



# Noise and Statutory Nuisance Act 1993

## 1993 CHAPTER 40

### *Noise in street to be a statutory nuisance*

#### **5 Summary proceedings by persons aggrieved by noise in street.**

- (1) Section 82 of the 1990 Act (summary proceedings by persons aggrieved by statutory nuisances) shall be amended as follows.
- (2) In subsection (2) (duty of magistrates' court to make an order if satisfied that nuisance exists or is likely to recur on same premises) after "premises" there shall be inserted " or, in the case of a nuisance within section 79(1)(ga) above, in the same street ".
- (3) In subsection (4) (person against whom proceedings are to be brought)—
  - (a) in paragraph (a), for "paragraph (b) or (c) below" there shall be substituted " paragraph (b), (c) or (d) below ", and
  - (b) after paragraph (c) there shall be added—
    - (d) in the case of a statutory nuisance within section 79(1)(ga) above caused by noise emitted from or caused by an unattended vehicle or unattended machinery or equipment, against the person responsible for the vehicle, machinery or equipment."
- (4) In subsection (5) (application of subsections (1) to (4) where more than one person is responsible for statutory nuisance) for "Where" there shall be substituted " Subject to subsection (5A) below, where ".
- (5) After subsection (5) there shall be inserted—
  - (5A) In relation to a statutory nuisance within section 79(1)(ga) above for which more than one person is responsible (whether or not what any one of those persons is responsible for would by itself amount to such a nuisance), subsection (4)(a) above shall apply with the substitution of "each person responsible for the nuisance who can be found" for "the person responsible for the nuisance".

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**Changes to legislation:** There are currently no known outstanding effects for the Noise and Statutory Nuisance Act 1993, Section 5. (See end of Document for details)

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- (5B) In relation to a statutory nuisance within section 79(1)(ga) above caused by noise emitted from or caused by an unattended vehicle or unattended machinery or equipment for which more than one person is responsible, subsection (4)(d) above shall apply with the substitution of “any person” for “the person”.
- (6) In subsection (7)(a) (at least three days’ notice of proceedings to be given in the case of a nuisance within section 79(1)(g)) after “paragraph (g)” there shall be inserted “or (ga) ”.
- (7) In subsection (10) (cases where defence that the best practicable means were used to prevent, or counteract the effects of, the nuisance is not available) after paragraph (a) there shall be inserted—
- “(aa) in the case of a nuisance falling within paragraph (ga) of section 79(1) above except where the noise is emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes;”.
- (8) In subsection (13) (power of court where person responsible for the nuisance etc. cannot be found to direct local authority to do anything that person would have been ordered to do) after “the owner or occupier of the premises” there shall be inserted “or (as the case may be) the person responsible for the vehicle, machinery or equipment ”.

**Changes to legislation:**

There are currently no known outstanding effects for the Noise and Statutory Nuisance Act 1993, Section 5.