



## 2011 CHAPTER 23

### **PART 6**

#### NOISE

##### CHAPTER 1

##### AUDIBLE INTRUDER ALARMS

###### *Powers in relation to alarms*

#### **Power of entry**

**56.**—(1) This section applies if an authorised officer of a district council is satisfied that the conditions in subsection (2) are met in relation to an audible intruder alarm installed in or on premises in the district of the district council.

(2) The conditions are—

- (a) that the alarm has been sounding continuously for more than 20 minutes or intermittently for more than one hour;
- (b) that the sounding of the alarm is likely to give persons living or working in the vicinity of the premises reasonable cause for annoyance;
- (c) if the premises are in an alarm notification area, that reasonable steps have been taken to get the nominated key-holder to silence the alarm.

(3) The officer may enter the premises for the purpose of silencing the alarm.

(4) The officer may not enter premises by force under this section.

(5) The officer must, if required, show evidence of the officer's authority to act under this section.

(6) In this section—

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*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Cross Heading: Powers in relation to alarms. (See end of Document for details)*

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“authorised officer” means an officer of a district council who is authorised by the council (generally or specifically) for the purposes of this section;

“nominated key-holder”, in respect of premises in the district of a district council, means a person in respect of whom the council has received notification in accordance with section 50(2)(b).

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**Commencement Information**

**II** S. 56 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

### **Warrant to enter premises by force**

**57.—**(1) This section applies if, on an application made by an authorised officer of a district council, a lay magistrate is satisfied—

- (a) that the conditions in section 56(2)(a) and (b) are met in relation to an audible intruder alarm installed in or on premises in the district of the district council,
- (b) if the premises are in an alarm notification area, that the condition in section 56(2)(c) is met, and
- (c) that the officer is unable to gain entry to the premises without the use of force.

(2) The lay magistrate may issue a warrant authorising the officer to enter the premises, using reasonable force if necessary, for the purpose of silencing the alarm.

(3) Before applying for a warrant under this section, the officer must leave a notice at the premises stating—

- (a) that the officer is satisfied that the sounding of the alarm is likely to give persons living or working in the vicinity of the premises reasonable cause for annoyance, and
- (b) that an application is to be made for a warrant authorising the officer to enter the premises, using reasonable force if necessary, for the purpose of silencing the alarm.

(4) The officer must, if required, show evidence of a warrant issued under this section.

(5) “Authorised officer” has the meaning given in section 56.

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**Commencement Information**

**II** S. 57 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

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*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Cross Heading: Powers in relation to alarms. (See end of Document for details)*

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### **Powers of entry: supplementary**

**58.**—(1) This section applies where an officer of a district council enters any premises under section 56 or under a warrant issued under section 57.

(2) The officer may take any steps the officer thinks necessary for the purpose of silencing the alarm.

(3) The officer may take to the premises—

- (a) such other persons, and
- (b) such equipment,

as the officer thinks necessary for the purpose of silencing the alarm.

(4) The officer and any person who enters the premises by virtue of subsection (3) must not cause more damage to or disturbance at the premises than is necessary for the purpose of silencing the alarm.

(5) If the premises are unoccupied or (where the premises are occupied) the occupier of the premises is temporarily absent the officer must—

- (a) leave a notice at the premises stating what action has been taken on the premises under this section and section 56 or 57;
- (b) leave the premises (so far as is reasonably practicable) as effectively secured against entry as the officer found them.

(6) But the officer is not required by virtue of subsection (5)(b) to re-set the alarm.

(7) Any expenses reasonably incurred by the district council in connection with entering the premises, silencing the alarm and complying with subsection (5) may be recovered by the council from the responsible person.

(8) A warrant under section 57 continues in force until—

- (a) the alarm has been silenced, and
- (b) the officer has complied with subsection (5) (if that subsection applies).

(9) Nothing done by, or by a member of, a district council or by an officer of or another person authorised by a district council, if done in good faith for the purposes of section 56 or 57 or this section, is to subject the council or any of those persons personally to any action, liability, claim or demand.

(10) Subsection (9) does not apply so as to prevent an award of damages in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998 (c. 42).

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#### **Commencement Information**

**I3** S. 58 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Cross Heading: Powers in relation to alarms.