

# ANTI-SOCIAL BEHAVIOUR ACT 2003

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 6: the Environment

#### Removal of graffiti

##### *Section 48: Graffiti removal notices*

111. *Subsections (1) and (2)* enable a local authority to serve a “graffiti removal notice” on the owners of street furniture, statutory undertakers and educational institutions whose property is defaced with graffiti that is either detrimental to the amenity of the area or offensive. *Subsection (3)* sets out that the notice will require them to remove the graffiti within a specified period of time, a minimum of 28 days. *Subsections (4) and (5)* state that if the person responsible for the property fails to remove the graffiti, the local authority can intervene and clean up the graffiti. *Subsection (6)* requires that the notice should detail the consequences of non-compliance and *subsection (7)* sets out the process for serving a notice. *Subsection (8)* allows that the local authority may affix a notice to the offending surface if they are unable to locate the person responsible. *Subsections (9) and (10)* define the surfaces covered, *subsection (11)* sets out whom the notice should be served upon and *subsection (12)* provides the definition of remaining terms.

##### *Section 49: Recovery of expenditure*

112. *Section 49* sets out the process for local authorities to recover costs from the persons responsible for the property they clean under section 48(4). *Subsection (1)* allows the local authority to recover costs if the expenditure claimed is reasonable. *Subsection (2)* requires that the local authority concerned must have previously served a notice on the persons concerned, detailing the expenditure to be recovered. *Subsection (3)* sets out the process for serving a notice.

##### *Section 50: Guidance*

113. *Section 50* requires the Secretary of State (or National Assembly for Wales) to issue guidance on the operation of these sections, with which local authorities must comply.

##### *Section 51: Appeals*

114. *Section 51* sets out grounds and processes for appeal. *Subsection (1)* allows appeal to be made to a magistrates’ court within 21 days of the serving of the notice. *Subsection (2)* allows appeal on the grounds that the graffiti does not merit removal or in connection with the notice. Under *subsection (3)* any notice is suspended pending the appeal. *Subsection (4)* requires the court either to quash or modify the notice, or to dismiss the appeal. *Subsection (5)* allows the court to extend the period specified in the notice when it does not allow the appeal. *Subsection (6)* allows appeal on the grounds that

*These notes refer to the Anti-Social Behaviour Act 2003  
(c.38) which received Royal Assent on 20 November 2003*

the amount charged is excessive. *Subsection (7)* requires the court either to confirm the amount the authority seeks to recover or to substitute a lower amount.

***Section 52: Exemption from liability in relation to graffiti removal notices***

115. **Section 52** sets out the terms of the exemption from liability for damages that protects those taking action to remove the graffiti under section 48(4).