



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*Status: This is the original version (as it was originally enacted).*

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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.