

CONTROL OF POLLUTION ACT 1974
PART III – NOISE
POLLUTION CONTROL AND LOCAL GOVERNMENT (NORTHERN IRELAND) ORDER
1978

CODE OF PRACTICE ON NOISE FROM ICE CREAM VAN CHIMES, ETC. 1982

This code of practice pages 1 to 4 was approved, and approval was given for its issue, by the Control of Noise (Code of Practice on Noise from Ice Cream Van Chimes etc.) Order 1981 (SI 1981 No. 1828) made under section 71 of the Control of Pollution Act 1974 by the Secretary of State for Wales (in respect of Wales), and the Secretary of State for Scotland (in respect of Scotland). (In Northern Ireland this code of practice from pages 1 to 4 was approved, and approval was given its issue by the Control of Noise (Code of Practice on Noise from Ice Cream Van Chimes Etc.) Order (Northern Ireland) 1982. This code of practice came into operation on 1 February 1982 in England, Wales and Scotland (and on 1 July 1982 in Northern Ireland).

Section 71 of the Control of Pollution Act 1974 empowers the Secretary of State to prepare and approve and issue such codes of practice as in his opinion are suitable for the purpose of giving guidance on appropriate methods for minimising noise.

Section 72 of the Control of Pollution Act 1974 provides that regard shall be had to any relevant provision of a code of practice approved under section 71 of the Act in construing references to “best practicable means” in Part III (Noise) of the Act.

DEPARTMENT OF THE ENVIRONMENT
Romney House, 43 Marsham Street, London, SW1 3PY

WELSH OFFICE
New Crown Building, Cathays Park, Cardiff, CF1 3NQ

SCOTTISH DEVELOPMENT DEPARTMENT
Pentland House, 47 Robbs Loan, Edinburgh, EH14 1TY

DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND
Stormont, Belfast, BT4 3SS

London: Her Majesty's Stationery Office

Control of Pollution Act 1974

PART III

Amended by Noise and Statutory Nuisance Act 1993
Noise in streets

62.-1(1) Subject to the provisions of this section, a loudspeaker in a street shall not be operated –

- (a) Between the hours of nine in the evening and eight in the following morning, for any purpose;
- (b) At any other time, for the purpose of advertising any entertainment, trade or business;

And any person who operates or permits the operation of a loudspeaker in contravention of this subsection shall be guilty of an offence against this Part of the Act.

In subsection “street” means a highway and any other road, footway, square or court which is for the time being open to the public.

(2) The preceding subsection shall not apply to the operation of a loudspeaker –

- (a) For police, fire brigade or ambulance purposes, by a water authority in the exercise of its functions, or by a local authority within its area;
- (b) For communicating with persons on a vessel for the purpose of directing the movement of that or any other vessel;
- (c) If the loudspeaker forms part of a public telephone system;
- (d) If the loudspeaker –
 - (i) Is in or fixed to a vehicle, and
 - (ii) Is operated solely for the entertainment of or for communicating with the driver or a passenger of the vehicle or, where the loudspeaker is or forms part of the horn or similar warning instrument of the vehicle, solely for giving warning to other traffic, and
 - (iii) Is so operated as not to give reasonable cause for annoyance to persons in the vicinity;
- (e) Otherwise than on a highway, by persons employed in connection with a transport undertaking used by the public in a case where the loudspeaker is operated solely for making announcements to passengers or to other persons so employed;

(3) Subsection (1)(b) of this section shall not apply to the operation of a loudspeaker between the hours of noon and seven in the evening on the same day if the loudspeaker –

- (a) is fixed to a vehicle which is being used for the conveyance of a perishable commodity for human consumption; and
- (b) is operated solely for informing members of the public (otherwise than by means of words) that the commodity is on sale from the vehicle; and
- (c) is so operated as not to give reasonable cause for annoyance to persons in the vicinity.

(4) An offence under this section in Scotland may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.

ANNEX

Summary of the code of practice on noise from ice cream van chimes etc. 1982

It is an offence to sound your chimes before 12:00 noon and after 7:00pm. It is also an offence to sound your chimes in such a way as to give reasonable cause for annoyance. A code of practice approved by the Government gives guidance on methods of minimising annoyance by your chimes. The main points of the code of practice are:

Do not sound chimes

1. For longer than 4 seconds at a time;
2. More often than once every 3 minutes;
3. When the vehicle is stationary ;
4. Except on the approach to a selling point;
5. When in sight of another vehicle which is trading;
6. When within 50 metres of schools (during school hours), hospitals, and places of worship (on Sundays and other recognised days of worship);
7. More often than once every hours in the same length of street;
8. Louder than at 80dB(A) at 7.5 metres *
9. As loudly in quiet areas or narrow streets as elsewhere.

REMEMBER: IT IS AN OFFENCE TO SOUND YOUR CHIMES BEFORE 12.00 NOON OR AFTER 7.00PM.

IT IS AN OFFENCE TO SOUND YOUR CHIMES AT ANY TIME IN A WAY WHICH GIVES REASONABLE CAUSE FOR ANNOYANCE