Environmental Protection Act 1990

1990 CHAPTER 43

PART III

STATUTORY NUISANCES AND CLEAN AIR

Modifications etc. (not altering text)

C1 Pt. III (ss. 79-85) applied: (E.W) (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 167(2)**, 225(2) (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6); (E.W.) (1.12.1991) by Land Drainage Act 1991 (c. 59, SIF 73:1), **ss. 15(3)**, 76(2) (with ss. 67(3)(5)(8), 72(6), 74(3)(4)); and (1.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
Pt. III (ss. 79-85) amended (27.8.1993) by 1993 c. 12, ss. 40, 49(2), Sch. 3 Pt. I para.7, **Sch. 5 Pt. II para.8** (with ss. 42, 46)
Pt. III (ss. 79-85) excluded (27.8.1993) by 1993 c. 11, **s. 42(4)**
Pt. III (ss. 79-85) power to exclude conferred (27.8.1993) by 1993 c. 11, **ss. 45(1)(a)**, 47(1)(a)

C2 Pt. 3 modified (E.) (6.4.2010) by The Bristol Port Health Authority Order 2010 (S.I. 2010/1214), art. 4, **Sch.**

C3 Pt. 3 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), art. 4, **Sch.**

C4 Pt. 3 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), art. 4, **Sch.**

C5 Pt. 3 modified (E.) (6.4.2010) by The Southampton Port Health Authority Order 2010 (S.I. 2010/1218), art. 4, **Sch.**

C6 Pt. 3 applied (with modifications) (S.) (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 71(3)**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.

C7 Pt. 3 modified by S.I. 2010/675, Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (E.W.) (1.10.2011) by The Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (S.I. 2011/2043), reg. 1(b), **Sch. 1**)

C8 Pt. 3 modified (E.W.) (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), Sch. 23 paras. 1(3), **2** (with regs. 1(3), 77-79, Sch. 4)

C9 Pt. 3: functions etc. assigned to the Port Health Authority and modified (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 9, **Sch. 2** (with art. 9(3))

C10 Pt. 3 restricted (S.) (1.9.2018) by The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219), reg. 1, **sch. 8 para. 39(2)(a)(vii)** (with reg. 78, sch. 5 para. 2)

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C11 Pt. 3: functions etc. assigned to the Port Health Authority (7.11.2024) by The London Port Health Authority Order 2024 (S.I. 2024/1161), arts. 1(1), 4(2), **Sch.** (with arts. 4(3), 5(2))

[F1] *Statutory nuisances . . .*

Textual Amendments

F1 Words in heading immediately preceding s. 79 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch.24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

79 Statutory nuisances and inspections therefor. E+W

(1) **[**[F2]Subject to subsections (1A) to (6A) below**]**, the following matters constitute "statutory nuisances" for the purposes of this Part, that is to say—

(a) any premises in such a state as to be prejudicial to health or a nuisance;

(b) smoke emitted from premises so as to be prejudicial to health or a nuisance;

(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;

(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;

(e) any accumulation or deposit which is prejudicial to health or a nuisance;

(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;

[[F3](fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;**]**

[[F4](fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;**]**

(g) noise emitted from premises so as to be prejudicial to health or a nuisance;

[[F5](ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street **[**[F6]or in Scotland, road**]**;**]**

(h) any other matter declared by any enactment to be a statutory nuisance;

and it shall be the duty of every local authority to cause its area to be inspected from time to time to detect any statutory nuisances which ought to be dealt with under section 80 below **[**[F7]or sections 80 and 80A below**]** and, where a complaint of a statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint.

[F8]**[**(1A) No matter shall constitute a statutory nuisance to the extent that it consists of, or is caused by, any land being in a contaminated state.

(1B) Land is in a "contaminated state" for the purposes of subsection (1A) above if, and only if, it is in such a condition, by reason of substances in, on or under the land, that—

(a) harm is being caused or there is a possibility of harm being caused; or

(b) pollution of controlled waters is being, or is likely to be, caused;

and in this subsection "harm", "pollution of controlled waters" and "substance" have the same meaning as in Part IIA of this Act.**]**

(2) Subsection (1)(b) **[**[F9], (fb)**]** and (g) above do not apply in relation to premises—

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(a) occupied on behalf of the Crown for naval, military or air force purposes or for the purposes of the department of the Secretary of State having responsibility for defence, or

(b) occupied by or for the purposes of a visiting force;

and "visiting force" means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952.

(3) Subsection (1)(b) above does not apply to—

(i) smoke emitted from a chimney of a private dwelling within a smoke control area **[**[F10]in Wales**]**,

(ii) dark smoke emitted from a chimney of a building or a chimney serving the furnace of a boiler or industrial plant attached to a building or for the time being fixed to or installed on any land,

(iii) smoke emitted from a railway locomotive steam engine, or

(iv) dark smoke emitted otherwise than as mentioned above from industrial or trade premises.

(4) Subsection (1)(c) above does not apply in relation to premises other than private dwellings.

(5) Subsection (1)(d) above does not apply to steam emitted from a railway locomotive engine.

[[F11](5A) Subsection (1)(fa) does not apply to insects that are wild animals included in Schedule 5 to the Wildlife and Countryside Act 1981 (animals which are protected), unless they are included in respect of section 9(5) of that Act only.**]**

[[F12](5B) Subsection (1)(fb) does not apply to artificial light emitted from—

(a) an airport;

(b) harbour premises;

(c) railway premises, not being relevant separate railway premises;

(d) tramway premises;

(e) a bus station and any associated facilities;

(f) a public service vehicle operating centre;

(g) a goods vehicle operating centre;

(h) a lighthouse;

(i) a prison.**]**

(6) Subsection (1)(g) above does not apply to noise caused by aircraft other than model aircraft.

[[F13](6A) Subsection (1)(ga) above does not apply to noise made—

(a) by traffic,

(b) by any naval, military or air force of the Crown or by a visiting force (as defined in subsection (2) above), or

(c) by a political demonstration or a demonstration supporting or opposing a cause or campaign.**]**

(7) In this Part—

[[F14]"airport" has the meaning given by section 95 of the Transport Act 2000;**]**

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[[F15]"appropriate person" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the National Assembly for Wales;**]**

[[F16]"associated facilities", in relation to a bus station, has the meaning given by section 83 of the Transport Act 1985;**]**

[[F17]"bus station" has the meaning given by section 83 of the Transport Act 1985;**]**

"chimney" includes structures and openings of any kind from or through which smoke may be emitted;

"dust" does not include dust emitted from a chimney as an ingredient of smoke;

[[F18]"equipment" includes a musical instrument;**]**

"fumes" means any airborne solid matter smaller than dust;

"gas" includes vapour and moisture precipitated from vapour;

[[F19]"goods vehicle operating centre", in relation to vehicles used under an operator's licence, means a place which is specified in the licence as an operating centre for those vehicles, and for the purposes of this definition "operating centre" and "operator's licence" have the same meaning as in the Goods Vehicles (Licensing of Operators) Act 1995;**]**

[[F20]"harbour premises" means premises which form part of a harbour area and which are occupied wholly or mainly for the purposes of harbour operations, and for the purposes of this definition "harbour area" and "harbour operations" have the same meaning as in Part 3 of the Aviation and Maritime Security Act 1990;**]**

"industrial, trade or business premises" means premises used for any industrial, trade or business purposes or premises not so used on which matter is burnt in connection with any industrial, trade or business process, and premises are used for industrial purposes where they are used for the purposes of any treatment or process as well as where they are used for the purposes of manufacturing;

[[F21]"lighthouse" has the same meaning as in Part 8 of the Merchant Shipping Act 1995;**]**

"local authority" means, subject to subsection (8) below,—

(a) in Greater London, a London borough council, the Common Council of the City of London and, as respects the Temples, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple respectively;

(b) **[**[F22]in England and Wales**]** outside Greater London, a district council; [F23]. . .

(bb) [F24]**[**in Wales, a county council or county borough council;**]**

(c) the Council of the Isles of Scilly; **[**[F25]and

(d) in Scotland, a district or islands council or a council constituted under section 2 of the [M1]Local Government etc (Scotland) Act 1994;**]**

"noise" includes vibration;

[[F26]"person responsible"—

(a) in relation to a statutory nuisance, means the person to whose act, default or sufferance the nuisance is attributable;

(b) in relation to a vehicle, includes the person in whose name the vehicle is for the time being registered under **[**[F27]the Vehicle Excise and

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Registration Act 1994**]** and any other person who is for the time being the driver of the vehicle;

(c) in relation to machinery or equipment, includes any person who is for the time being the operator of the machinery or equipment;**]**

"prejudicial to health" means injurious, or likely to cause injury, to health;

"premises" includes land and, subject to subsection (12) **[**[F28]and **[**[F29], in relation to England and Wales,**]** section 81A(9)**]** below, any vessel;

[[F30]"prison" includes a young offender institution;**]**

"private dwelling" means any building, or part of a building, used or intended to be used, as a dwelling;

[[F31]"public service vehicle operating centre", in relation to public service vehicles used under a PSV operator's licence, means a place which is an operating centre of those vehicles, and for the purposes of this definition "operating centre", "PSV operator's licence" and "public service vehicle" have the same meaning as in the Public Passenger Vehicles Act 1981;**]**

[[F32]"railway premises" means any premises which fall within the definition of "light maintenance depot", "network", "station" or "track" in section 83 of the Railways Act 1993;**]**

[[F33]"relevant separate railway premises" has the meaning given by subsection (7A);**]**

[[F34]"road" has the same meaning as in Part IV of the New Roads and Street Works Act 1991;**]**

"smoke" includes soot, ash, grit and gritty particles emitted in smoke;

[[F35]"street" means a highway and any other road, footway, square or court that is for the time being open to the public;

[[F36]"tramway premises" means any premises which, in relation to a tramway, are the equivalent of the premises which, in relation to a railway, fall within the definition of "light maintenance depot", "network", "station" or "track" in section 83 of the Railways Act 1993;**]]**

and any expressions used in this section and in **[**[F37]the Clean Air Act 1993**]** have the same meaning in this section as in that Act and **[**[F37]section 3 of the Clean Air Act 1993**]** shall apply for the interpretation of the expression "dark smoke" and the operation of this Part in relation to it.

[[F38](7A) Railway premises are relevant separate railway premises if—

(a) they are situated within—

(i) premises used as a museum or other place of cultural, scientific or historical interest, or

(ii) premises used for the purposes of a funfair or other entertainment, recreation or amusement, and

(b) they are not associated with any other railway premises.

(7B) For the purposes of subsection (7A)—

(a) a network situated as described in subsection (7A)(a) is associated with other railway premises if it is connected to another network (not being a network situated as described in subsection (7A)(a));

(b) track that is situated as described in subsection (7A)(a) but is not part of a network is associated with other railway premises if it is connected to track that forms part of a network (not being a network situated as described in subsection (7A)(a));

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(c) a station or light maintenance depot situated as described in subsection (7A)(a) is associated with other railway premises if it is used in connection with the provision of railway services other than services provided wholly within the premises where it is situated.

In this subsection "light maintenance depot", "network", "railway services", "station" and "track" have the same meaning as in Part 1 of the Railways Act 1993.**]**

[[F39](7C) In this Part "relevant industrial, trade or business premises" means premises that are industrial, trade or business premises as defined in subsection (7), but excluding—

(a) land used as arable, grazing, meadow or pasture land,

(b) land used as osier land, reed beds or woodland,

(c) land used for market gardens, nursery grounds or orchards,

(d) land forming part of an agricultural unit, not being land falling within any of paragraphs (a) to (c), where the land is of a description prescribed by regulations made by the appropriate person, and

(e) land included in a site of special scientific interest (as defined in section 52(1) of the Wildlife and Countryside Act 1981),

and excluding land covered by, and the waters of, any river or watercourse, that is neither a sewer nor a drain, or any lake or pond.

(7D) For the purposes of subsection (7C)—

"agricultural" has the same meaning as in section 109 of the Agriculture Act 1947;

"agricultural unit" means land which is occupied as a unit for agricultural purposes;

"drain" has the same meaning as in the Water Resources Act 1991;

"lake or pond" has the same meaning as in section 104 of that Act;

"sewer" has the same meaning as in that Act.**]**

(8) Where, by an order under section 2 of the [M2]Public Health (Control of Disease) Act 1984, a port health authority has been constituted for any port health district, **[**[F40]or in Scotland where by an order under section 172 of the [M3]Public Health (Scotland) Act 1897 a port local authority or a joint port local authority has been constituted for the whole or part of a port,**]** the port health authority **[**[F41], port local authority or joint port local authority, as the case may be**]** shall have by virtue of this subsection, as respects its district, the functions conferred or imposed by this Part in relation to statutory nuisances other than a nuisance falling within paragraph **[**[F42](fb),**]**(g) **[**[F43]or (ga)**]** of subsection (1) above and no such order shall be made assigning those functions; and "local authority" and "area" shall be construed accordingly.

