



2011 CHAPTER 23

PART 7

STATUTORY NUISANCES

Abatement notice in respect of noise in the street

66.—(1) In the case of a statutory nuisance within section 63(1)(j) that—

- (a) has not yet occurred, or
- (b) arises from noise emitted from or caused by an unattended vehicle or unattended machinery or equipment,

the abatement notice shall be served in accordance with subsection (2).

(2) The notice shall be served—

- (a) where the person responsible for the vehicle, machinery or equipment can be found, on that person;
- (b) where that person cannot be found or where the district council determines that this paragraph should apply, by fixing the notice to the vehicle, machinery or equipment.

(3) Where—

- (a) an abatement notice is served in accordance with subsection (2)(b) by virtue of a determination of the district council, and
- (b) the person responsible for the vehicle, machinery or equipment can be found and served with a copy of the notice within an hour of the notice being fixed to the vehicle, machinery or equipment,

a copy of the notice shall be served on that person accordingly.

(4) Where an abatement notice is served in accordance with subsection (2)(b) by virtue of a determination of the district council, the notice shall state that, if a copy of the notice is subsequently served under subsection (3), the time specified in the notice as the time within which its requirements are to be complied with is extended by such further period as is specified in the notice.

(5) Where an abatement notice is served in accordance with subsection (2)(b), the person responsible for the vehicle, machinery or equipment may appeal against the notice under section 65(8) as if that person had been served with the notice on the date on which it was fixed to the vehicle, machinery or equipment.

(6) Section 65(9) shall apply in relation to a person on whom a copy of an abatement notice is served under subsection (3) as if the copy were the notice itself.

(7) A person who removes or interferes with a notice fixed to a vehicle, machinery or equipment in accordance with subsection (2)(b) shall be guilty of an offence, unless that person is the person responsible for the vehicle, machinery or equipment or does so with the authority of that person.

(8) A person who commits an offence under subsection (7) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.