



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 6

THE ENVIRONMENT

Penalty notices for graffiti and fly-posting

43 Penalty notices for graffiti and fly-posting

- (1) Where an authorised officer of a local authority has reason to believe that a person has committed a relevant offence in the area of that authority, he may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a penalty in accordance with the notice.
- (2) But an authorised officer may not give a notice under subsection (1) if he considers that the commission of the offence—
 - (a) in the case of a relevant offence falling within section 44(1)(c), also involves the commission of an offence under section 30 of the Crime and Disorder Act 1998 (c. 37), or
 - (b) in the case of any other relevant offence, was motivated (wholly or partly) by hostility—
 - (i) towards a person based upon his membership (or presumed membership) of a racial or religious group, or
 - (ii) towards members of a racial or religious group based on their membership of that group.
- (3) In the case of a relevant offence falling within section 44(1)(f), an authorised officer may not give a notice to a person under subsection (1) in relation to the display of an advertisement unless he has reason to believe that that person personally affixed or placed the advertisement to, against or upon the land or object on which the advertisement is or was displayed.
- (4) Where a person is given a notice under subsection (1) in respect of an offence—

Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 43. (See end of Document for details)

- (a) no proceedings may be instituted for that offence (or any other relevant offence arising out of the same circumstances) before the expiration of the period of fourteen days following the date of the notice, and
 - (b) he may not be convicted of that offence (or any other relevant offence arising out of the same circumstances) if before the expiration of that period he pays the penalty in accordance with the notice.
- (5) A notice under subsection (1) must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.
- (6) A notice under subsection (1) must also state—
- (a) the period during which, by virtue of subsection (4), proceedings will not be instituted for the offence,
 - (b) the amount of the penalty, and
 - (c) the person to whom and the address at which the penalty may be paid.
- (7) Without prejudice to payment by any other method, payment of a penalty in pursuance of a notice under subsection (1) may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (6)(c) at the address so mentioned.
- (8) Where a letter is sent in accordance with subsection (7) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (9) A notice under subsection (1) must be in such form as the appropriate person may by order prescribe.

^{F1}(10)

^{F1}(11)

Textual Amendments

F1 S. 43(10)(11) repealed (16.3.2006 for W. for specified purposes, 6.4.2006 for E. and 15.3.2007 for W. in so far as not already in force) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 28(1), 108(1), 108(2)(d), [Sch. 5 Pt. 3](#); S.I. 2006/768, art. 3; S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 4(m)

Commencement Information

- I1** S. 43 in force at 31.3.2004 for W. by [S.I. 2004/999](#), [art. 2\(d\)](#)
- I2** S. 43 in force at 31.3.2004 for E. by [S.I. 2004/690](#), [art. 3\(d\)](#)

Changes to legislation:

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