



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 6

THE ENVIRONMENT

Removal of graffiti

52 Exemption from liability in relation to graffiti removal notices

- (1) None of the persons mentioned in subsection (2) is to have any liability to any person responsible for the relevant surface for damages or otherwise (whether at common law or otherwise) arising out of anything done or omitted to be done in the exercise or purported exercise of—
- (a) the power under subsection (4) of section 48 (including as provided for in subsection (5) of that section), or
 - (b) the power under subsection (8) of that section.
- (2) Those persons are—
- (a) in the case of the power mentioned in subsection (1)(a)—
 - (i) the local authority and any employee of the authority, and
 - (ii) any person authorised by the authority under section 48(4) and the employer or any employee of that person, and
 - (b) in the case of the power mentioned in subsection (1)(b), the local authority and any employee of the authority.
- (3) Subsection (1) does not apply—
- (a) if the act or omission is shown to have been in bad faith;
 - (b) to liability arising out of a failure to exercise due care and attention;
 - (c) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998 (c. 42).

Status: This is the original version (as it was originally enacted).

- (4) This section does not affect any other exemption from liability (whether at common law or otherwise).
- (5) Section 48(11) is to apply for the purposes of this section as it applies for the purposes of that section.