Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 8

HIGH HEDGES

Supplementary

79 Service of documents

(1) A notification or other document required to be given or sent to a person by virtue of this Part shall be taken to be duly given or sent to him if served in accordance with the following provisions of this section.

(2) Such a document may be served—
- (a) by delivering it to the person in question;
- (b) by leaving it at his proper address; or
- (c) by sending it by post to him at that address.

(3) Such a document may—
- (a) in the case of a body corporate, be served on the secretary or clerk of that body;
- (b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business.

(4) For the purposes of this section and of section 7 of the Interpretation Act 1978 (c. 30) (service of documents by post) in its application to this section, a person's proper address shall be his last known address, except that—
- (a) in the case of a body corporate or their secretary or clerk, it shall be the address of the registered or principal office of that body; and
- (b) in the case of a partnership or person having the control or the management of the partnership business, it shall be the principal office of the partnership.

(5) For the purposes of subsection (4) the principal office of—
- (a) a company registered outside the United Kingdom, or

(b) a partnership carrying on business outside the United Kingdom,

shall be their principal office within the United Kingdom.

(6) If a person has specified an address in the United Kingdom other than his proper address within the meaning of subsection (4) as the one at which he or someone on his behalf will accept documents of a particular description, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address in connection with the service on him of a document of that description.

(7) Where—

(a) by virtue of this Part a document is required to be given or sent to a person who is an owner or occupier of any land, and

(b) the name or address of that person cannot be ascertained after reasonable inquiry,

the document may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.

Commencement Information

I1 S. 79 in force at 31.12.2004 for W. by S.I. 2004/3238, **art. 2**

80 Documents in electronic form

(1) A requirement of this Part—

(a) to send a copy of a remedial notice to a person, or

(b) to notify a person under section 68(4) of the reasons for the issue of a remedial notice,

is not capable of being satisfied by transmitting the copy or notification electronically or by making it available on a web-site.

(2) The delivery of any other document to a person (the "recipient") may be effected for the purposes of section 79(2)(a)—

(a) by transmitting it electronically, or

(b) by making it available on a web-site,

but only if it is transmitted or made available in accordance with subsection (3) or (5).

(3) A document is transmitted electronically in accordance with this subsection if—

(a) the recipient has agreed that documents may be delivered to him by being transmitted to an electronic address and in an electronic form specified by him for that purpose; and

(b) the document is a document to which that agreement applies and is transmitted to that address in that form.

(4) A document which is transmitted in accordance with subsection (3) by means of an electronic communications network shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which it is transmitted.

(5) A document is made available on a web-site in accordance with this subsection if—

(a) the recipient has agreed that documents may be delivered to him by being made available on a web-site;

(b) the document is a document to which that agreement applies and is made available on a web-site;

(c) the recipient is notified, in a manner agreed by him, of—

(i) the presence of the document on the web-site;

(ii) the address of the web-site; and

(iii) the place on the web-site where the document may be accessed.

(6) A document made available on a web-site in accordance with subsection (5) shall, unless the contrary is proved, be treated as having been delivered at 9a.m. on the working day immediately following the day on which the recipient is notified in accordance with subsection (5)(c).

(7) In this section—

"electronic address" includes any number or address used for the purposes of receiving electronic communications;

"electronic communication" means an electronic communication within the meaning of the Electronic Communications Act 2000 (c. 7) the processing of which on receipt is intended to produce writing;

"electronic communications network" means an electronic communications network within the meaning of the Communications Act 2003 (c. 21);

"electronically" means in the form of an electronic communication;

"working day" means a day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80).

Commencement Information

I2 S. 80 in force at 31.12.2004 for W. by S.I. 2004/3238, **art. 2**

81 Power to make further provision about documents in electronic form

(1) Regulations may amend section 80 by modifying the circumstances in which, and the conditions subject to which, the delivery of a document for the purposes of section 79(2)(a) may be effected by—

(a) transmitting the document electronically; or

(b) making the document available on a web-site.

(2) Regulations may also amend section 80 by modifying the day on which and the time at which documents which are transmitted electronically or made available on a web-site in accordance with that section are to be treated as having been delivered.

(3) Regulations under this section may make such consequential amendments of this Part as the person making the regulations considers appropriate.

(4) The power to make such regulations shall be exercisable—

(a) in relation to documents relating to complaints about hedges situated in England, by the Secretary of State; and

(b) in relation to documents relating to complaints about hedges situated in Wales, by the National Assembly for Wales.

Status: *Point in time view as at 31/12/2004.*
Changes to legislation: *There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Cross Heading: Supplementary. (See end of Document for details)*

(5) In this section "electronically" has the meaning given in section 80.

Commencement Information
I3 S. 81 in force at 31.12.2004 for W. by S.I. 2004/3238, **art. 2**

82 Interpretation

In this Part—

"the appeal authority" has the meaning given by section 71(7);

"complaint" shall be construed in accordance with section 65;

"complainant" has the meaning given by section 65(5);

"the compliance period" has the meaning given by section 69(6);

"domestic property" has the meaning given by section 67;

"high hedge" has the meaning given by section 66;

"local authority", in relation to England, means—

(a) a district council;

(b) a county council for a county in which there are no districts;

(c) a London borough council; or

(d) the Common Council of the City of London;

and, in relation to Wales, means a county council or a county borough council;

"the neighbouring land" has the meaning given by section 65(5);

"occupier", in relation to any land, means a person entitled to possession of the land by virtue of an estate or interest in it;

"the operative date" shall be construed in accordance with sections 69(5) and 73(5) and (6);

"owner", in relation to any land, means a person (other than a mortgagee not in possession) who, whether in his own right or as trustee for any person—

(a) is entitled to receive the rack rent of the land, or

(b) where the land is not let at a rack rent, would be so entitled if it were so let;

"preventative action" has the meaning given by section 69(9);

"the relevant authority" has the meaning given by section 65(5);

"remedial notice" shall be construed in accordance with section 69(1);

"remedial action" has the meaning given by section 69(9).

Commencement Information
I4 S. 82 in force at 31.12.2004 for W. by S.I. 2004/3238, **art. 2**

83 Power to amend sections 65 and 66

(1) Regulations may do one or both of the following—

(a) amend section 65 for the purpose of extending the scope of complaints relating to high hedges to which this Part applies; and

(b) amend section 66 (definition of "high hedge").

(2) The power to make such regulations shall be exercisable—

(a) in relation to complaints about hedges situated in England, by the Secretary of State; and

(b) in relation to complaints about hedges situated in Wales, by the National Assembly for Wales.

(3) Regulations under this section may make such consequential amendments of this Part as the person making the regulations considers appropriate.

Commencement Information

I5 S. 83 in force at 31.12.2004 for W. by S.I. 2004/3238, **art. 2**

84 Crown application

(1) This Part and any provision made under it bind the Crown.

(2) This section does not impose criminal liability on the Crown.

(3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.

Commencement Information

I6 S. 84 in force at 31.12.2004 for W. by S.I. 2004/3238, **art. 2**

Status:
Point in time view as at 31/12/2004.

Changes to legislation:
There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Cross Heading: Supplementary.