



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 6

THE ENVIRONMENT

Removal of graffiti [^{F1}and fly-posting]

51 Appeals

- (1) A person on whom a [^{F1}defacement 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 [^{F2}defacement 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.

Status: Point in time view as at 06/03/2007. This version of this provision has been superseded.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)

- (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.

Textual Amendments

- F1** Words in s. 51(1) substituted (6.3.2007 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 4 para. 18](#); S.I. 2007/390, art. 2(b)
- F2** Words in s. 51(3) substituted (6.3.2007 for E.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), [Sch. 4 para. 18](#); S.I. 2007/390, art. 2(b)
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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\(1\)\(d\)](#)
- I3** S. 51 in force at 6.4.2006 for E. insofar as not already in force by [S.I. 2006/393](#), [art. 2](#)

Status:

Point in time view as at 06/03/2007. 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.