(9) In this Part "best practicable means" is to be interpreted by reference to the following provisions—

(a) "practicable" means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications;

(b) the means to be employed include the design, installation, maintenance and manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and structures;

(c) the test is to apply only so far as compatible with any duty imposed by law;

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(d) the test is to apply only so far as compatible with safety and safe working conditions, and with the exigencies of any emergency or unforeseeable circumstances;

and, in circumstances where a code of practice under section 71 of the [M4]Control of Pollution Act 1974 (noise minimisation) is applicable, regard shall also be had to guidance given in it.

(10) A local authority shall not without the consent of the Secretary of State institute summary proceedings under this Part in respect of a nuisance falling within paragraph (b), (d) **[**[F44], (e) **[**[F45], (fb)**]** or (g)**][**[F46]and, in relation to Scotland, **[**[F44]paragraph (ga)**],]** of subsection (1) above if proceedings in respect thereof might be instituted under Part I **[**[F47]of the [M5]Alkali &c. Works Regulation Act 1906 or section 5 of the [M6]Health and Safety at Work etc. Act 1974.**][**[F48]or under regulations under section 2 of the Pollution Prevention and Control Act 1999.**]**

(11) The area of a local authority which includes part of the seashore shall also include for the purposes of this Part the territorial sea lying seawards from that part of the shore; and subject to subsection (12) **[**[F28]and **[**[F49], in relation to England and Wales,**]** section 81A(9)**]** below, this Part shall have effect, in relation to any area included in the area of a local authority by virtue of this subsection—

(a) as if references to premises and the occupier of premises included respectively a vessel and the master of a vessel; and

(b) with such other modifications, if any, as are prescribed in regulations made by the Secretary of State.

(12) A vessel powered by steam reciprocating machinery is not a vessel to which this Part of this Act applies.

Extent Information

E1 Ss. 79-82, which previously extended to England and Wales only, extend to Scotland from 1.4.1996 (except where specified) by virtue of the repeal of s. 83 of this Act by 1995 c. 25, s. 120(3), **Sch. 24**; S.I. 1996/186, **art. 3**

E2 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F2 Words in s. 79(1) substituted (1.4.2000 for E., 14.7.2000 for S. and 15.9.2001 for W.) by virtue of 1995 c. 25, s. 120(1), **Sch. 22 para. 89(2)** (with ss. 7(6), 115, 117); S.I. 2000/340, **art. 2(b)** (with art. 3); S.S.I. 2000/180, **art. 2(1)(b)** (with art. 3); S.I. 2001/3211, **art. 2(c)** (with saving in art. 3)

F3 S. 79(1)(fa) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 30.1.2007 otherwise for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 101(2)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 6(a)** (as amended by S.I. 2007/120, art. 3(c)(d)); S.I. 2007/120

F4 S. 79(1)(fb) inserted (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(2)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F5 S. 79(1)(ga) inserted (5.1.1994) by 1993 c. 40, **ss. 2(2)(b)**, 12(1)

F6 Words in s. 79(1)(ga) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(a)** (with ss. 7(6), 115), 117; S.I. 1996/186, **art. 3**

F7 Words in s. 79(1) inserted (5.1.1994) by 1993 c. 40, **ss. 2(2)(c)**, 12(1)

F8 S. 79(1A)(1B) inserted (1.4.2000 for E., 14.7.2000 for S. and 15.9.2001 for W.) by 1995 c. 25, s. 120(1), **Sch. 22 para. 89(3)** (with ss. 7(6), 115, 117); S.I. 2000/340, **art. 2(b)** (with art. 3); S.S.I. 2000/180, **art. 2(1)(b)** (with art. 3); S.I. 2001/3211, **art. 2(c)** (with saving in art. 3)

F9 Words in s. 79(2) inserted (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(3)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F10 Words in s. 79(3)(i) inserted (E.W.) (1.5.2022) by virtue of Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 25** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, **reg. 4(d)**

F11 S. 79(5A) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 30.1.2007 otherwise for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 101(3)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 6(a)** (as amended by S.I. 2007/120, art. 3(c)(d)); S.I. 2007/120

F12 S. 79(5B) inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(4)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F13 S. 79(6A) inserted (5.1.1994) by 1993 c. 40, **ss. 2(3)**, 12(1)

F14 In s. 79(7) definition of "airport" inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(5)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F15 In s. 79(7) definition of "appropriate person" inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 30.1.2007 otherwise for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **s. 101(4)**; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 6(a)** (as amended by S.I. 2007/120, art. 3(c)(d)); S.I. 2007/120

F16 In s. 79(7) definition of "associated facilities" inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(5)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F17 In s. 79(7) definition of "bus station" inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **s. 102(5)**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7** (as amended by S.I. 2007/120, art. 3(h))

F18 Definition of "equipment" in s. 79(7) inserted (5.1.1994) by 1993 c. 40, **ss. 2(4)(a)**, 12(1)

F19 In s. 79(7) definition of "goods vehicle operating centre" inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(5)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F20 In s. 79(7) definition of "harbour premises" inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(5)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F21 In s. 79(7) definition of "lighthouse" inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(5)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F22 Words "in England and Wales" in para. (b) in the definition of "local authority" in s. 79(7)(b) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(b)(i)**(with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** and words "in England" expressed to be inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 17(5)** (with s. 54(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F23 Word in s. 79(7) in the definition of "local authority" repealed (1.4.1996) by 1995 c. 25, ss. 107, 120(3), Sch. 17 para. 2(b)(i), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F24 S. 79(7): para. (bb) in the definition of "local authority" inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 17(5)** (with s. 54(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F25 S. 79(7): Words in the definition of "local authority" inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(b)(i)**(with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F26 Definition of "person responsible" in s. 79(7) substituted (5.1.1994) by 1993 c. 40, **ss. 2(4)(b)**, 12(1)

F27 Words in s. 79(7) substituted (1.9.1994) by 1994 c. 22, ss.63, 66(1), **Sch. 3 para. 27**(with s. 57(4))

F28 Words in s. 79(7)(11) inserted (5.1.1994) by 1993 c. 40, **ss. 10(1)**, 12(1)

F29 S. 79(7): Words in the definition of "premises" inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(b)(ii)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F30 In s. 79(7) definition of "prison" inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(5)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F31 In s. 79(7) definition of "public service vehicle operating centre" inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(5)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F32 In s. 79(7) definition of "railway premises" inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(5)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F33 In s. 79(7) definition of "relevant separate railway premises" inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(5)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F34 S. 79(7): Definition of "road" inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(b)(iii)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F35 Definition of "street" in s. 79(7) inserted (5.1.1994) by 1993 c. 40, **ss. 2(4)(c)**, 12(1)

F36 In s. 79(7) definition of "tramway premises" inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(5)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F37 Words in s. 79(7) substituted (27.8.1993) by 1993 c. 11, s. 67(1), **Sch. 4 para. 4**

F38 S. 79(7A)(7B) inserted (E.W.) (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(6)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F39 S. 79(7C)(7D) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 30.1.2007 otherwise for W.) by virtue of Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 101(5)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 6(a)** (as amended by S.I. 2007/120, art. 3(c)(d)); S.I. 2007/120

F40 Words in s. 79(8) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(c)(i)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F41 Words in s. 79(8) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(c)(ii)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F42 Words in s. 79(8) inserted (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(7)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F43 Words in s. 79(8) inserted (5.1.1994) by 1993 c. 40, **ss. 2(5)**, 12(1)

F44 Words in s. 79(10) substituted (E.W.) (1.8.2000) and (S.) (28.9.2000) by S.I. 2000/1973, reg. 39, **Sch. 10 Pt. 1 para. 7** and S.S.I. 2000/323, reg. 36, **Sch. 10 Pt. 1 para. 3(6)**

F45 Words in s. 79(10) inserted (6.4.2006 for E. and 30.1.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 102(8)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(a)** (as amended by S.I. 2007/120, art. 3(h)); S.I. 2007/120

F46 Words in s. 79(10) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(d)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F47 Words in s. 79(10) repealed (16.12.1996 for E.W. and otherwise prosp.) by 1990 c. 43, ss. 162(2), 164(3), **Sch. 16 Pt. I**; S.I. 1996/3056, **art. 2**

F48 Words in s. 79(10) inserted (21.3.2000 for E.W. and 29.9.2000 for S.) by 1999 c. 24, s. 6, **Sch. 2 para. 6**; S.I. 2000/800, **art. 2**; S.S.I. 2000/322, **art. 2**

F49 Words in s. 79(11) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(e)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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Modifications etc. (not altering text)

C12 S. 79 applied (with modifications) (17.12.1996) by 1996 c. ix, **ss. 1(1)**, 24

Marginal Citations

M1 1994 c. 39.
M2 1984 c. 22.
M3 1897 c. 38.
M4 1974 c. 40.
M5 1906 c. 14.
M6 1974 c. 37.

79 Statutory nuisances and inspections therefor. S

(1) [F2Subject to subsections [F101(1ZA)] to (6A) below], the following matters constitute "statutory nuisances" for the purposes of this Part, that is to say—

(a) any premises in such a state as to be prejudicial to health or a nuisance;

(b) smoke emitted from premises so as to be prejudicial to health or a nuisance;

(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;

(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;

(e) any accumulation or deposit which is prejudicial to health or a nuisance;

[F102(ea) any water covering land or land covered with water which is in such a state as to be prejudicial to health or a nuisance;]

(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;

[F103(faa) any insects emanating from premises and being prejudicial to health or a nuisance;]

[F104(fba) artificial light emitted from—

(i) premises;

(ii) any stationary object,

so as to be prejudicial to health or a nuisance;]

(g) noise emitted from premises so as to be prejudicial to health or a nuisance;

[F5(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street [F6or in Scotland, road];]

(h) any other matter declared by any enactment to be a statutory nuisance;

and it shall be the duty of every local authority to cause its area to be inspected from time to time to detect any statutory nuisances which ought to be dealt with under section 80 below [F7or sections 80 and 80A below] and, where a complaint of a statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint.

[F105(1ZA) The Scottish Ministers may by regulations—

(a) amend this section so as to—

(i) prescribe additional matters which constitute statutory nuisances for the purposes of this Part;

(ii) vary the description of any matter which constitutes a statutory nuisance;

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(b) in relation to an amendment under paragraph (a), amend this Act and any other enactment to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Scottish Ministers consider appropriate.

(1ZB) Before making regulations under subsection (1ZA) above, the Scottish Ministers must consult, in so far as it is reasonably practicable to do so, the persons mentioned in subsection (1ZC) below.

(1ZC) Those persons are—

(a) such associations of local authorities; and

(b) such other persons,

as the Scottish Ministers consider appropriate.**]**

F8**[**F106(1A) No matter shall constitute a statutory nuisance to the extent that it consists of, or is caused by, any land being in a contaminated state.

[F106(1B) Land is in a "contaminated state" for the purposes of sub section (1A) above if, and only if, it is in such a condition, by reason of substances in, on or under the land, that–

(a) significant harm is being caused or there is a significant possibility of such harm being caused; or

(b) significant pollution of the water environment is being caused or there is a significant possibility of such pollution being caused;

and in this subsection "harm", "pollution" in relation to the water environment, "substance" and "the water environment" have the same meanings as in Part IIA of this Act.**]]**

(2) Subsection (1)(b) **[**F107, (fba)**]** and (g) above do not apply in relation to premises **[**F108(or, in respect of paragraph (fba)(ii) above, a stationary object located on premises)**]**—

(a) occupied on behalf of the Crown for naval, military or air force purposes or for the purposes of the department of the Secretary of State having responsibility for defence, or

(b) occupied by or for the purposes of a visiting force;

and "visiting force" means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952.

(3) Subsection (1)(b) above does not apply to—

(i) smoke emitted from a chimney of a private dwelling within a smoke control area,

(ii) dark smoke emitted from a chimney of a building or a chimney serving the furnace of a boiler or industrial plant attached to a building or for the time being fixed to or installed on any land,

(iii) smoke emitted from a railway locomotive steam engine, or

(iv) dark smoke emitted otherwise than as mentioned above from industrial or trade premises.

(4) Subsection (1)(c) above does not apply in relation to premises other than private dwellings.

(5) Subsection (1)(d) above does not apply to steam emitted from a railway locomotive engine.

[F109(5ZA) For the purposes of subsection (1)(ea) above, "land"—

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(a) includes structures (other than buildings) in, on or over land;

(b) does not include—

(i) mains or other pipes used for carrying a water supply;

(ii) any part of the public sewerage system;

(iii) any other sewers, drains or other pipes used for carrying sewage;

(iv) the foreshore, that is to say, the land between the high and low water marks of ordinary spring tides;

(v) the seabed.

(5ZB) In subsection (5ZA) above—

"drain", "sewage" and "sewer" have the meanings given by section 59 of the Sewerage (Scotland) Act 1968 (c. 47);

"main" has the meaning given by section 109(1) of the Water (Scotland) Act 1980 (c. 45);

"pipe" includes a service pipe within the meaning of that section of that Act;

"public sewerage system" has the meaning given by section 29 of the Water Services etc. (Scotland) Act 2005 (asp 3).**]**

[[F110](5AA) Subsection (1)(faa) above does not apply to insects that are wild animals included in Schedule 5 to the Wildlife and Countryside Act 1981 (c. 69).

