



# 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.

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*Status: Point in time view as at 31/03/2004. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 51. (See end of Document for details)*

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- (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.

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**Commencement Information**

**I1** S. 51 in force at 31.3.2004 for W. by S.I. 2004/999, **art. 2(k)**

**I2** S. 51 in force at 31.3.2004 for E. for specified purposes by S.I. 2004/690, **art. 4(1)(d)**

**Status:**

Point in time view as at 31/03/2004. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 51.