



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 6

THE ENVIRONMENT

Graffiti

65 Graffiti removal notice: exemptions from liability

- (1) Subject to subsection (3), a relevant person shall have no liability whatsoever (whether at common law or otherwise) to any responsible person in respect of anything done or omitted to be done in the exercise or purported exercise of the power conferred by section 60(3) or 61(2).
- (2) In subsection (1), “relevant person” means—
 - (a) in the case of the power conferred by section 60(3)—
 - (i) the local authority; and
 - (ii) any employee of the authority;
 - (b) in the case of the power conferred by section 61(2)—
 - (i) the local authority;
 - (ii) any employee of the authority;
 - (iii) any person authorised by the authority under that section; and
 - (iv) any employer or employee of a person so authorised.
- (3) Subsection (1) does not apply—
 - (a) if the act or omission is shown to have been in bad faith; or
 - (b) in respect of a liability arising out of a failure to exercise due care and attention.
- (4) In this section, “responsible person” has the same meaning as in section 58.
- (5) This section is without prejudice to any other exemption from liability (whether at common law or otherwise).