(5AB) For the purposes of subsection (1)(faa) above, "premises" does not include—

(a) a site of special scientific interest (within the meaning of section 3(6) of the Nature Conservation (Scotland) Act 2004 (asp 6));

(b) such other place (or type of place) as may be prescribed in regulations made by the Scottish Ministers.

(5AC) Before making regulations under subsection (5AB)(b) above, the Scottish Ministers must consult, in so far as it is reasonably practicable to do so, the persons mentioned in subsection (5AD) below.

(5AD) Those persons are—

(a) such associations of local authorities; and

(b) such other persons,

as the Scottish Ministers consider appropriate.**]**

[[F111](5BA) Subsection (1)(fba) above does not apply to artificial light emitted from a lighthouse (within the meaning of Part 8 of the Merchant Shipping Act 1995 (c. 21)).**]**

(6) Subsection (1)(g) above does not apply to noise caused by aircraft other than model aircraft.

[[F13](6A) Subsection (1)(ga) above does not apply to noise made—

(a) by traffic,

(b) by any naval, military or air force of the Crown or by a visiting force (as defined in subsection (2) above), or

(c) by a political demonstration or a demonstration supporting or opposing a cause or campaign.**]**

[[F112](6B) In this section, "enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.**]**

(7) In this Part—

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"chimney" includes structures and openings of any kind from or through which smoke may be emitted;

"dust" does not include dust emitted from a chimney as an ingredient of smoke;

[[F18]"equipment" includes a musical instrument;**]**

"fumes" means any airborne solid matter smaller than dust;

"gas" includes vapour and moisture precipitated from vapour;

"industrial, trade or business premises" means premises used for any industrial, trade or business purposes or premises not so used on which matter is burnt in connection with any industrial, trade or business process, and premises are used for industrial purposes where they are used for the purposes of any treatment or process as well as where they are used for the purposes of manufacturing;

"local authority" means, [F113]. . . —

(a) in Greater London, a London borough council, the Common Council of the City of London and, as respects the Temples, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple respectively;

(b) **[**[F22]in England and Wales**]** outside Greater London, a district council; [F23]. . .

(bb) [F24]**[**in Wales, a county council or county borough council;**]**

(c) the Council of the Isles of Scilly; **[**[F25]and

(d) in Scotland, a district or islands council or a council constituted under section 2 of the [M1]Local Government etc (Scotland) Act 1994;**]**

"noise" includes vibration;

[[F26]"person responsible"—

(a) in relation to a statutory nuisance, means the person to whose act, default or sufferance the nuisance is attributable;

(b) in relation to a vehicle, includes the person in whose name the vehicle is for the time being registered under **[**[F27]the Vehicle Excise and Registration Act 1994**]** and any other person who is for the time being the driver of the vehicle;

(c) in relation to machinery or equipment, includes any person who is for the time being the operator of the machinery or equipment;**]**

"prejudicial to health" means injurious, or likely to cause injury, to health;

"premises" includes land **[**[F114](subject to subsection (5AB) above)**]** and, subject to subsection (12) **[**[F28]and **[**[F29], in relation to England and Wales,**]** section 81A(9)**]** below, any vessel;

"private dwelling" means any building, or part of a building, used or intended to be used, as a dwelling;

[[F34]"road" has the same meaning as in Part IV of the New Roads and Street Works Act 1991;**]**

"smoke" includes soot, ash, grit and gritty particles emitted in smoke;

[[F35]"street" means a highway and any other road, footway, square or court that is for the time being open to the public;**]**

and any expressions used in this section and in **[**[F37]the Clean Air Act 1993**]** have the same meaning in this section as in that Act and **[**[F37]section 3 of the Clean Air Act 1993**]** shall apply for the interpretation of the expression "dark smoke" and the operation of this Part in relation to it.

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(8) Where, by an order under section 2 of the [M2]Public Health (Control of Disease) Act 1984, a port health authority has been constituted for any port health district, [F113]. . . the port health authority [F113]. . . shall have by virtue of this subsection, as respects its district, the functions conferred or imposed by this Part in relation to statutory nuisances other than a nuisance falling within paragraph (g) **[**[F43]or (ga)**]** of subsection (1) above and no such order shall be made assigning those functions; and "local authority" and "area" shall be construed accordingly.

(9) In this Part "best practicable means" is to be interpreted by reference to the following provisions—

(a) "practicable" means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications;

(b) the means to be employed include the design, installation, maintenance and manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and structures;

(c) the test is to apply only so far as compatible with any duty imposed by law;

(d) the test is to apply only so far as compatible with safety and safe working conditions, and with the exigencies of any emergency or unforeseeable circumstances;

and, in circumstances where a code of practice under section 71 of the [M4]Control of Pollution Act 1974 (noise minimisation) is applicable, regard shall also be had to guidance given in it.

(10) A local authority shall not without the consent of the Secretary of State institute summary proceedings under this Part in respect of a nuisance falling within paragraph (b), (d) **[**[F44], (e) or (g)**]****[**[F46]and, in relation to Scotland, **[**[F44]paragraph (ga)**]**,**]** of subsection (1) above if proceedings in respect thereof might be instituted under [F115]... **[**[F48]regulations under section 2 of the Pollution Prevention and Control Act 1999**]****[**[F116]or section 18 of the Regulatory Reform (Scotland) Act 2014**]**.

(11) The area of a local authority which includes part of the seashore shall also include for the purposes of this Part the territorial sea lying seawards from that part of the shore; and subject to subsection (12) **[**[F28]and **[**[F49], in relation to England and Wales,**]** section 81A(9)**]** below, this Part shall have effect, in relation to any area included in the area of a local authority by virtue of this subsection—

(a) as if references to premises and the occupier of premises included respectively a vessel and the master of a vessel; and

(b) with such other modifications, if any, as are prescribed in regulations made by the Secretary of State.

(12) A vessel powered by steam reciprocating machinery is not a vessel to which this Part of this Act applies.

Extent Information

E1 Ss. 79-82, which previously extended to England and Wales only, extend to Scotland from 1.4.1996 (except where specified) by virtue of the repeal of s. 83 of this Act by 1995 c. 25, s. 120(3), **Sch. 24**; S.I. 1996/186, **art. 3**

E9 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F2 Words in s. 79(1) substituted (1.4.2000 for E., 14.7.2000 for S. and 15.9.2001 for W.) by virtue of 1995 c. 25, s. 120(1), **Sch. 22 para. 89(2)** (with ss. 7(6), 115, 117); S.I. 2000/340, **art. 2(b)** (with art. 3); S.S.I. 2000/180, **art. 2(1)(b)** (with art. 3); S.I. 2001/3211, **art. 2(c)** (with saving in art. 3)

F5 S. 79(1)(ga) inserted (5.1.1994) by 1993 c. 40, **ss. 2(2)(b)**, 12(1)

F6 Words in s. 79(1)(ga) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(a)** (with ss. 7(6), 115), 117; S.I. 1996/186, **art. 3**

F7 Words in s. 79(1) inserted (5.1.1994) by 1993 c. 40, **ss. 2(2)(c)**, 12(1)

F8 S. 79(1A)(1B) inserted (1.4.2000 for E., 14.7.2000 for S. and 15.9.2001 for W.) by 1995 c. 25, s. 120(1), **Sch. 22 para. 89(3)** (with ss. 7(6), 115, 117); S.I. 2000/340, **art. 2(b)** (with art. 3); S.S.I. 2000/180, **art. 2(1)(b)** (with art. 3); S.I. 2001/3211, **art. 2(c)** (with saving in art. 3)

F13 S. 79(6A) inserted (5.1.1994) by 1993 c. 40, **ss. 2(3)**, 12(1)

F18 Definition of "equipment" in s. 79(7) inserted (5.1.1994) by 1993 c. 40, **ss. 2(4)(a)**, 12(1)

F22 Words "in England and Wales" in para. (b) in the definition of "local authority" in s. 79(7)(b) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(b)(i)**(with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3** and words "in England" expressed to be inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 17(5)** (with s. 54(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F23 Word in s. 79(7) in the definition of "local authority" repealed (1.4.1996) by 1995 c. 25, ss. 107, 120(3), Sch. 17 para. 2(b)(i), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F24 S. 79(7): para. (bb) in the definition of "local authority" inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 17(5)** (with s. 54(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

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F29 S. 79(7): Words in the definition of "premises" inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(b)(ii)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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F46 Words in s. 79(10) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 2(d)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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F101 Words in s. 79(1) substituted (S.) (26.1.2009) by Public Health etc. (Scotland) Act 2008 (asp 5) {ss. 112(2)(a)}, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F102 S. 79(1)(ea) inserted (S.) (26.1.2009) by Public Health etc. (Scotland) Act 2008 (asp 5) {ss. 111(2)}, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F103 S. 79(1)(faa) inserted after s. 79(1)(fa) (S.) (26.1.2009) by virtue of Public Health etc. (Scotland) Act 2008 (asp 5), **ss. 109(2)**, 128(2)(with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F104 S. 79(1)(fba) inserted after s. 79(1)(fb) (S.) (26.1.2009) by virtue of Public Health etc. (Scotland) Act 2008 (asp 5), **ss. 110(2)**, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F105 S. 79(1ZA)-(1ZC) inserted after s. 79(1) (S.) (26.1.2009) by Public Health etc. (Scotland) Act 2008 (asp 5) {s. 112(2)(b)}, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

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F106 S. 79(1B) substituted (S.) (1.4.2006) by The Contaminated Land (Scotland) Regulations 2005 (S.S.I. 2005/658), regs. 1, **2(12)**

F107 Words in s. 79(2) inserted (S.) (26.1.2009) by Public Health etc. (Scotland) Act 2008 (asp 5), **ss. 110(3)(a)**, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F108 Words in s. 79(2) inserted (S.) (26.1.2009) by Public Health etc. (Scotland) Act 2008 (asp 5), **ss. 110(3)(b)**, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F109 S. 79(5ZA)-(5ZB) inserted after s. 79(5) (S.) (26.1.2009) by Public Health etc. (Scotland) Act 2008 (asp 5), **ss. 111(3)**, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F110 S. 79(5AA)-(5AD) inserted (S.) (26.1.2009) by virtue of Public Health etc. (Scotland) Act 2008 (asp 5), **ss. 109(3)**, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F111 S. 79(5BA) inserted after s. 79(5B) (S.) (26.1.2009) by virtue of Public Health etc. (Scotland) Act 2008 (asp 5), **ss. 110(4)**, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F112 S. 79(6B) inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 40(7)**; S.S.I. 2014/160, art. 2(1)(2), sch.

F113 Words in s. 79(7)(8) repealed (S.) (1.10.2009) by Public Health etc. (Scotland) Act 2008 (asp 5), ss. 126, 128(2), **Sch. 3** (with s. 127); S.S.I. 2009/319, **art. 2(a)**, Sch. 1

F114 Words in s. 79(7) inserted (S.) (26.1.2009) by Public Health etc. (Scotland) Act 2008 (asp 5), **ss. 109(4)**, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F115 Words in s. 79(10) repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 23(a)**; S.S.I. 2014/160, art. 2(1)(2), sch.

F116 Words in s. 79(10) inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 3(5)**; S.S.I. 2014/160, art. 2(1)(2), sch.

Modifications etc. (not altering text)

C12 S. 79 applied (with modifications) (17.12.1996) by 1996 c. ix, **ss. 1(1)**, 24

C200 Ss. 79-81 excluded (S.) (22.4.2006 for certain purposes and otherwise prosp.) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 26(10)**, 37(2) (with s. 36); S.S.I. 2006/167, **art. 2**, Sch. 2

Marginal Citations

M1 1994 c. 39.

M2 1984 c. 22.

M4 1974 c. 40.

80 Summary proceedings for statutory nuisances. E+W

(1) **[**[F50]Subject to subsection (2A)**]** where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the authority, the local authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements—

(a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence;

(b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of those purposes,

and the notice shall specify the time or times within which the requirements of the notice are to be complied with.

(2) **[**[F51]Subject to section 80A(1) below, the abatement notice**]** shall be served—

(a) except in a case falling within paragraph (b) or (c) below, on the person responsible for the nuisance;

(b) where the nuisance arises from any defect of a structural character, on the owner of the premises;

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(c) where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, on the owner or occupier of the premises.

[[F52](2A) Where a local authority is satisfied that a statutory nuisance falling within paragraph (g) of section 79(1) above exists, or is likely to occur or recur, in the area of the authority, the authority shall—

(a) serve an abatement notice in respect of the nuisance in accordance with subsections (1) and (2) above; or

(b) take such other steps as it thinks appropriate for the purpose of persuading the appropriate person to abate the nuisance or prohibit or restrict its occurrence or recurrence.

(2B) If a local authority has taken steps under subsection (2A)(b) above and either of the conditions in subsection (2C) below is satisfied, the authority shall serve an abatement notice in respect of the nuisance.

(2C) The conditions are—

(a) that the authority is satisfied at any time before the end of the relevant period that the steps taken will not be successful in persuading the appropriate person to abate the nuisance or prohibit or restrict its occurrence or recurrence;

(b) that the authority is satisfied at the end of the relevant period that the nuisance continues to exist, or continues to be likely to occur or recur, in the area of the authority.

