



## Private Action

Section 82 of the Environmental Protection Act 1990 provides that you may go directly to the Courts either before or after contacting the Environmental Health Service. This does not need to be expensive **BUT** you are responsible for any expenses and costs involved.

You do not need to have a Solicitor, but both you and the person about whom you are complaining have a right to be represented. You can obtain help or advice from the Citizens' Advice Bureau or other agencies.

### STEP 1

Discuss the problem with the person or organisation making the noise. Often they can stop or reduce the impact of the noise.

### STEP 2

Keep an accurate record. Talk to other neighbours and make sure they keep records too. *(see the example record on the back page)*

### STEP 3

If the noise continues, write to the person, or organisation. Explain the problem clearly. Keep a copy of the letter and note the date when it was sent.

### STEP 4

After discussing the problem with the person responsible for making the noise, and writing to them, you can apply to the Magistrates Court under the Environmental Protection Act 1990 Section 82.

You must give AT **LEAST 3 DAYS NOTICE** in writing to the person making the noise of your intention to take proceedings.

### STEP 5

Go to the Magistrates Court office and explain that you want to seek an order under Section 82 of the Environmental Protection Act 1990. A member of staff will tell you what to do.

Waltham Forest Magistrates Court,  
The Court House,  
1 Farnham Avenue,  
London E17 4NX.

You will need to produce evidence to show the Magistrates that there are grounds for complaint.

### STEP 6

You may attend the Court at 9.30 am on Mondays, Tuesdays, Thursdays and Fridays. Go to reception and explain that you wish to seek an Order under Section 82 of the Environmental Protection Act 1990.

Take a full written record of the evidence to Court with you, bringing enough copies for the Court and the defendant *(at least 3 copies)*.

If the Magistrates are satisfied that there are grounds for complaint, they may issue a summons and serve it on the defendant (the person responsible for making the noise).

The defendant will be summoned to attend a court hearing so that the Magistrates can determine if an order should be issued to stop the noise.

You are entitled to claim your costs. ***You may be liable to pay costs if your action is unsuccessful.***

The Magistrates may impose a fine on the defendant.