



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 5

### NOISE NUISANCE

#### *Noise control provisions*

#### **43 Investigation of excessive noise from certain places**

- (1) Where a local authority receives a complaint from an individual that excessive noise is being emitted from relevant property during a noise control period, it shall ensure that an officer of the authority investigates the latter matter.
- (2) A complaint under subsection (1) may be made by any means.
- (3) If in consequence of an investigation under subsection (1) an officer of a local authority is satisfied that—
  - (a) noise is being emitted from relevant property (the “offending property”) during a noise control period; and
  - (b) the noise, if it were measured from a relevant place—
    - (i) would; or
    - (ii) might,exceed the permitted level,the officer may serve a notice about the noise under section 44.
- (4) For the purposes of subsection (3), it is for the officer of the authority dealing with the particular case—
  - (a) to decide whether any noise, if it were measured from a relevant place—
    - (i) would; or
    - (ii) might,exceed the permitted level; and
  - (b) for the purposes of that decision to decide—

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**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 43 is up to date with all changes known to be in force on or before 19 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) from what place to assess the noise; and
- (ii) whether to use any device for measuring the noise.

(5) Where—

- (a) a local authority (the “first local authority”) receives a complaint under subsection (1); and
  - (b) the offending property is within the area of another local authority,
- the first local authority may act under the noise control provisions as if the offending property were within its area, and accordingly may so act whether or not the noise control provisions apply to the area of the other local authority.

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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\(1\)](#)