(2D) The relevant period is the period of seven days starting with the day on which the authority was first satisfied that the nuisance existed, or was likely to occur or recur.

(2E) The appropriate person is the person on whom the authority would otherwise be required under subsection (2A)(a) above to serve an abatement notice in respect of the nuisance.**]**

(3) **[**[F53]A person served with an abatement notice**]** may appeal against the notice to a magistrates' court **[**[F54]or in Scotland, the sheriff**]** within the period of twenty-one days beginning with the date on which he was served with the notice.

(4) If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with any requirement or prohibition imposed by the notice, he shall be guilty of an offence.

(5) Except in a case falling within subsection (6) below, a person who commits an offence under subsection (4) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to **[**[F55]one-tenth of the greater of £5,000 or level 4 on the standard scale**]** for each day on which the offence continues after the conviction.

(6) A person who commits an offence under subsection (4) above on industrial, trade or business premises shall be liable on summary conviction to **[**[F56]a fine**]**.

(7) Subject to subsection (8) below, in any proceedings for an offence under subsection (4) above in respect of a statutory nuisance it shall be a defence to prove that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.

(8) The defence under subsection (7) above is not available—

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(a) in the case of a nuisance falling within paragraph (a), (d), (e), (f) **[**[F57], (fa)**]** or (g) of section 79(1) above except where the nuisance arises on industrial, trade or business premises;

[[F58](aza) in the case of a nuisance falling within paragraph (fb) of section 79(1) above except where—

(i) the artificial light is emitted from industrial, trade or business premises, or

(ii) the artificial light (not being light to which sub-paragraph (i) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility;**]**

[[F59](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;**]**

(b) in the case of a nuisance falling within paragraph (b) of section 79(1) above except where the smoke is emitted from a chimney; and

(c) in the case of a nuisance falling within paragraph (c) or (h) of section 79(1) above.

[[F60](8A) For the purposes of subsection (8)(aza) a relevant sports facility is an area, with or without structures, that is used when participating in a relevant sport, but does not include such an area comprised in domestic premises.

(8B) For the purposes of subsection (8A) "relevant sport" means a sport that is designated for those purposes by order made by the Secretary of State, in relation to England, or the National Assembly for Wales, in relation to Wales.

A sport may be so designated by reference to its appearing in a list maintained by a body specified in the order.

(8C) In subsection (8A) "domestic premises" means—

(a) premises used wholly or mainly as a private dwelling, or

(b) land or other premises belonging to, or enjoyed with, premises so used.**]**

(9) In proceedings for an offence under subsection (4) above in respect of a statutory nuisance falling within paragraph (g) **[**[F61]or (ga)**]**of section 79(1) above where the offence consists in contravening requirements imposed by virtue of subsection (1)(a) above it shall be a defence to prove—

(a) that the alleged offence was covered by a notice served under section 60 or a consent given under section 61 or 65 of the [M7]Control of Pollution Act 1974 (construction sites, etc); or

(b) where the alleged offence was committed at a time when the premises were subject to a notice under section 66 of that Act (noise reduction notice), that the level of noise emitted from the premises at that time was not such as to a constitute a contravention of the notice under that section; or

(c) where the alleged offence was committed at a time when the premises were not subject to a notice under section 66 of that Act, and when a level fixed under section 67 of that Act (new buildings liable to abatement order) applied to the premises, that the level of noise emitted from the premises at that time did not exceed that level.

(10) Paragraphs (b) and (c) of subsection (9) above apply whether or not the relevant notice was subject to appeal at the time when the offence was alleged to have been committed.

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Extent Information

E3 Ss. 79-82, which previously extended to England and Wales only, extend to Scotland from 1.4.1996 (except where specified) by virtue of the repeal of s. 83 of this Act by 1995 c. 25, s. 120(3), **Sch. 24**; S.I. 1996/186, **art. 3**

E4 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F50 Words in s. 80(1) inserted (E.W.) (6.4.2006 for E. and 27.10.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 86**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 2(q)**

F51 Words in s. 80(2) substituted (5.1.1994) by 1993 c. 40, **ss. 3(2)**, 12(1)

F52 S. 80(2A)-(2E) inserted (E.W.) (6.4.2006 for E. and 27.10.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 86**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 2(q)**

F53 Words in s. 80(3) substituted (5.1.1994) by 1993 c. 40, **ss. 3(3)**, 12(1)

F54 Words in s. 80(3) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para.3** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

F55 Words in s. 80(5) substituted (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 3 para. 6(4)** (with reg. 5(1))

F56 Words in s. 80(6) substituted (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 22(5)** (with reg. 5(1))

F57 Words in s. 80(8)(a) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E.and 31.1.2007 in so far as not already in force for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 103(2)(a)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 6(b)** (as amended (30.1.2007) by S.I. 2007/120, art. 3)

F58 S. 80(8)(aza) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 31.1.2007 in so far as not already in force for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 103(2)(b)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(b)** (as amended (30.1.2007) by S.I. 2007/120, art. 3)

F59 S. 80(8)(aa) inserted (5.1.1994) by 1993 c. 40, **ss. 3(4)**, 12(1)

F60 S. 80(8A)-(8C) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 31.1.2007 in so far as not already in force for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 103(3)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(b)** (as amended (30.1.2007) by S.I. 2007/120, art. 3)

F61 Words in s. 80(9) inserted (5.1.1994) by 1993 c. 40, **ss. 3(5)**, 12(1)

Modifications etc. (not altering text)

C13 S. 80(4) restricted (E.) (13.4.2001) by S.I. 2001/1478, **reg. 3(b)**

Marginal Citations

M7 1974 c. 40.

80 Summary proceedings for statutory nuisances. S

(1) Where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the authority, the local authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements—

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(a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence;

(b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of those purposes,

and the notice shall specify the time or times within which the requirements of the notice are to be complied with.

(2) **[**[F51]Subject to section 80A(1) below, the abatement notice**]** shall be served—

(a) except in a case falling within paragraph (b) or (c) below, on the person responsible for the nuisance;

(b) where the nuisance arises from any defect of a structural character, on the owner of the premises;

(c) where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, on the owner or occupier of the premises.

(3) **[**[F53]A person served with an abatement notice**]** may appeal against the notice to a magistrates' court **[**[F54]or in Scotland, the sheriff**]** within the period of twenty-one days beginning with the date on which he was served with the notice.

(4) If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with any requirement or prohibition imposed by the notice, he shall be guilty of an offence.

[[F117](4A) Where a local authority have reason to believe that a person has committed an offence under subsection (4) above, the local authority may give that person a notice (a "fixed penalty notice") in accordance with section 80ZA offering the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.**]**

(5) Except in a case falling within subsection (6) below, a person who commits an offence under subsection (4) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after the conviction.

(6) A person who commits an offence under subsection (4) above on industrial, trade or business premises shall be liable on summary conviction to a fine not exceeding **[**[F118]£40,000**]**.

(7) Subject to subsection (8) below, in any proceedings for an offence under subsection (4) above in respect of a statutory nuisance it shall be a defence to prove that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.

(8) The defence under subsection (7) above is not available—

(a) in the case of a nuisance falling within paragraph (a), (d), (e), (f) or (g) of section 79(1) above except where the nuisance arises on industrial, trade or business premises;

[[F59](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;**]**

(b) in the case of a nuisance falling within paragraph (b) of section 79(1) above except where the smoke is emitted from a chimney; and

(c) in the case of a nuisance falling within paragraph (c) or (h) of section 79(1) above.

***Changes to legislation:** Environmental Protection Act 1990, Part III is up to date with all changes known to be in force on or before 18 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(9) In proceedings for an offence under subsection (4) above in respect of a statutory nuisance falling within paragraph (g) **[**[F61]or (ga)**]**of section 79(1) above where the offence consists in contravening requirements imposed by virtue of subsection (1)(a) above it shall be a defence to prove—

(a) that the alleged offence was covered by a notice served under section 60 or a consent given under section 61 [F119]... of the [M7]Control of Pollution Act 1974 (construction sites, etc); [F120]...

[F120](b) . . . . . .

[F121](c) . . . . . .

[F122](10) . . . . . .

Extent Information

E3 Ss. 79-82, which previously extended to England and Wales only, extend to Scotland from 1.4.1996 (except where specified) by virtue of the repeal of s. 83 of this Act by 1995 c. 25, s. 120(3), **Sch. 24**; S.I. 1996/186, **art. 3**

E10 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F51 Words in s. 80(2) substituted (5.1.1994) by 1993 c. 40, **ss. 3(2)**, 12(1)

F53 Words in s. 80(3) substituted (5.1.1994) by 1993 c. 40, **ss. 3(3)**, 12(1)

F54 Words in s. 80(3) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para.3** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

F59 S. 80(8)(aa) inserted (5.1.1994) by 1993 c. 40, **ss. 3(4)**, 12(1)

F61 Words in s. 80(9) inserted (5.1.1994) by 1993 c. 40, **ss. 3(5)**, 12(1)

F117 S. 80(4A) inserted (S.) (26.1.2009) by Public Health etc. (Scotland) Act 2008 (asp 5) {ss. 113(2)}, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F118 Words in s. 80(6) substituted (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 66, 145(2), **Sch. 2 Pt. 1 para. 4(4)**; S.S.I. 2004/420, **art. 3**, Sch. 1

F119 Words in s. 80(9)(a) repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 23(b)(i)**; S.S.I. 2014/160, art. 2(1)(2), sch.

F120 S. 80(9)(b) and word repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 23(b)(ii)**; S.S.I. 2014/160, art. 2(1)(2), sch.

F121 S. 80(9)(c) and word repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 23(b)(iii)**; S.S.I. 2014/160, art. 2(1)(2), sch.

F122 S. 80(10) repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 23(b)(iv)**; S.S.I. 2014/160, art. 2(1)(2), sch.

Modifications etc. (not altering text)

C13 S. 80(4) restricted (E.) (13.4.2001) by S.I. 2001/1478, **reg. 3(b)**

C201 S. 79-81 excluded (S.) (22.4.2006 for certain purposes and otherwise prosp.) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 26(10)**, 37(2) (with s. 36); S.S.I. 2006/167, **art. 2**, Sch. 2

Marginal Citations

M7 1974 c. 40.

[[F62]80ZA Fixed penalty notice: supplemental

(1) This section applies to a fixed penalty notice given under section 80(4A).

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(2) A fixed penalty notice must give reasonable particulars of the circumstances alleged to constitute the offence.

(3) A fixed penalty notice must also state—

(a) the amount of the fixed penalty;

(b) the period within which it may be paid;

(c) the—

(i) person to whom; and

(ii) address at which,

payment may be made;

(d) the method or methods by which payment may be made;

(e) the consequences of not making a payment within the period for payment.

(4) The amount of the fixed penalty under section 80(4A) is—

(a) in the case of a nuisance relating to industrial, trade or business premises, £400;

(b) in any other case, £150.

(5) The period for payment of the fixed penalty is 14 days beginning with the day after the day on which the notice is given.

(6) The local authority may extend the period for paying the fixed penalty in any particular case if they consider it appropriate to do so by sending notice to the person to whom the fixed penalty notice was given.

(7) No proceedings for an offence under section 80(4) may be commenced before the end of the period for payment of the fixed penalty.

(8) In proceedings for an offence under section 80(4), a certificate which—

(a) purports to be signed by or on behalf of a person having responsibility for the financial affairs of the local authority; and

(b) states that payment of the amount specified in the fixed penalty notice was or was not received by the expiry of the period within which that fixed penalty may be paid,

is sufficient evidence of the facts stated.

(9) Where proceedings for an offence in respect of which a fixed penalty notice has been given are commenced, the notice is to be treated as withdrawn.

(10) Any sum received by a local authority under section 80(4A) accrues to that authority.

(11) The Scottish Ministers may, by regulations—

(a) provide that fixed penalty notices may not be given in such circumstances as may be prescribed;

(b) provide for the form of a fixed penalty notice;

(c) provide for the method or methods by which fixed penalties may be paid;

(d) modify subsection (4)(a) or (b) above so as to substitute a different amount (not exceeding level 2 on the standard scale) for the amount for the time being specified there;

(e) provide for the amount of the fixed penalty to be different in different cases or descriptions of case;

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(f) modify subsection (5) above so as to substitute a different period for the period for the time being specified there;

(g) provide for the keeping of accounts, and the preparation and publication of statements of account relating to fixed penalties under section 80(4A).

(12) Before making regulations under subsection (11) above, the Scottish Ministers must consult, in so far as it is reasonably practicable to do so, the persons mentioned in subsection (13) below.

(13) Those persons are—

(a) such associations of local authorities; and

(b) such other persons,

as the Scottish Ministers consider appropriate.**]**

Textual Amendments

F62 S. 80ZA inserted (S.) (26.1.2009) by Public Health etc. (Scotland) Act 2008 (asp 5) {ss. 113(3)}, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

[F63 80A Abatement notice in respect of noise in street.

(1) In the case of a statutory nuisance within section 79(1)(ga) above 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) below.

