



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 8

#### HIGH HEDGES

##### *Appeals*

#### **71 Appeals against remedial notices and other decisions of relevant authorities**

- (1) Where the relevant authority—
  - (a) issue a remedial notice,
  - (b) withdraw such a notice, or
  - (c) waive or relax the requirements of such a notice,each of the persons falling within subsection (2) may appeal to the appeal authority against the issue or withdrawal of the notice or (as the case may be) the waiver or relaxation of its requirements.
- (2) Those persons are—
  - (a) every person who is a complainant in relation to the complaint by reference to which the notice was given; and
  - (b) every person who is an owner or occupier of the neighbouring land.
- (3) Where the relevant authority decide either or both of the issues specified in section 68(3) otherwise than in the complainant's favour, the complainant may appeal to the appeal authority against the decision.
- (4) An appeal under this section must be made before—
  - (a) the end of the period of 28 days beginning with the relevant date; or
  - (b) such later time as the appeal authority may allow.
- (5) In subsection (4) "the relevant date"—
  - (a) in the case of an appeal against the issue of a remedial notice, means the date on which the notice was issued; and

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*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 71. (See end of Document for details)*

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- (b) in the case of any other appeal under this section, means the date of the notification given by the relevant authority under section 68 or 70 of the decision in question.
- (6) Where an appeal is duly made under subsection (1), the notice or (as the case may be) withdrawal, waiver or relaxation in question shall not have effect pending the final determination or withdrawal of the appeal.
- (7) In this Part “the appeal authority” means—
- (a) in relation to appeals relating to hedges situated in England, the Secretary of State; and
  - (b) in relation to appeals relating to hedges situated in Wales, the National Assembly for Wales.

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**Modifications etc. (not altering text)**

- C1** S. 71(1) modified (E.) (1.6.2005 in accordance with reg. 1(2)) by [High Hedges \(Appeals\) \(England\) Regulations 2005 \(S.I. 2005/711\)](#), regs. 1(1), **3**
- C2** S. 71(1) modified (E.) (1.6.2005 in accordance with reg. 1(2)) by [High Hedges \(Appeals\) \(England\) Regulations 2005 \(S.I. 2005/711\)](#), regs. 1(1), **4(1)**
- C3** S. 71(1) modified (E.) (1.6.2005 in accordance with reg. 1(2)) by [High Hedges \(Appeals\) \(England\) Regulations 2005 \(S.I. 2005/711\)](#), regs. 1(1), **4(2)**
- C4** S. 71(3) modified (E.) (1.6.2005 in accordance with reg. 1(2)) by [High Hedges \(Appeals\) \(England\) Regulations 2005 \(S.I. 2005/711\)](#), regs. 1(1), **5**
- C5** S. 71(4) modified (E.) (1.6.2005 in accordance with reg. 1(2)) by [High Hedges \(Appeals\) \(England\) Regulations 2005 \(S.I. 2005/711\)](#), regs. 1(1), **7**
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**Commencement Information**

- I1** S. 71 in force at 31.12.2004 for W. by [S.I. 2004/3238](#), **art. 2**
- I2** S. 71(1)-(6) in force at 1.6.2005 for E. by [S.I. 2005/710](#), **art. 2**
- I3** S. 71(7) in force at 1.10.2004 for E. by [S.I. 2004/2168](#), **art. 5(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 71.