



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 5

NOISE NUISANCE

Summary procedure for dealing with noise from certain places

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

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Section 42 is up to date with all changes known to be in force on or before 20 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*

- (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.

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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\(1\)](#)