(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 local authority 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) above by virtue of a determination of the local authority, 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) above by virtue of a determination of the local authority, the notice shall state that, if a copy of the notice is subsequently served under subsection (3) above, 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) above, the person responsible for the vehicle, machinery or equipment may appeal against the

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notice under section 80(3) above as if he had been served with the notice on the date on which it was fixed to the vehicle, machinery or equipment.

(6) Section 80(4) above shall apply in relation to a person on whom a copy of an abatement notice is served under subsection (3) above 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) above shall be guilty of an offence, unless he is the person responsible for the vehicle, machinery or equipment or he does so with the authority of that person.

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

Extent Information

E5 Ss. 79-82, which previously extended to England and Wales only, extend to Scotland from 1.4.1996 (except where specified) by virtue of the repeal of s. 83 of this Act by 1995 c. 25, s. 120(3), **Sch. 24**; S.I. 1996/186, **art. 3**

Textual Amendments

F63 S. 80A inserted (5.1.1994) by 1993 c. 40, **ss. 3(6)**, 12(1)

Modifications etc. (not altering text)

C14 S. 80A applied (with modifications)(17.12.1996) by 1996 c. ix, **ss. 1(1)**, 24(2)

C15 Ss. 79-81 excluded (S.) (22.4.2006 for certain purposes and otherwise prosp.) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 26(10)**, 37(2) (with s. 36); S.S.I. 2006/167, **art. 2**, Sch. 2

81 Supplementary provisions. E+W

(1) **[**[F64]Subject to subsection (1A) below, where**]** more than one person is responsible for a statutory nuisance section 80 above shall apply to each of those persons whether or not what any one of them is responsible for would by itself amount to a nuisance.

[[F65](1A) 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), section 80(2)(a) above shall apply with the substitution of “any one of the persons” for “the person”.

(1B) 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, section 80A above shall apply with the substitution—

(a) in subsection (2)(a), of “any of the persons” for “the person” and of “one such person” for “that person”,

(b) in subsection (2)(b), of “such a person” for “that person”,

(c) in subsection (3), of “any of the persons” for “the person” and of “one such person” for “that person”,

(d) in subsection (5), of “any person” for “the person”, and

(e) in subsection (7), of “a person” for “the person” and of “such a person” for “that person”.**]**

Changes to legislation: *Environmental Protection Act 1990, Part III is up to date with all changes known to be in force on or before 18 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Where a statutory nuisance which exists or has occurred within the area of a local authority, or which has affected any part of that area, appears to the local authority to be wholly or partly caused by some act or default committed or taking place outside the area, the local authority may act under section 80 above as if the act or default were wholly within that area, except that any appeal shall be heard by a magistrates' court **[**[F66]or in Scotland, the sheriff**]** having jurisdiction where the act or default is alleged to have taken place.

(3) Where an abatement notice has not been complied with the local authority may, whether or not they take proceedings for an offence **[**[F67]or, in Scotland, whether or not proceedings have been taken for an offence,**]** under section 80(4) above, abate the nuisance and do whatever may be necessary in execution of the notice.

(4) Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance under subsection (3) above may be recovered by them from the person by whose act or default the nuisance was caused and, if that person is the owner of the premises, from any person who is for the time being the owner thereof; and the court **[**[F68]or sheriff**]** may apportion the expenses between persons by whose acts or defaults the nuisance is caused in such manner as the court consider **[**[F68]or sheriff considers**]** fair and reasonable.

(5) If a local authority is of opinion that proceedings for an offence under section 80(4) above would afford an inadequate remedy in the case of any statutory nuisance , they may, subject to subsection (6) below, take proceedings in the High Court **[**[F69]or, in Scotland, in any court of competent jurisdiction,**]** for the purpose of securing the abatement, prohibition or restriction of the nuisance, and the proceedings shall be maintainable notwithstanding the local authority have suffered no damage from the nuisance.

(6) In any proceedings under subsection (5) above in respect of a nuisance falling within paragraph (g) **[**[F70]or (ga)**]**of section 79(1) above, it shall be a defence to prove that the noise was authorised by a notice under section 60 or a consent under section 61 (construction sites) of the [M8]Control of Pollution Act 1974.

(7) The further supplementary provisions in Schedule 3 to this Act shall have effect.

Extent Information

E6 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

E7 Ss. 79-82, which previously extended to England and Wales only, extend to Scotland from 1.4.1996 (except where specified) by virtue of the repeal of s. 83 of this Act by 1995 c. 25, s. 120(3), **Sch. 24**; S.I. 1996/186, **art. 3**

Textual Amendments

F64 Words in s. 81(1) substituted (5.1.1994) by 1993 c. 40, **ss. 4(2)**, 12(1)(2)

F65 S. 81(1A)(1B) inserted (5.1.1994) by 1993 c. 40, **ss. 4(3)**, 12(1)(2)

F66 Words in s. 81(2) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 4(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

F67 Words in s. 81(3) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 4(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

F68 Words in s. 81(4) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 4(c)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

Changes to legislation: *Environmental Protection Act 1990, Part III is up to date with all changes known to be in force on or before 18 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F69 Words in s. 81(5) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 4(d)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

F70 Words in s. 81(6) inserted (5.1.1994) by 1993 c. 40, **ss. 4(4)**, 12(1)(2)

Modifications etc. (not altering text)

C16 S. 79-81 excluded (S.) (22.4.2006 for certain purposes and otherwise prosp.) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 26(10)**, 37(2) (with s. 36); S.S.I. 2006/167, **art. 2**, Sch. 2

C17 S. 81(3) extended (19.9.1996) by 1996 c. 37, **s. 10(7)**; S.I. 1996/2219, **art.2**

Marginal Citations

M8 1974 c. 40.

81 Supplementary provisions. S

(1) **[**[F64]Subject to subsection (1A) below, where**]** more than one person is responsible for a statutory nuisance section 80 above shall apply to each of those persons whether or not what any one of them is responsible for would by itself amount to a nuisance.

[[F65](1A) 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), section 80(2)(a) above shall apply with the substitution of "any one of the persons" for "the person".

(1B) 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, section 80A above shall apply with the substitution—

(a) in subsection (2)(a), of "any of the persons" for "the person" and of "one such person" for "that person",

(b) in subsection (2)(b), of "such a person" for "that person",

(c) in subsection (3), of "any of the persons" for "the person" and of "one such person" for "that person",

(d) in subsection (5), of "any person" for "the person", and

(e) in subsection (7), of "a person" for "the person" and of "such a person" for "that person".**]**

(2) Where a statutory nuisance which exists or has occurred within the area of a local authority, or which has affected any part of that area, appears to the local authority to be wholly or partly caused by some act or default committed or taking place outside the area, the local authority may act under section 80 above as if the act or default were wholly within that area, except that any appeal shall be heard by a magistrates' court **[**[F66]or in Scotland, the sheriff**]** having jurisdiction where the act or default is alleged to have taken place.

[[F123](3) Where an abatement notice has not been complied with, the local authority may, whether or not—

(a) proceedings have been taken for an offence under section 80(4); or

(b) a fixed penalty notice has been given under section 80(4A) in respect of that offence (regardless of whether the fixed penalty notice is accepted),

abate the nuisance and do whatever may be necessary in execution of the abatement notice.**]**

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[[F124](3A) The power under subsection (3) above shall, where the matter to be abated is a statutory nuisance by virtue of section 79(1)(g) above, include power to seize and remove any equipment which it appears to the authority is being or has been used in the emission of the noise in question.

(3B) A person who wilfully obstructs any person exercising, by virtue of subsection (3A) above, the power conferred by subsection (3) above shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(3C) Schedule 1 to the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) shall have effect in relation to equipment seized by virtue of subsection (3A) above as it does in relation to equipment seized under section 47(2) of that Act, subject to the following modifications—

(a) in paragraph 1(a), "noise offence" means an offence under section 80(4) above in respect of a statutory nuisance falling within section 79(1)(g) above; and

(b) in paragraph 1(b), "seized equipment" means equipment seized by virtue of subsection (3A) above.**]**

(4) Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance under subsection (3) above may be recovered by them from the person by whose act or default the nuisance was caused and, if that person is the owner of the premises, from any person who is for the time being the owner thereof; and the court **[**[F68]or sheriff**]** may apportion the expenses between persons by whose acts or defaults the nuisance is caused in such manner as the court consider **[**[F68]or sheriff considers**]** fair and reasonable.

(5) If a local authority is of opinion that proceedings for an offence under section 80(4) above would afford an inadequate remedy in the case of any statutory nuisance , they may, subject to subsection (6) below, take proceedings in the High Court **[**[F69]or, in Scotland, in any court of competent jurisdiction,**]** for the purpose of securing the abatement, prohibition or restriction of the nuisance, and the proceedings shall be maintainable notwithstanding the local authority have suffered no damage from the nuisance.

(6) In any proceedings under subsection (5) above in respect of a nuisance falling within paragraph (g) **[**[F70]or (ga)**]**of section 79(1) above, it shall be a defence to prove that the noise was authorised by a notice under section 60 or a consent under section 61 (construction sites) of the [M8]Control of Pollution Act 1974.

(7) The further supplementary provisions in Schedule 3 to this Act shall have effect.

Extent Information

E7 Ss. 79-82, which previously extended to England and Wales only, extend to Scotland from 1.4.1996 (except where specified) by virtue of the repeal of s. 83 of this Act by 1995 c. 25, s. 120(3), **Sch. 24**; S.I. 1996/186, **art. 3**

E11 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F64 Words in s. 81(1) substituted (5.1.1994) by 1993 c. 40, **ss. 4(2)**, 12(1)(2)

F65 S. 81(1A)(1B) inserted (5.1.1994) by 1993 c. 40, **ss. 4(3)**, 12(1)(2)

Changes to legislation: *Environmental Protection Act 1990, Part III is up to date with all changes known to be in force on or before 18 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F66 Words in s. 81(2) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 4(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

F68 Words in s. 81(4) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 4(c)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

F69 Words in s. 81(5) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 4(d)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

F70 Words in s. 81(6) inserted (5.1.1994) by 1993 c. 40, **ss. 4(4)**, 12(1)(2)

F123 S. 81(3) substituted (S.) (26.1.2009) by Public Health etc. (Scotland) Act 2008 (asp 5), **ss. 113(4)**, 128(2) (with s. 127); S.S.I. 2009/9, **art. 2(a)**, Sch. 1

F124 S. 81(3A)-(3C) inserted (S.) (1.12.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 144(1), 145(2), **Sch. 4 para. 3**; S.S.I. 2004/420, **art. 3**, Sch. 3

Modifications etc. (not altering text)

C16 S. 79-81 excluded (S.) (22.4.2006 for certain purposes and otherwise prosp.) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 26(10)**, 37(2) (with s. 36); S.S.I. 2006/167, **art. 2**, Sch. 2

Marginal Citations

M8 1974 c. 40.

[F71 81A Expenses recoverable from owner to be a charge on premises.

(1) Where any expenses are recoverable under section 81(4) above from a person who is the owner of the premises there mentioned and the local authority serves a notice on him under this section—

(a) the expenses shall carry interest, at such reasonable rate as the local authority may determine, from the date of service of the notice until the whole amount is paid, and

(b) subject to the following provisions of this section, the expenses and accrued interest shall be a charge on the premises.

(2) A notice served under this section shall—

(a) specify the amount of the expenses that the local authority claims is recoverable,

(b) state the effect of subsection (1) above and the rate of interest determined by the local authority under that subsection, and

(c) state the effect of subsections (4) to (6) below.

(3) On the date on which a local authority serves a notice on a person under this section the authority shall also serve a copy of the notice on every other person who, to the knowledge of the authority, has an interest in the premises capable of being affected by the charge.

(4) Subject to any order under subsection (7)(b) or (c) below, the amount of any expenses specified in a notice under this section and the accrued interest shall be a charge on the premises—

(a) as from the end of the period of twenty-one days beginning with the date of service of the notice, or

(b) where an appeal is brought under subsection (6) below, as from the final determination of the appeal,

until the expenses and interest are recovered.

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(5) For the purposes of subsection (4) above, the withdrawal of an appeal has the same effect as a final determination of the appeal.

(6) A person served with a notice or copy of a notice under this section may appeal against the notice to the county court within the period of twenty-one days beginning with the date of service.

(7) On such an appeal the court may—

(a) confirm the notice without modification,

(b) order that the notice is to have effect with the substitution of a different amount for the amount originally specified in it, or

(c) order that the notice is to be of no effect.

(8) A local authority shall, for the purpose of enforcing a charge under this section, have all the same powers and remedies under the [M9]Law of Property Act 1925, and otherwise, as if it were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

(9) In this section—

"owner", in relation to any premises, means a person (other than a mortgagee not in possession) who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the premises or, where the premises are not let at a rack rent, would be so entitled if they were so let, and

"premises" does not include a vessel.

[F72](10) **[** This section does not apply to Scotland.**]]**

Textual Amendments

F71 Ss. 81A, 81B inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 10(2)**, 12(1)

F72 S. 81A(10) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para.5** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

Marginal Citations

M9 1925 c. 20.

[F73]81B Payment of expenses by instalments.

