



# 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—

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**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 41 is up to date with all changes known to be in force on or before 12 April 2024. 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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- (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.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 85B inserted by [2014 asp 14 s. 21\(1\)](#)