



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 6

### THE ENVIRONMENT

#### *Graffiti*

#### **63 Appeal against graffiti removal notice**

- (1) On the application of a person on whom a graffiti removal notice is served, the sheriff may—
- (a) if satisfied that—
    - (i) the surface to which the notice relates was not, at the time the notice was served, defaced as described in it;
    - (ii) the defacement described in the notice is neither detrimental to the amenity of the locality nor offensive; or
    - (iii) the applicant was not, at the time the notice was served, a responsible person as respects the surface to which the notice relates,make an order revoking the notice; or
  - (b) if satisfied that there is a material defect in, or in connection with, the notice, make an order revoking or (if appropriate) amending the notice.
- (2) In subsection (1)(a)(iii), “responsible person” has the same meaning as in section 58.
- (3) Where a sheriff—
- (a) makes an order under paragraph (b) of subsection (1) amending a graffiti removal notice; or
  - (b) makes an order refusing an application such as is mentioned in that subsection, the sheriff may extend (for such period as may be specified in the order) the period specified in the notice.

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**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 63 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) An application such as is mentioned in subsection (1) shall be made before the expiry of the period of 21 days beginning with the day on which the graffiti removal notice to which it relates was served.
- (5) Where an application such as is mentioned in subsection (1) is made, the graffiti removal notice to which it relates shall be of no effect pending the—
- (a) determination; or
  - (b) withdrawal,
- of the application.

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 85B inserted by [2014 asp 14 s. 21\(1\)](#)