(1) Where any expenses are a charge on premises under section 81A above, the local authority may by order declare the expenses to be payable with interest by instalments within the specified period, until the whole amount is paid.

(2) In subsection (1) above—

"interest" means interest at the rate determined by the authority under section 81A (1) above, and

"the specified period" means such period of thirty years or less from the date of service of the notice under section 81A above as is specified in the order.

Changes to legislation: *Environmental Protection Act 1990, Part III is up to date with all changes known to be in force on or before 18 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Subject to subsection (5) below, the instalments and interest, or any part of them, may be recovered from the owner or occupier for the time being of the premises.

(4) Any sums recovered from an occupier may be deducted by him from the rent of the premises.

(5) An occupier shall not be required to pay at any one time any sum greater than the aggregate of—

(a) the amount that was due from him on account of rent at the date on which he was served with a demand from the local authority together with a notice requiring him not to pay rent to his landlord without deducting the sum demanded, and

(b) the amount that has become due from him on account of rent since that date.

[[F74](6) This section does not apply to Scotland.**]**

Textual Amendments

F73 Ss. 81A, 81B inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 10(2)**, 12(1)

F74 S. 81B(6) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para.5** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

82 Summary proceedings by persons aggrieved by statutory nuisances.

(1) A magistrates' court may act under this section on a complaint **[**[F75]or, in Scotland, the sheriff may act under this section on a summary application,**]** made by any person on the ground that he is aggrieved by the existence of a statutory nuisance.

(2) If the magistrates' court **[**[F76]or, in Scotland, the sheriff**]** is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises **[**[F77]or, in the case of a nuisance within section 79(1)(ga) above, in the same street**][**[F76]or, in Scotland, road**]**, the court **[**[F76]or the sheriff**]** shall make an order for either or both of the following purposes—

(a) requiring the defendant **[**[F76]or, in Scotland, defender**]** to abate the nuisance, within a time specified in the order, and to execute any works necessary for that purpose;

(b) prohibiting a recurrence of the nuisance, and requiring the defendant **[**[F76]or defender**]**, within a time specified in the order, to execute any works necessary to prevent the recurrence;

and **[**[F76], in England and Wales,**]** may also impose on the defendant a fine not exceeding level 5 on the standard scale.

(3) If the magistrates' court **[**[F78]or the sheriff**]** is satisfied that the alleged nuisance exists and is such as, in the opinion of the court **[**[F78]or of the sheriff**]**, to render premises unfit for human habitation, an order under subsection (2) above may prohibit the use of the premises for human habitation until the premises are, to the satisfaction of the court **[**[F78]or of the sheriff**]**, rendered fit for that purpose.

(4) Proceedings for an order under subsection (2) above shall be brought—

(a) except in a case falling within **[**[F79]paragraph (b), (c) or (d) below**]**, against the person responsible for the nuisance;

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(b) where the nuisance arises from any defect of a structural character, against the owner of the premises;

(c) where the person responsible for the nuisance cannot be found, against the owner or occupier of the premises.

[[F80](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.**]**

(5) **[**[F81]Subject to subsection (5A) below, where**]** more than one person is responsible for a statutory nuisance, subsections (1) to (4) above shall apply to each of those persons whether or not what any one of them is responsible for would by itself amount to a nuisance.

[[F82](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".

(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) Before instituting proceedings for an order under subsection (2) above against any person, the person aggrieved by the nuisance shall give to that person such notice in writing of his intention to bring the proceedings as is applicable to proceedings in respect of a nuisance of that description and the notice shall specify the matter complained of.

(7) The notice of the bringing of proceedings in respect of a statutory nuisance required by subsection (6) above which is applicable is—

(a) in the case of a nuisance falling within paragraph (g) **[**[F83]or (ga)**]** of section 79(1) above, not less than three days' notice; and

(b) in the case of a nuisance of any other description, not less than twenty-one days' notice;

but the Secretary of State may, by order, provide that this subsection shall have effect as if such period as is specified in the order were the minimum period of notice applicable to any description of statutory nuisance specified in the order.

(8) A person who, without reasonable excuse, contravenes any requirement or prohibition imposed by an order under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to **[**[F84]one-tenth of that level**][**[F84]one-tenth of the greater of £5,000 or level 4 on the standard scale**]** for each day on which the offence continues after the conviction.

(9) Subject to subsection (10) below, in any proceedings for an offence under subsection (8) above in respect of a statutory nuisance it shall be a defence to prove that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.

(10) The defence under subsection (9) above is not available—

Changes to legislation: *Environmental Protection Act 1990, Part III is up to date with all changes known to be in force on or before 18 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) in the case of a nuisance falling within paragraph (a), (d), (e), (f) **[**[F85], (fa)**]** or (g) of section 79(1) above except where the nuisance arises on industrial, trade or business premises;

[[F86](aza) in the case of a nuisance falling within paragraph (fb) of section 79(1) above except where—

(i) the artificial light is emitted from industrial, trade or business premises, or

(ii) the artificial light (not being light to which sub-paragraph (i) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility;**]**

[[F87](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;**]**

(b) in the case of a nuisance falling within paragraph (b) of section 79(1) above except where the smoke is emitted from a chimney;

(c) in the case of a nuisance falling within paragraph (c) or (h) of section 79(1) above; and

(d) in the case of a nuisance which is such as to render the premises unfit for human habitation.

[[F88](10A) For the purposes of subsection (10)(aza) "relevant sports facility" has the same meaning as it has for the purposes of section 80(8)(aza).**]**

(11) If a person is convicted of an offence under subsection (8) above, a magistrates' court **[**[F89]or the sheriff**]** may, after giving the local authority in whose area the nuisance has occurred an opportunity of being heard, direct the authority to do anything which the person convicted was required to do by the order to which the conviction relates.

(12) Where on the hearing of proceedings for an order under subsection (2) above it is proved that the alleged nuisance existed at the date of the making of the complaint **[**[F90]or summary application**]**, then, whether or not at the date of the hearing it still exists or is likely to recur, the court **[**[F90]or the sheriff**]** shall order the **[**[F91]defendant or defender (or defendants or defenders**]** in such proportions as appears fair and reasonable) to pay to the person bringing the proceedings such amount as the court **[**[F90]or the sheriff**]** considers reasonably sufficient to compensate him for any expenses properly incurred by him in the proceedings.

(13) If it appears to the magistrates' court **[**[F92]or to the sheriff**]** that neither the person responsible for the nuisance nor the owner or occupier of the premises **[**[F93]or (as the case may be) the person responsible for the vehicle, machinery or equipment**]** can be found the court **[**[F92]or the sheriff**]** may, after giving the local authority in whose area the nuisance has occurred an opportunity of being heard, direct the authority to do anything which the court **[**[F92]or the sheriff**]** would have ordered that person to do.

Extent Information

E8 Ss. 79-82, which previously extended to England and Wales only, extend to Scotland from 1.4.1996 (except where specified) by virtue of the repeal of s. 83 of this Act by 1995 c. 25, s. 120(3), **Sch. 24**; S.I. 1996/186, **art. 3**

Textual Amendments

F75 Words in s. 82(1) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F76 Words in s. 82(2) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F77 Words in s. 82(2) inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(2)**, 12(1)

F78 Words in s. 82(3) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(c)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F79 Words in s. 82(4)(a) substituted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(3)(a)**, 12(1)

F80 S. 82(4)(d) added (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(3)(b)**, 12(1)

F81 Words in s. 82(5) substituted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(4)**, 12(1)

F82 S. 82(5A)(5B) inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(5)**, 12(1)

F83 Words in s. 82(7)(a) inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(6)**, 12(1)

F84 Words in s. 82(8) substituted (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 3 para. 6(5)** (with reg. 5(1))

F85 Words in s. 82(10)(a) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 31.1.2007 in so far as not already in force for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 103(4)(a)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 6(b)** (as amended (30.1.2007) by S.I. 2007/120, art. 3)

F86 S. 82(10)(aza) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 31.1.2007 in so far as not already in force for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 103(4)(b)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(b)** (as amended (30.1.2007) by S.I. 2007/120, art. 3)

F87 S. 82(10)(aa) inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(7)**, 12(1)

F88 S. 82(10A) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 31.1.2007 in so far as not already in force for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 103(5)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(b)** (as amended (30.1.2007) by S.I. 2007/120, art. 3)

F89 Words in s. 82(11) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(d)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F90 Words in s. 82(12) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(e)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F91 Words in s. 82(12) substituted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(e)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F92 Words in s. 82(13) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(f)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F93 Words in s. 82(13) inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(8)**, 12(1)

Modifications etc. (not altering text)

C18 S. 82 restricted (1.4.2000) by S.I. 2000/823, **art. 3**

C19 S. 82(1) excluded (conditionally) (20.8.1999) by S.I. 1999/2336, **art. 23(1)**

C20 S. 82(1) modified (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **16(1)** (with art. 37)

C21 S. 82(1) restricted (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **29(1)** (with art. 32(2))

C22 S. 82(2) restricted (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), **art. 41(1)** (with arts. 3(6), 12(3), 41(3))

C23 S. 82(2) restricted (30.5.2007) by The Mersey Docks and Harbour Company (Seaforth River Terminal) Harbour Revision Order 2007 (S.I. 2007/1440), **art. 17(1)** (with art. 20)

C24 S. 82(2) restricted (18.12.1996) by 1996 c. 61, **s. 30(1)**
S. 82(2) restricted (18.7.2001) by S.I. 2001/2870, **art. 22(1)**

S. 82(2) restricted (9.11.2001) by S.I. 2001/3682, **art. 31(1)**
S. 82(2) restricted (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), **art. 35(1)** (with art. 40)
S. 82(2) restricted (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), **art. 33(1)** (with art. 38)
S. 82(2) restricted (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), **art. 50(1)** (with art. 50(3))
S. 82(2) restricted (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), **art. 20(1)** (with art. 30)
S. 82(2) restricted (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), **art. 48(1)** (with arts. 3(5), 15(3))
S. 82(2) restricted (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), **art. 46(1)** (with arts. 43, 46(3))
S. 82(2) restricted (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), **art. 36(1)** (with arts. 34, 35(2))

C25 S. 82(2) excluded (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 43(1)**

C26 S. 82(2) restricted (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 21(1)**

C27 S. 82(2) restricted (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), **art. 40(1)** (with art. 36(3))

C28 S. 82(2) restricted (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 27(1)**

C29 S. 82(2) restricted (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), **art. 78(1)** (with Sch. 16)

C30 S. 82(2) restricted (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), **art. 38(1)**

C31 S. 82(2) restricted (27.8.2010) by The Llangollen and Corwen Railway Order 2010 (S.I. 2010/2136), **art. 10(1)** (with art. 10(3))

C32 S. 82(2) restricted (1.9.2010) by The Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order 2010 (S.I. 2010/2020), **art. 26(1)** (with arts. 18, 19)

C33 S. 82(2) restricted (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **50(1)** (with art. 51, Sch. 10 paras. 68, 85)

C34 S. 82(2) restricted (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **41(1)**

C35 S. 82(2) restricted (13.3.2012) by The London Cable Car Order 2012 (S.I. 2012/472), arts. 1, **3(3)** (with art. 3(4)(5))

C36 S. 82(2) restricted (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), arts. 1, **52(1)** (with arts. 46-48, Sch. 8 para. 18)

C37 S. 82(2) restricted (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **29(1)** (with art. 26(2))

C38 S. 82(2) restricted (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **38(1)** (with art. 35(2))
S. 82(2) restricted (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **38(1)** (with art. 42(2))

C39 S. 82(2) restricted (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **12(1)** (with arts. 48, 68, 79)

C40 S. 82(2) restricted (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **8(1)** (with art. 30)

C41 S. 82(2) restricted (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **40(1)**

C42 S. 82(2) restricted (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **30(1)** (with arts. 27(2), 39, Sch. 10 para. 4)

C43 S. 82(2) restricted (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **15(1)**

C44 S. 82(2) restricted (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **63(1)** (with arts. 57, 58, Sch. 11 para. 19)

C45 S. 82(2) restricted (11.3.2014) by The Crossrail (Paddington Station Bakerloo Line Connection) Order 2014 (S.I. 2014/310), arts. 1, **25(1)** (with art. 25(3))

C46 S. 82(2) restricted (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **37(1)** (with art. 34(2))

C47 S. 82(2) restricted (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **40(1)**

C48 S. 82(2) restricted (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **7** (with arts. 37, 38, Sch. 9 para. 19)

C49 S. 82(2) restricted (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **14(1)** (with arts. 12, 13, Sch. 12 Pt. 1 para. 19, Pt. 2 para. 6, Pt. 3 para. 5, Pt. 4 para. 4, Pt. 5 para. 4)

C50 S. 82(2) restricted (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **28(1)** (with arts. 28(3), 31(2))

C51 S. 82(2) restricted (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **32**
S. 82(2) restricted (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1**, 7(1)

C52 S. 82(2) restricted (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **8(1)** (with art. 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C53 S. 82(2) restricted (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **9(1)** (with art. 33)

C54 S. 82(2) restricted (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **36(1)**

C55 S. 82(2) restricted (23.10.2014) by The South Hook Combined Heat and Power Plant Order 2014 (S.I. 2014/2846), arts. 1, **8(1)**

