

## NOISE ACT 2006

### Guidance

- Members of the public who make complaint to local authorities about 'noise' should be advised of the following.
- In all cases the problem should be reported to the Police either at Port Erin 832222 , Castletown 822222 or via Headquarters 631212.
- The report should be made at the time that the problem is on-going as the 'noise' should be witnessed by a Police Officer in order that action can be taken.
- All complainants should be advised of the need to contact the Police 'at the time'.

### SUMMARY OF POWERS

#### • **Section 1 – Complaint**

- If a person in a dwelling makes a complaint of noise being emitted from another premises\*
- During the period 11.00pm to 7.00am
- And the level of noise is unreasonable\*
- A warning notice under Section 2 may be served by a Police Constable
- Premises means any building or structure permanent or temporary, whether or not used or intended to be used as a dwelling and includes road vehicles, trailers and caravans whether or not converted to use as dwellings. The noise includes that made by an animal or bird at that locus.
- It excludes noise from agricultural land, emergency services, local authority, licensed premises and clubs.
- \*\* Unreasonable noise means a level of noise of any kind which adversely affects the amenity of any person present in a dwelling. It includes noise from a garden, yard or outhouse of the premises concerned.

#### **Section 2 — Warning Notice**

- A warning notice must specify a period:
  - (a) not earlier than 10 minutes after the time when the notice is served; AND
  - (b) ending with the following 7.00 am
- The warning notice must be served:
  - (a) on the person present or near the offending premises and appearing to be responsible for the unreasonable noise.
  - (b) if unable to identify any responsible person, affixing a notice addressed to the occupier in a conspicuous position on the offending premises.

- N.B. Warning notices may be served on any number of persons responsible for the unreasonable noise.

### **Section 3—Offence**

- An offence is committed by any person who is responsible for unreasonable noise after a warning notice has been served on them
- Penalty: 3 months imprisonment and/or £2500 fine.

### **Section 4 - Fixed Penalty Notice**

A person found committing an offence under Section 3 may be issued with a Fixed Penalty Notice.

- A Fixed penalty Notice can be given to a person

OR

- left in a conspicuous place on the offending premises
- N.B. Only one Fixed Penalty Notice may be issued in any one 'period', however, that person may be convicted of a further offence.

### **Section 6 - Powers of Entry & Seizure**

- Where a warning notice has been served on a person, and the unreasonable noise has continued to be emitted from the offending premises during the period specified in the notice
- A constable with written authority\*\*\*\* from an Officer not below the rank of Sergeant may enter the offending premises from which the unreasonable noise is being or has been emitted and may disarm or seize and remove any equipment or other source of noise\*\*\* which it appears to the constable is emitting or has been emitting the unreasonable noise.
- \*\*\* Source of noise means anything capable of emitting noise and includes any animal or bird.

\*\*\*\* Written authority means PNB entry and i-net record.

### **Offence of Obstruction**

- A person who willfully obstructs any person exercising any powers to disarm, seize or remove equipment commits an offence.
- Penalty: 3 months imprisonment and/or £2500 fine.

### **Section 6 - Entry by Force**

- An officer of the rank of Sergeant or above may give a written authority to enter any offending premises using reasonable force if necessary, where: (a) a warning notice has been issued
- (b) it is within the period specified in the notice

- (c) entry has been refused or refusal is apprehended or a request for admission would defeat the object of the entry

- AND

- (i) the person in occupation of the offending premises has failed to reduce the noise to an acceptable level and the noise which continues to be emitted is in the reasonable opinion of the constable likely to cause a breach of the peace.

- OR

- (ii) the offending premises are unoccupied and the premises have been occupied by a person upon whom a notice has been served and the level of the noise which continues to be emitted is in the reasonable opinion of the constable likely to cause a breach of the peace.

- For powers in relation to the retention and forfeiture of seized equipment please read the Act in full.

- This summary should be read in conjunction with the Noise Act 2006.