



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 6

THE ENVIRONMENT

Removal of graffiti

51 Appeals

- (1) A person on whom a graffiti removal notice is served may, within the period of 21 days beginning with the day on which it is served, appeal against the notice to a magistrates' court on any of the following grounds.
- (2) They are—
 - (a) that the defacement is neither detrimental to the amenity of the area nor offensive,
 - (b) that there is a material defect or error in, or in connection with, the notice,
 - (c) that the notice should be served on another person.
- (3) Where an appeal under subsection (1) is brought, the graffiti removal notice shall be of no effect pending the final determination or withdrawal of the appeal.
- (4) On the determination of such an appeal, the magistrates' court must do one of the following—
 - (a) quash the notice,
 - (b) modify the notice,
 - (c) dismiss the appeal.
- (5) Where the court modifies the notice or dismisses the appeal, it may extend the period specified in the notice.
- (6) A person on whom a notice under section 49(2) is served may, within the period of 21 days beginning with the day on which it is served, appeal to a magistrates' court on the grounds that the expenditure which the authority is proposing to recover is excessive.

Status: This is the original version (as it was originally enacted).

- (7) On the determination of an appeal under subsection (6), the magistrates' court must do either of the following—
- (a) confirm that the amount which the authority is proposing to recover is reasonable, or
 - (b) substitute a lower amount as the amount which the authority is entitled to recover.