C56 S. 82(2) restricted (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **31(1)** (with arts. 37, 38)

C57 S. 82(2) restricted (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **30(1)**

C58 S. 82(2) restricted (S.) (10.1.2015) by The Lerwick Harbour Revision Order 2015 (S.S.I. 2015/4), arts. 1(1), **18(1)** (with arts. 22-24)

C59 S. 82(2) restricted (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **8(1)**

C60 S. 82(2) restricted (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **36(1)**

C61 S. 82(2) restricted (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **36(1)**

C62 S. 82(2) restricted (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, 12(1) (with arts. 12(3), 40, 41, Sch. 12 Pt. 1 paras. 4, 9(2),10, Sch. 12 Pt. 2 paras. 4(2)(3), 19, Sch. 12 Pt. 4 paras. 3, 4, 16)

C63 S. 82(2) restricted (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **9(1)** (with Sch. 8 para. 10)

C64 S. 82(2) restricted (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **34(1)** (with art. 36(2))

C65 S. 82(2) restricted (21.4.2015) by The Crossrail (Plumstead Sidings) Order 2015 (S.I. 2015/781), arts. 1, **17(1)** (with art. 17(3))

C66 S. 82(2) restricted (9.6.2015) by The White Moss Landfill Order 2015 (S.I. 2015/1317), arts. 1, **18(1)** (with art. 5)

C67 S. 82(2) restricted (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **39(1)**

C68 S. 82(2) restricted (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **8(1)** (with arts. 51, 53)

C69 S. 82(2) restricted (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **6(1)** (with art. 44)

C70 S. 82(2) restricted (14.8.2015) by The Hirwaun Generating Station Order 2015 (S.I. 2015/1574), arts. 1, **34(1)**

C71 S. 82(2) restricted (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **35(1)**

C72 S. 82(2) restricted (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **13(1)** (with arts. 13(3), 40, 41)

C73 S. 82(2) restricted (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **18(2)**

C74 S. 82(2) restricted (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), arts. 1, **36(1)**

C75 S. 82(2) restricted (2.2.2016) by The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (S.I. 2016/17), arts. 1, **36(1)**

C76 S. 82(2) excluded (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **10(1)** (with art. 39)

C77 S. 82(2) restricted (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **39(1)** (with arts. 4, 5(3))

C78 S. 82(2) excluded (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **49(1)** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C79 S. 82(2) excluded (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **9(1)**

C80 S. 82(2) excluded (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **33(1)** (with arts. 35, 36)

C81 S. 82(2) excluded (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **34(1)** (with art. 35)

C82 S. 82(2) excluded (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **5(1)** (with arts. 37, 38)

C83 S. 82(2) excluded (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **8(1)** (with art. 43)

C84 S. 82(2) excluded (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **38(1)**

C85 S. 82(2) restricted (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **7(1)** (with arts. 39, 40, Sch. 8 para. 19)

C86 S. 82(2) excluded (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **49(1)** (with arts. 43, 44, 49(3))

C87 S. 82(2) restricted (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 27 para. 3(1)**

C88 S. 82(2) excluded (18.3.2017) by The North London Heat and Power Generating Station Order 2017 (S.I. 2017/215), arts. 1, **9(1)**

C89 S. 82(2) restricted (29.3.2017) by The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330), arts. 1, **9(1)** (with art. 31)

C90 S. 82(2) excluded (5.4.2017) by The Keuper Underground Gas Storage Facility Order 2017 (S.I. 2017/433), arts. 1, **8(1)**

C91 S. 82(2) excluded (S.) (11.4.2017) by The Network Rail (Glasgow Queen Street Station) Order 2017 (S.S.I. 2017/100), arts. 1, **40(1)** (with art. 37)

C92 S. 82(2) restricted (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), arts. 1, **8(1)**

C93 S. 82(2) restricted (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **37** (with art. 22)

C94 S. 82(2) restricted (29.8.2017) by The East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826), arts. 1, **7(1)** (with arts. 36, 37, Sch. 8 para. 34)

C95 S. 82(2) restricted (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), arts. 1, **40(1)** (with art. 40(3), Sch. 8 para. 20)

C96 S. 82(2) restricted (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **42** (with arts. 4, 37)

C97 S. 82(2) restricted (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **63(1)** (with arts. 55-57, Sch. 8 para. 13)

C98 S. 82(2) restricted (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, **30(1)** (with arts. 24(8), 33(2))

C99 S. 82(2) restricted (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **63(1)**

C100 S. 82(2) restricted (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, **29(1)** (with art. 31(2))

C101 S. 82(2) restricted (26.9.2018) by The Network Rail (Felixstowe Branch Line Improvements Level Crossings Closure) Order 2018 (S.I. 2018/937), arts. 1, **22(1)** (with art. 22(3))

C102 S. 82(2) restricted (3.10.2018) by The A19/A184 Testos Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, **38(1)** (with arts. 3(3), 5)

C103 S. 82(2) restricted (12.10.2018) by The Eggborough Gas Fired Generating Station Order 2018 (S.I. 2018/1020), arts. 1, **37(1)** (with arts. 6, 42)

C104 S. 82(2) restricted (S.) (1.3.2019) by The Stornoway Port Authority Harbour Revision Order 2019 (S.S.I. 2019/76), arts. 1(1), **28(1)** (with art. 31)

C105 S. 82(2) restricted (13.3.2019) by The Port of Tilbury (Expansion) Order 2019 (S.I. 2019/359), arts. 1, **49(1)** (with arts. 55, 56)

C106 S. 82(2) restricted (3.4.2019) by The Millbrook Gas Fired Generating Station Order 2019 (S.I. 2019/578), arts. 1, **35(1)**

C107 S. 82(2) restricted (26.4.2019) by The Tees Combined Cycle Power Plant Order 2019 (S.I. 2019/827), arts. 1, **9(1)**

C108 S. 82(2) restricted (26.7.2019) by The Kemsley Mill K4 Combined Heat and Power Generating Station Order 2019 (S.I. 2019/1091), arts. 1, **8(1)**

C109 S. 82(2) restricted (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **37(1)**

C110 S. 82(2) restricted (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **39(2)**

C111 S. 82(2) restricted (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), arts. 1, **41(1)** (with Sch. 13 Pt. 1 para. 19)

C112 S. 82(2) restricted (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1, **43(1)** (with art. 3(1))

C113 S. 82(2) restricted (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), arts. 1, **50(1)** (with arts. 47, 48, Sch. 10 para. 19)

C114 S. 82(2) restricted (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **34(1)** (with art. 7)

C115 S. 82(2) restricted (30.4.2020) by The A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (S.I. 2020/402), arts. 1, **39(1)** (with arts. 5, 44)

C116 S. 82(2) restricted (1.5.2020) by The Riverside Energy Park Order 2020 (S.I. 2020/419), **arts. 1**, **38(1)** (with art. 7)

C117 S. 82(2) restricted (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, **56(1)** (with arts. 51, 57)

C118 S. 82(2) restricted (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **42(1)** (with art. 37)

C119 S. 82(2) restricted (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, **39(1)** (with arts. 5, 44)

C120 S. 82(2) restricted (19.6.2020) by The Cleve Hill Solar Park Order 2020 (S.I. 2020/547), arts. 1, **7(1)** (with art. 37)

C121 S. 82(2) restricted (22.7.2020) by The Norfolk Vanguard Offshore Wind Farm Order 2020 (S.I. 2020/706), arts. 1, **8(1)** (with arts. 41, 42, Sch. 16 para. 66)

C122 S. 82(2) restricted (6.8.2020) by The A19 Downhill Lane Junction Development Consent Order 2020 (S.I. 2020/746), arts. 1, **39(1)** (with art. 5)

C123 S. 82(2) restricted (1.9.2020) by The Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020/847), arts. 1, **36(1)** (with Sch. 9 para. 144)

C124 S. 82(2) restricted (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **41(1)** (with art. 32, Sch. 9 para. 36)

C125 S. 82(2) restricted (11.11.2020) by The West Burton C (Gas Fired Generating Station) Order 2020 (S.I. 2020/1148), arts. 1, **8(1)**

C126 S. 82(2) restricted (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **7(1)** (with arts. 40, 41, Sch. 9 Pt. 5 para. 18)

C127 S. 82(2) restricted (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 26 para. 3(1)**

C128 S. 82(2) restricted (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **41(1)** (with arts. 4, 47)

C129 S. 82(2) restricted (15.3.2021) by The Wheelabrator Kemsley K3 Generating Station Order 2021 (S.I. 2021/173), arts. 1, **13(2)**

C130 S. 82(2) restricted (16.8.2021) by The London Luton Airport Passenger Transit System Order 2021 (S.I. 2021/907), arts. 1, **3(1)** (with art. 3(2))

C131 S. 82(2) restricted (2.12.2021) by The South Humber Bank Energy Centre Order 2021 (S.I. 2021/1259), arts. 1, **24(1)** (with Sch. 8 para. 48)

C132 S. 82(2) restricted (1.1.2022) by The Norfolk Boreas Offshore Wind Farm Order 2021 (S.I. 2021/1414), arts. 1, **8(1)** (with arts. 41, 42, Sch. 17 para. 66)

C133 S. 82(2) restricted (5.3.2022) by The Norfolk Vanguard Offshore Wind Farm Order 2022 (S.I. 2022/138), arts. 1, **8(1)** (with arts. 41, 42, Sch. 16)

C134 S. 82(2) restricted (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), arts. 1, **62(1)** (with art. 55)

C135 S. 82(2) restricted (22.4.2022) by The East Anglia TWO Offshore Wind Farm Order 2022 (S.I. 2022/433), arts. 1(2), **7(1)** (with arts. 40, 41)

C136 S. 82(2) restricted (27.4.2022) by The Little Crow Solar Park Order 2022 (S.I. 2022/436), arts. 1, **7(1)**

C137 S. 82(2) restricted (22.4.2022) by The East Anglia ONE North Offshore Wind Farm Order 2022 (S.I. 2022/432), arts. 1(2), **7(1)** (with arts. 40, 41)

C138 S. 82(2) restricted (12.5.2022) by The M54 to M6 Link Road Development Consent Order 2022 (S.I. 2022/475), arts. 1, **38(1)**

C139 S. 82(2) restricted (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, **43(1)** (with arts. 6, 34)

C140 S. 82(2) restricted (6.6.2022) by The M25 Junction 28 Development Consent Order 2022 (S.I. 2022/573), arts. 1, **43(1)** (with arts. 5, 36)

C141 S. 82(2) restricted (13.7.2022) by The A47 Blofield to North Burlingham Development Consent Order 2022 (S.I. 2022/738), arts. 1, **42(1)** (with arts. 4, 50)

C142 S. 82(2) restricted (1.8.2022) by The Northumberland Line Order 2022 (S.I. 2022/820), arts. 1, **29(1)** (with Sch. 10 paras. 21, 43)

C143 S. 82(2) restricted (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **12(1)** (with arts. 62, 76, 87)

C144 S. 82(2) restricted (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **43(1)** (with arts. 4, 53)

C145 S. 82(2) restricted (8.9.2022) by The Manston Airport Development Consent Order 2022 (S.I. 2022/922), arts. 1, **38(1)** (with arts. 5, 40)

C146 S. 82(2) restricted (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **41(1)** (with art. 41(4))

C147 S. 82(2) restricted (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **44(1)** (with arts. 4, 52, Sch. 9 para. 82)

C148 S. 82(2) restricted (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **46(1)**

C149 S. 82(2) restricted (5.12.2022) by The Portishead Branch Line (MetroWest Phase 1) Order 2022 (S.I. 2022/1194), arts. 1, **45(1)** (with art. 51)

C150 S. 82(2) restricted (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **44(1)** (with art. 4)

C151 S. 82(2) restricted (7.12.2022) by The A57 Link Roads Development Consent Order 2022 (S.I. 2022/1206), arts. 1, **40(1)** (with art. 5)

C152 S. 82(2) restricted (29.12.2022) by The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (S.I. 2022/1396), arts. 1, **40(1)** (with art. 32, Sch. 10 paras. 26(2), 68)

C153 S. 82(2) restricted (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), arts. 1, **32(1)** (with arts. 32(4), 34(2), Sch. 12 paras. 5, 47, 79)

C154 S. 82(2) restricted (13.2.2023) by The East Northamptonshire Resource Management Facility Order 2023 (S.I. 2023/110), arts. 1, **17(1)** (with art. 9)

C155 S. 82(2) restricted (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **43(1)** (with arts. 4, 50)

C156 S. 82(2) restricted (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **7(1)**

C157 S. 82(2) restricted (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **44(1)**(2) (with arts. 5, 53, Sch. 8 paras. 6, 64)

C158 S. 82(2) restricted (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **7(1)** (with arts. 42, 43, Sch. 9 Pt. 1 para. 4, Sch. 9 Pt. 3 para. 6(1), Sch. 9 Pt. 4 para. 20, Sch. 9 Pt. 9 para. 4) (as amended (31.1.2024) by S.I. 2024/117, art. 1(2), **Sch.**)

