



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 6

#### THE ENVIRONMENT

##### *Aerosol paints*

#### **54 Sale of aerosol paint to children**

- (1) A person commits an offence if he sells an aerosol paint container to a person under the age of sixteen.
- (2) In subsection (1) “aerosol paint container” means a device which—
  - (a) contains paint stored under pressure, and
  - (b) is designed to permit the release of the paint as a spray.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) It is a defence for a person charged with an offence under this section in respect of a sale to prove that—
  - (a) he took all reasonable steps to determine the purchaser’s age, and
  - (b) he reasonably believed that the purchaser was not under the age of sixteen.
- (5) It is a defence for a person charged with an offence under this section in respect of a sale effected by another person to prove that he (the defendant) took all reasonable steps to avoid the commission of an offence under this section.

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#### **Commencement Information**

**II** S. 54 in force at 31.3.2004 by [S.I. 2004/690](#), [art. 2\(a\)\(ii\)](#)

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

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**[<sup>F1</sup>54A Enforcement of section 54**

- (1) It is the duty of every local weights and measures authority—
- (a) to consider, at least once in every period of twelve months, the extent to which it is appropriate for the authority to carry out in their area a programme of enforcement action in relation to section 54; and
  - (b) to the extent that they consider it appropriate to do so, carry out such a programme.
- (2) For the purposes of subsection (1), a programme of enforcement action in relation to section 54 is a programme involving all or any of the following—
- (a) the bringing of prosecutions in respect of offences under that section;
  - (b) the investigation of complaints in respect of alleged offences under that section;
  - (c) the taking of other measures intended to reduce the incidence of offences under that section.]

**Textual Amendments**

- F1** S. 54A inserted (1.7.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 32**, **108(3)**; [S.I. 2005/1675](#), art. 2

**Changes to legislation:**

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