



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—

Status: This is the original version (as it was originally enacted).

- (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.