C159 S. 82(2) restricted (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **53(1)** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)

C160 S. 82(2) restricted (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **43(1)** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))

C161 S. 82(2) restricted (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **8(1)** (with arts. 36, 37, Sch. 9 paras. 14, 44(1), 76, 103)

C162 S. 82(2) restricted (7.2.2024) by The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (S.I. 2024/70), arts. 1, **36(1)** (with art. 43, Sch. 12 paras. 5, 24)

C163 S. 82(2) restricted (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **50(1)** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

C164 S. 82(2) restricted (11.3.2024) by The Net Zero Teesside Order 2024 (S.I. 2024/174), arts. 1, **40(1)** (with arts. 42, 43, Sch. 12 paras. 5, 51, 91, 129, 136, 234, 345, 356)

C165 S. 82(2) restricted (13.3.2024) by The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 (S.I. 2024/230), arts. 1, **40(1)** (with Sch. 11 paras. 5, 22, 37, 47, 82, 110)

C166 S. 82(2) restricted (5.4.2024) by The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), arts. 1, **43(1)** (with art. 44, Sch. 15)

C167 S. 82(2) restricted (11.4.2024) by The HyNet Carbon Dioxide Pipeline Order 2024 (S.I. 2024/436), arts. 1(2), **9(1)** (with arts. 21, 41, Sch. 10)

C168 S. 82(2) restricted (25.4.2024) by The Network Rail (Church Fenton Level Crossing Reduction) Order 2024 (S.I. 2024/526), arts. 1, **28(1)** (with art. 28(4))

C169 S. 82(2) restricted (9.5.2024) by The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (S.I. 2024/564), arts. 1, **7(1)** (with arts. 35, 36, Sch. 14)

C170 S. 82(2) restricted (14.6.2024) by The A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024 (S.I. 2024/733), arts. 1, **45(1)** (with art. 6, Sch. 10)

C171 S. 82(2) restricted (3.8.2024) by The Mallard Pass Solar Farm Order 2024 (S.I. 2024/796), arts. 1, **7(1)** (with Sch. 15)

C172 S. 82(2) restricted (3.8.2024) by The Sunnica Energy Farm Order 2024 (S.I. 2024/802), arts. 1, **7(1)** (with art. 44, Sch. 12)

C173 S. 82(2) restricted (3.8.2024) by The Gate Burton Energy Park Order 2024 (S.I. 2024/807), arts. 1, **7(1)** (with art. 45, Sch. 14)

C174 S. 82(2) restricted (27.9.2024) by The Cottam Solar Project Order 2024 (S.I. 2024/943), arts. 1, **7(1)** (with art. 48, Sch. 15)

C175 S. 82(2) restricted (4.10.2024) by The National Grid (Bramford to Twinstead Reinforcement) Order 2024 (S.I. 2024/958), arts. 1, **45(1)** (with art. 40, Sch. 14)

C176 S. 82(2) restricted (9.10.2024) by The M3 Junction 9 Development Consent Order 2024 (S.I. 2024/752), arts. 1, **44(1)** (with art. 4, Sch. 10) (as amended by S.I. 2024/1020, **Sch.**)
S. 82(2) restricted (25.10.2024) by The Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 2024 (S.I. 2024/1014), arts. 1, **29(1)** (with arts. 36, 40, Sch. 4)

C177 S. 82(2) restricted (18.12.2024) by The Network Rail (Leeds to Micklefield Enhancements) Order 2024 (S.I. 2024/1284), arts. 1, **35(1)** (with Sch. 15)

C178 S. 82(2) restricted (15.2.2025) by The West Burton Solar Project Order 2025 (S.I. 2025/116), arts. 1, **7(1)** (with art. 47, Sch. 15)

C179 S. 82(2) restricted (17.2.2025) by The Heckington Fen Solar Park Order 2025 (S.I. 2025/85), arts. 1, **7(1)** (with art. 43, Sch. 13)

C180 S. 82(2) restricted (27.2.2025) by The Associated British Ports (Immingham Green Energy Terminal) Order 2025 (S.I. 2025/165), arts. 1, **57(1)** (with arts. 48, 59, Sch. 14)

C181 S. 82(2) restricted (4.4.2025) by The North Lincolnshire Green Energy Park Order 2025 (S.I. 2025/362), arts. 1, **45(1)** (with Sch. 14)

C182 S. 82(2) restricted (15.4.2025) by The A122 (Lower Thames Crossing) Development Consent Order 2025 (S.I. 2025/462), arts. 1, **58(1)** (with arts. 5, 43, 53(7), 54(2), Sch. 14)

C183 S. 82(2) restricted (28.4.2025) by The Rampion 2 Offshore Wind Farm Order 2025 (S.I. 2025/468), arts. 1, **8(1)** (with arts. 47, 48, Sch. 10)

C184 S. 82(2) restricted (1.5.2025) by The Viking CCS Carbon Dioxide Pipeline Order 2025 (S.I. 2025/509), arts. 1(2), **37(1)** (with art. 41, Sch. 9)

C185 S. 82(2) restricted (31.5.2025) by The East Yorkshire Solar Farm Order 2025 (S.I. 2025/585), arts. 1, **7(1)** (with art. 49, Sch. 14)

C186 S. 82(2) restricted (25.6.2025) by The M5 Junction 10 Development Consent Order 2025 (S.I. 2025/795), arts. 1, **41(1)** (with arts. 4, 43, Sch. 9)

C187 S. 82(2) restricted (11.7.2025) by The Oaklands Farm Solar Park Order 2025 (S.I. 2025/739), arts. 1, **7(1)** (with Sch. 10)

C188 S. 82(2) restricted (28.7.2025) by The Mona Offshore Wind Farm Order 2025 (S.I. 2025/870), arts. 1, **9(1)** (with arts. 37, 38, Sch. 10)

C189 S. 82(2) restricted (14.8.2025) by The Byers Gill Solar Order 2025 (S.I. 2025/934), arts. 1, **8(1)** (with art. 43, Sch. 11)

C190 S. 82(2) restricted (30.9.2025) by The M60/M62/M66 Simister Island Interchange Development Consent Order 2025 (S.I. 2025/1018), arts. 1, **39(1)** (with arts. 5, 34, Sch. 9)

C191 S. 82(2) restricted (12.10.2025) by The Gatwick Airport (Northern Runway Project) Development Consent Order 2025 (S.I. 2025/1054), arts. 1, **47(1)** (with arts. 5, 9(6), 43, Sch. 9)

C192 S. 82(2) restricted (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), arts. 1, **49(1)** (with arts. 4, 9, 51, Sch. 9)

C193 S. 82(2) restricted (5.11.2025) by The Tillbridge Solar Order 2025 (S.I. 2025/1105), arts. 1, **7(1)** (with art. 49, Sch. 15)

C194 S. 82(2) restricted (13.11.2025) by The Stonestreet Green Solar Order 2025 (S.I. 2025/1175), arts. 1, **9(1)** (with art. 40, Sch. 13)

C195 S. 82(2) restricted (27.11.2025) by The Cory Decarbonisation Project Order 2025 (S.I. 2025/1227), arts. 1, **44(1)** (with Sch. 12)

C196 S. 82(2) restricted (29.12.2025) by The Helios Renewable Energy Project Order 2025 (S.I. 2025/1372), arts. 1, **7(1)** (with Sch. 9)

C197 S. 82(2) restricted (8.1.2026) by The Five Estuaries Offshore Wind Farm Order 2025 (S.I. 2025/1376), arts. 1, **9(1)-(3)** (with arts. 39, 40, Sch. 9)

Changes to legislation: *Environmental Protection Act 1990, Part III is up to date with all changes known to be in force on or before 18 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

C198 S. 82(2)(b) restricted (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **61(1)** (with Sch. 14)
C199 S. 82(8) restricted (13.4.2001) by S.I. 2001/1478, **reg. 3(b)**

Statutory nuisances: Scotland

[F94]83 . . . . . .

Textual Amendments
F94 S. 83 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch.24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

Termination of existing controls over offensive trades and businesses

84 Termination of Public Health Act controls over offensive trades etc.

[[F95](1) Where a person carries on, in the area or part of the area of any local authority—

(a) in England or Wales, a trade which—

(i) is an offensive trade within the meaning of section 107 of the [M10]Public Health Act 1936 in that area or part of that area, and

(ii) constitutes a prescribed process designated for local control for the carrying on of which an authorisation is required under section 6 of this Act; or

(b) **[**[F96]in Scotland, a business which—

(i) is mentioned in section 32(1) of the Public Health (Scotland) Act 1897 (or is an offensive business by virtue of that section) in that area or part of that area; and

(ii) constitutes a prescribed process designated for local control for the carrying on of which an authorisation is required under the said section 6,

subsection (2) below shall have effect in relation to that trade or business as from the date on which an authorisation is granted under section 6 of this Act or, if that person has not applied for such an authorisation within the period allowed under section 2(1) above for making applications under that section, as from the end of that period.**]**

(2) Where this subsection applies in relation to the trade or business carried on by any person—

(a) nothing in section 107 of the Public Health Act 1936 **[**[F97]or in section 32 of the Public Health (Scotland) Act 1897**]** shall apply in relation to it, and

(b) no byelaws or further byelaws made under section 108(2) of the said Act of 1936, **[**[F98]or under subsection (2) of the said section 32**]**, with respect to a trade or business of that description shall apply in relation to it;

but without prejudice to the continuance of, and imposition of any penalty in, any proceedings under the said section 107 **[**[F98]or the said section 32**]** which were instituted before the date as from which this subsection has effect in relation to the trade or business.

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(3) Subsection (2)(b) above shall apply in relation to the trade of fish frying as it applies in relation to an offensive trade.

(4) When the Secretary of State considers it expedient to do so, having regard to the operation of Part I and the preceding provisions of this Part of this Act in relation to offensive trades or businesses, he may by order repeal—

(a) sections 107 and 108 of the [M11]Public Health Act 1936; and

(b) **[**[F99]section 32 of the [M12]Public Health (Scotland) Act 1897;**]**

and different days may be so appointed in relation to trades or businesses which constitute prescribed processes and those which do not.

(5) In this section—

"prescribed process" has the same meaning as in Part I of this Act; and

"offensive trade" or "trade" has the same meaning as in section 107 of the Public Health Act 1936.**]**

Textual Amendments

F95 S. 84 repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 23(c)**; S.S.I. 2014/160, art. 2(1)(2), sch.

F96 S. 84(1)(b) repealed (S.) (1.10.2009) by The Public Health etc. (Scotland) Act 2008 (Commencement No. 2, Savings and Consequential Provisions) Order (S.S.I. 2009/319), art. 2(c), {Sch. 3}

F97 Words in s. 84(2)(a) repealed (S.) (1.10.2009) by The Public Health etc. (Scotland) Act 2008 (Commencement No. 2, Savings and Consequential Provisions) Order (S.S.I. 2009/319), art. 2(c), {Sch. 3}

F98 Words in s. 84(2)(b) repealed (S.) (1.10.2009) by The Public Health etc. (Scotland) Act 2008 (Commencement No. 2, Savings and Consequential Provisions) Order (S.S.I. 2009/319), art. 2(c), {Sch. 3}

F99 S. 84(4)(b) repealed (S.) (1.10.2009) by The Public Health etc. (Scotland) Act 2008 (Commencement No. 2, Savings and Consequential Provisions) Order (S.S.I. 2009/319), art. 2(c), {Sch. 3}

Marginal Citations

M10 1936 c. 49.

M11 1936 c. 49.

M12 1897 c. 38.

Application to gases of certain Clean Air Act provisions

[F100]85 . . . . . .

Textual Amendments

F100 S. 85 repealed (27.8.1993) by 1993 c. 11, s. 67(3), **Sch.6**

Changes to legislation:
Environmental Protection Act 1990, Part III is up to date with all changes known to be in force on or before 18 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- s. 33(10A) inserted by 2024 asp 13 s. 20(2)(a)
- s. 33ZB(10A) inserted by 2021 c. 30 s. 69(3)(b)
- s. 34(6A) inserted by 2024 asp 13 s. 20(2)(b)
- s. 34ZB(8A) inserted by 2021 c. 30 s. 69(5)(b)
- s. 44ZA(2)(aa) inserted by 2024 asp 13 s. 16(3)(c)
- s. 44ZZA inserted by 2024 asp 13 s. 16(2)
- s. 47B inserted by 2024 asp 13 s. 17(2)
- s. 161(2AA)(2AB) inserted by 2016 anaw 3 s. 69(4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(10A) inserted by 2024 asp 13 s. 20(2)(a)
- s. 33ZB(10A) inserted by 2021 c. 30 s. 69(3)(b)
- s. 34(6A) inserted by 2024 asp 13 s. 20(2)(b)
- s. 34ZB(8A) inserted by 2021 c. 30 s. 69(5)(b)
- s. 44ZA(2)(aa) inserted by 2024 asp 13 s. 16(3)(c)
- s. 44ZZA inserted by 2024 asp 13 s. 16(2)
- s. 47B inserted by 2024 asp 13 s. 17(2)
- s. 161(2AA)(2AB) inserted by 2016 anaw 3 s. 69(4)