that Act, subject to the following modifications—
- (a) in paragraph 1(a), “noise offence” means an offence under section 80(4) above in respect of a statutory nuisance falling within section 79(1)(g) above; and
- (b) in paragraph 1(b), “seized equipment” means equipment seized by virtue of subsection (3A) above.”.