

TAKING YOUR OWN ACTION WHEN SUFFERING A STATUTORY NUISANCE

Section 82 of the Environmental Protection Act 1990

If you are bothered by a nuisance, you can complain directly to the Magistrates' Court. The aim of this action is to persuade the Magistrates in person that the problem that you are suffering can be classed as a Statutory Nuisance.

HOW DO I TAKE MY OWN ACTION?

1) Try to resolve the problem informally by writing to the person causing the problem explaining that unless the nuisance is stopped or reduced satisfactorily you will have no choice but to take your case to the Magistrates Court.

2) If, following this attempt, there is no improvement and you decide to take action under Section 82 of the Environmental Protection Act 1990 you **MUST** give at least 3 days notice in writing to the person responsible for the nuisance that you intend to take action. In this notice you should:

- a) Explain the complaint in detail, making sure it is dated.
- b) Deliver it by hand or by normal post to the person causing the problem.
- c) Remember to keep a copy for yourself.

3) After the three days, contact the Clerk to the Court at:

South Staffordshire Magistrates Court – Tel: 01785 223144

Tell them that you wish to take action under Section 82 of the Environmental Protection Act 1990. An appointment will probably be made for you to discuss the matter with them. Let them know that the Environmental Health Department have been involved.

4) If the Magistrates feel that you have an arguable case, a summons will be issued and served on the person responsible for the problem. This notice will state the date and time that has been arranged for the court hearing.

5) If, after the hearing the magistrates decide in your favour, the court may:

- make an order requiring the defendant to stop the nuisance, stating what measures it considers necessary to do this;
- restrict the nuisance from occurring again;
- impose a fine on the person causing the nuisance at the time of making the order;
- award you reasonable costs against the person causing the nuisance.

DO I NEED A SOLICITOR?

You do not need a solicitor to represent you at the hearing but you may have one if you wish.

Free legal advice from a solicitor may be available prior to the proceedings under the 'Green Form Scheme'.
