



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 6

#### THE ENVIRONMENT

##### *Penalty notices for graffiti and fly-posting*

#### **[<sup>F1</sup>43A Amount of penalty**

- (1) The amount of a penalty payable in pursuance of a notice under section 43(1)—
  - (a) is the amount specified by a relevant local authority in relation to its area (whether or not the penalty is payable to that or another authority), or
  - [<sup>F2</sup>(b) if no amount is so specified, is—
    - (i) in England, £100, or
    - (ii) in Wales, £75.]
- (2) In subsection (1)(a), “relevant local authority” means—
  - (a) a district council in England;
  - (b) a county council in England for an area for which there is no district council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London;
  - (e) the Council of the Isles of Scilly;
  - (f) a county or county borough council in Wales.
- (3) The local authority to which a penalty is payable in pursuance of a notice under section 43(1) may make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the authority.
- (4) The appropriate person may by regulations make provision in connection with the powers conferred under subsections (1)(a) and (3).
- (5) Regulations under subsection (4) may (in particular)—

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*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 43A. (See end of Document for details)*

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- (a) require an amount specified under subsection (1)(a) to fall within a range prescribed in the regulations;
  - (b) restrict the extent to which, and the circumstances in which, a local authority can make provision under subsection (3).
- (6) The appropriate person may by order substitute a different amount for the amount for the time being specified in subsection (1)(b).]

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#### **Textual Amendments**

- F1** S. 43A inserted (16.3.2006 for W. for specified purposes, 6.4.2006 for E. and 15.3.2007 for W. in so far as not already in force) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 28(2)**, [108\(1\)](#), [108\(2\)\(d\)](#); [S.I. 2006/768](#), art. 3; [S.I. 2006/795](#), art. 2(3), Sch. 2; [S.I. 2006/2797](#), art. 4(m)
- F2** [S. 43A\(1\)\(b\)](#) substituted (1.4.2018) by [The Environmental Offences \(Fixed Penalties\) \(England\) Regulations 2017 \(S.I. 2017/1050\)](#), regs. 1(2), 7

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