



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 8

#### HIGH HEDGES

##### *Appeals*

#### **73 Determination or withdrawal of appeals**

- (1) On an appeal under section 71 the appeal authority may allow or dismiss the appeal, either in whole or in part.
- (2) Where the appeal authority decides to allow such an appeal to any extent, it may do such of the following as it considers appropriate—
  - (a) quash a remedial notice or decision to which the appeal relates;
  - (b) vary the requirements of such a notice; or
  - (c) in a case where no remedial notice has been issued, issue on behalf of the relevant authority a remedial notice that could have been issued by the relevant authority on the complaint in question.
- (3) On an appeal under section 71 relating to a remedial notice, the appeal authority may also correct any defect, error or misdescription in the notice if it is satisfied that the correction will not cause injustice to any person falling within section 71(2).
- (4) Once the appeal authority has made its decision on an appeal under section 71, it must, as soon as is reasonably practicable—
  - (a) give a notification of the decision, and
  - (b) if the decision is to issue a remedial notice or to vary or correct the requirements of such a notice, send copies of the notice as issued, varied or corrected,  
to every person falling within section 71(2) and to the relevant authority.
- (5) Where, in consequence of the appeal authority's decision on an appeal, a remedial notice is upheld or varied or corrected, the operative date of the notice shall be—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the date of the appeal authority's decision; or
  - (b) such later date as may be specified in its decision.
- (6) Where the person making an appeal under section 71 against a remedial notice withdraws his appeal, the operative date of the notice shall be the date on which the appeal is withdrawn.
- (7) In any case falling within subsection (5) or (6), the compliance period for the notice shall accordingly run from the date which is its operative date by virtue of that subsection (and any period which may have started to run from a date preceding that on which the appeal was made shall accordingly be disregarded).