



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 8

#### HIGH HEDGES

*Enforcement powers etc.*

#### **77 Action by relevant authority**

- (1) This section applies where—
  - (a) a remedial notice requires the taking of any action; and
  - (b) that action is not taken in accordance with that notice within the compliance period or (as the case may be) after the end of that period when it is required to be taken by the notice.
- (2) Where this section applies—
  - (a) a person authorised by the relevant authority may enter the neighbouring land and take the required action; and
  - (b) the relevant authority may recover any expenses reasonably incurred by that person in doing so from any person who is an owner or occupier of the land.
- (3) Expenses recoverable under this section shall be a local land charge and binding on successive owners of the land and on successive occupiers of it.
- (4) Where expenses are recoverable under this section from two or more persons, those persons shall be jointly and severally liable for the expenses.
- (5) A person shall not enter land in the exercise of a power conferred by this section unless at least 7 days' notice of the intended entry has been given to every occupier of the land.
- (6) A person authorised under this section to enter land—
  - (a) shall, if so required, produce evidence of his authority before entering; and
  - (b) shall produce such evidence if required to do so at any time while he remains on the land.

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*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 77. (See end of Document for details)*

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- (7) A person who enters land in the exercise of a power conferred by this section may—
- (a) use a vehicle to enter the land;
  - (b) take with him such other persons as may be necessary;
  - (c) take with him equipment and materials needed for the purpose of taking the required action.
- (8) If, in the exercise of a power conferred by this section, a person enters land which is unoccupied or from which all of the persons occupying the land are temporarily absent, he must on his departure leave it as effectively secured against unauthorised entry as he found it.
- (9) A person who wilfully obstructs a person acting in the exercise of powers under this section to enter land and take action on that land is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

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**Commencement Information**

- I1** S. 77 in force at 31.12.2004 for W. by [S.I. 2004/3238](#), [art. 2](#)
- I2** S. 77 in force at 1.6.2005 for E. by [S.I. 2005/710](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 77.