

Vehicle Noise Limits (Enforcement) Bill

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TO

Make provision for the enforcement of noise limits for vehicles via automatic monitoring equipment; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Breach of requirement as to noise limits

In Part 2 of the Road Traffic Act 1988, after section 41D insert—

“41E Breach of requirements as to noise limits

- (1) A person who—
- (a) contravenes or fails to comply with a construction or use requirement as to noise limits, or 5
 - (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used is guilty of an offence.
- (2) This offence is subject to a fine of Level 5 on the standard scale. 10
- (3) Evidence for the commission of this offence may be provided by an approved device as specified in section 20A of the Road Traffic Offenders Act 1988.”

2 Fixed Penalty

- (1) The Secretary of State may exercise powers conferred by section 53 of the Road Traffic Offenders Act 1988 to make the offence provided for under section 41E of the Road Traffic Act 1988 a fixed penalty offence. 15
- (2) The offence shall initially be subject of a fixed penalty of £60, which the Secretary of State may, from time to time, review and change at his discretion.

3 Noise limits offences etc: admissibility of certain evidence

In Part 1 of the Road Traffic Offenders Act 1988, after section 20 insert—

“20A Noise limits offences etc: admissibility of certain evidence

- (1) Evidence (which in Scotland shall be sufficient evidence) of a fact relevant to proceedings for an offence to which this section applies may be given by the production of—
- (a) a record produced by a prescribed device, and
 - (b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a constable or by a person authorised by or on behalf of the chief officer of police for the police area in which the offence is alleged to have been committed
- but subject to the following provisions of this section.
- (2) This section applies to an offence under section 41E of the Road Traffic Act 1988 consisting in the contravention of the noise limits specified in Regulations made under that Act.
- (3) The Secretary of State may by regulations amend subsection (2) above; and regulations under this subsection may make such transitional provision as appears to him to be necessary or expedient.
- (4) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings for an offence to which this section applies unless—
- (a) the device is of a type approved by the Secretary of State, and
 - (b) any conditions subject to which the approval was given are satisfied.
- (5) Any approval given by the Secretary of State for the purposes of this section may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.
- (6) In proceedings for an offence to which this section applies, evidence (which in Scotland shall be sufficient evidence)—
- (a) of a measurement made by a device, or of the circumstances in which it was made, or
 - (b) that a device was of a type approved for the purposes of this section, or that any conditions subject to which an approval was given were satisfied,
- may be given by the production of a document which is signed as mentioned in subsection (1) above and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.
- (7) For the purposes of this section a document purporting to be a record of the kind mentioned in subsection (1) above, or to be a certificate or other document signed as mentioned in that subsection or in subsection (6) above, shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

- (8) Nothing in subsection (1) or (6) above makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than seven days before the hearing or trial, been served on the person charged with the offence; and nothing in those subsections makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the prosecutor requiring attendance at the hearing or trial of the person who signed the document. 5
- (9) Where the proceedings for an offence to which this section applies are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect as if in subsection (8) the words from "and nothing" to the end of the subsection were omitted. 10
- (10) As respects proceedings in Scotland, a copy of a document served on a person under subsection (8) above shall be served in such manner as may be prescribed by Act of Adjournal, and a written execution purporting to be signed by the person who served such copy document together with, where appropriate, the relevant post office receipt shall be sufficient evidence of service of such a copy. 15
- (11) In this section "prescribed device" means device of a description specified in regulations made by the Secretary of State. 20
- (12) The powers to make regulations under subsections (3) and (11) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament." 25
- 4 Power to install equipment for detection of noise limit offences**
- In Part 5 of the Highways Act 1980, in section 95A, at end of section insert –
- “For the purposes of this section, ‘Traffic offence’ includes the offence of breaching noise limits under section 41E of the Road Traffic Act 1988.” 30
- 5 Statutory guidance**
- The Secretary of State shall consult on and issue statutory guidance on the installation, signage and conspicuity of devices and on the use of evidence from any approved devices specified by him in regulations made under section 20A(11) of the Road Traffic Offenders Act 1988. 35
- 6 Citation, and commencement and extent**
- (1) This Act may be cited as the Vehicle Noise Limits (Enforcement) Act 2017.
- (2) The provisions in this Act (other than this section) shall come into force on such day as the Secretary of State may by order appoint.
- (3) This Act extends to England and Wales, and Scotland. 40

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To make provision for the enforcement of noise limits for vehicles via automatic monitoring equipment; and for connected purposes.

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supported by
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to be Printed, 4 July 2016.*

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