



2011 CHAPTER 23

PART 4

GRAFFITI AND OTHER DEFACEMENT

Removal of graffiti and fly-posters

Appeals

34.—(1) A person on whom a defacement 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 court of summary jurisdiction on any of the following grounds.

(2) They are—

- (a) that the defacement is neither detrimental to the amenity of the district 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 defacement 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 court of summary jurisdiction 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 32(2) is served may, within the period of 21 days beginning with the day on which it is served, appeal to a court of summary jurisdiction on the grounds that the expenditure which the district council is proposing to recover is excessive.

(7) On the determination of an appeal under subsection (6), the court of summary jurisdiction must do either of the following—

- (a) confirm that the amount which the council is proposing to recover is reasonable, or
- (b) substitute a lower amount as the amount which the council is entitled to recover.