



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 6

THE ENVIRONMENT

Removal of graffiti

48 Graffiti removal notices

- (1) This section applies where a local authority is satisfied—
 - (a) that a relevant surface in an area has been defaced by graffiti, and
 - (b) that the defacement is detrimental to the amenity of the area or is offensive.
- (2) The authority may serve a notice (a “graffiti removal notice”) upon any person who is responsible for the surface imposing the requirement mentioned in subsection (3).
- (3) That requirement is a requirement that the defacement be removed, cleared or otherwise remedied within a period specified in the notice being not less than 28 days beginning with the day on which the notice is served.
- (4) If the requirement mentioned in subsection (3) is not complied with, the authority or any person authorised by the authority may remove, clear or otherwise remedy the defacement.
- (5) In exercising the power under subsection (4) the authority or any person authorised by the authority may enter any land to the extent reasonably necessary for that purpose.
- (6) A graffiti removal notice must explain the effect of subsections (4) and (5) and sections 49 and 51.
- (7) Subject to subsection (8), section 160 of the Environmental Protection Act 1990 (c. 43) has effect in relation to graffiti removal notices as if they were notices within subsection (2) of that section.

Status: This is the original version (as it was originally enacted).

- (8) Where after reasonable enquiry a local authority is unable to ascertain the name or proper address of any person who is responsible for a relevant surface, the authority may—
- (a) affix a graffiti removal notice to the surface, and
 - (b) enter any land to the extent reasonably necessary for that purpose;
- and that notice shall be treated as having been served upon a person responsible for the surface.
- (9) In this section a “relevant surface” is any of the following surfaces, whether internal or external or open to the air or not—
- (a) the surface of any street or of any building, structure, apparatus, plant or other object in or on any street;
 - (b) the surface of any land owned, occupied or controlled by a statutory undertaker or of any building, structure, apparatus, plant or other object in or on any such land;
 - (c) the surface of any land owned, occupied or controlled by an educational institution (including its governing body) or of any building, structure, apparatus, plant or other object in or on any such land.
- (10) But a surface is not a relevant surface unless—
- (a) in the case of a surface within subsection (9)(a), the street is public land;
 - (b) in the case of a surface within subsection (9)(b) or (c)—
 - (i) the land is public land,
 - (ii) the surface is visible from public land, or
 - (iii) the surface is otherwise visible to members of the public using the services or facilities of the statutory undertaker or educational institution in question or any other statutory undertaker or educational institution.
- (11) A person is responsible for a relevant surface if—
- (a) where it is the surface of any land (including a street), he owns, leases, occupies, controls, operates or maintains the land, and
 - (b) where it is the surface of any other thing mentioned in subsection (9), he owns, leases, occupies, controls, operates or maintains the thing.
- (12) In this section and in sections 49 to 52—
- “educational institution” has the meaning given by section 98(2) of the Environmental Protection Act 1990,
- “graffiti” includes painting, writing, soiling, marking or other defacing by whatever means,
- “graffiti removal notice” has the meaning given by subsection (2),
- “local authority” means an authority in England and Wales which is a litter authority for the purposes of section 88 of the Environmental Protection Act 1990 (c. 43),
- “proper address” is to be read in accordance with section 160(4) and (5) of the Environmental Protection Act 1990,
- “public land” means land to which the public are entitled or permitted to have access with or without payment (including any street to which the public are so entitled or permitted),

“statutory undertaker” has the meaning given by section 98(6) of the Environmental Protection Act 1990,

“street” has the meaning given by section 48(1) of the New Roads and Street Works Act 1991 (c. 22).