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WELSH STATUTORY INSTRUMENTS

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**2004 No. 999 (W.105) (C.43)**

**ENVIRONMENTAL PROTECTION, WALES  
CRIMINAL LAW, WALES  
ANTI-SOCIAL BEHAVIOUR, WALES**

The Anti-Social Behaviour Act 2003  
(Commencement No.1) (Wales) Order 2004

Made - - - - 30th March 2004

The National Assembly for Wales, in exercise of the powers conferred upon it by section 93(2) of the Anti-Social Behaviour Act 2003<sup>(1)</sup>, hereby makes the following Order:

**Citation and application**

1. This Order may be cited as the Anti-Social Behaviour Act 2003 (Commencement No.1) (Wales) Order 2004.

**Provisions coming into force on 31 March 2004**

2. The following provisions of Part 6 of the Anti-Social Behaviour Act 2003 come into force on 31st March 2004 in relation to Wales —

- (a) section 40 (closure of noisy premises);
- (b) section 41 (closure of noisy premises: supplemental);
- (c) section 42 (dealing with noise at night);
- (d) section 43 (penalty notices for graffiti and fly-posting);
- (e) section 44 (meaning of relevant offence);
- (f) section 45 (penalty receipts);
- (g) section 47 (interpretation etc.);
- (h) section 48 (graffiti removal notices);
- (i) section 49 (recovery of expenditure);
- (j) section 50 (guidance);
- (k) section 51 (appeals);

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(1) 2003 c. 38.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (l) section 52 (exemption from liability in relation to graffiti removal notices);
- (m) section 55 (unlawfully deposited waste etc.); and
- (n) section 56 (extension of litter authority powers to take remedial action).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(2)</sup>

30th March 2004

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(2) 1998 c. 38.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 31st March 2004, in relation to Wales, certain provisions of Part 6 of the Anti-Social Behaviour Act 2003 (“the Act”), namely:

- (a) section 40, which confers a power on local authorities to make closure orders in relation to noisy premises;
- (b) section 41, which makes supplemental provision in respect of closure orders;
- (c) section 42, which amends the Noise Act 1996 to extend the application of sections 2 to 9 of that Act to the area of every local authority, to substitute a discretion to investigate complaints of night noise from dwellings for the duty to which local authorities are currently subject, and to confer a power to make provision, by regulations, as to the purposes for which penalty receipts received under section 8 of that Act may be put;
- (d) section 43, which confers a power on local authorities to issue fixed penalty notices to persons who have committed a relevant offence in the authority’s area;
- (e) section 44, which defines the meaning of “relevant offence” for the purposes of section 43;
- (f) section 45, which makes provision in respect of the penalties which are payable in pursuance of fixed penalty notices under section 43;
- (g) section 47, which makes provision as to the interpretation of certain terms and confers a power upon the appropriate person (defined, in relation to Wales, as the National Assembly for Wales) to issue guidance in respect of fixed penalty notices under section 43;
- (h) section 48, which confers a power on local authorities to serve graffiti removal notices upon persons responsible for surfaces which have been defaced by graffiti;
- (i) section 49, which confers a power upon local authorities to recover from persons upon whom graffiti removal notices are served any expenditure reasonably incurred by the authority in removing the defacement;
- (j) section 50, which places a duty on the National Assembly for Wales to issue guidance to local authorities in Wales for the purposes of sections 48 and 49, and which places a duty on those local authorities to have regard to such guidance;
- (k) section 51, which makes provision for appeals against graffiti removal notices;
- (l) section 52, which exempts local authorities and certain specified persons from liability for damage arising out of the exercise or purported exercise of certain powers relating to graffiti removal notices;
- (m) section 55, which amends the Control of Pollution (Amendment) Act 1989 and the Environment Act 1995 to extend the enforcement powers of waste collection authorities, and which inserts new provisions into the Environmental Protection Act 1990 to confer powers upon the Secretary of State to issue directions regarding the categories of waste which should be given priority under section 59 of that Act and to issue notices requiring the provision of information in respect of the exercise of powers under sections 33(1) and 59 of that Act; and
- (n) section 56, which amends section 92 of the Environmental Protection Act 1990 to extend the categories of land in relation to which principal litter authorities may take action.

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## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The provisions of the Act which are referred to in the table below have been or are being brought into force in relation to both Wales and England by a Commencement Order made before the date of this Order.

<i>Section or Schedule</i>	<i>Date of commencement</i>	<i>S.I. Number</i>
1 to 11	20 January 2004	2003/3300
18	27 February 2004	2003/3300
23	27 February 2004	2003/3300
25 to 29	27 February 2004	2003/3300
30 to 38	20 January 2004	2003/3300
39(1), (2), (3) (in part), (4), (5) and (6)	20 January 2004	2003/3300
39(3) (remainder)	30 April 2004	2003/3300
53	20 January 2004	2003/3300
57 to 59	20 January 2004	2003/3300
60 to 64	27 February 2004	2003/3300
85(1), (2), (3) and (4) (in part)	20 January 2004	2003/3300
85(8)	27 February 2004	2003/3300
86(3) (in part)	20 January 2004	2003/3300
87	20 January 2004	2003/3300
89(1), (2), (3), (4), (6) and (7)	20 January 2004	2003/3300
92 (in part)	20 January 2004	2003/3300
Schedule 3 (in part)	20 January 2004	2003/3300