



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 6

#### THE ENVIRONMENT

##### *Penalty notices for graffiti and fly-posting*

#### 47 Interpretation etc

- (1) In this section and sections 43 [<sup>F1</sup>to 43B] and 45—
- “advertisement” and “land” have the meanings given by section 336(1) of the Town and Country Planning Act 1990 (c. 8),
  - “appropriate person” means—
    - (a) in relation to England, the Secretary of State, and
    - (b) in relation to Wales, the National Assembly for Wales,
  - [<sup>F2</sup> “ authorised officer ”, in relation to a local authority, means—
    - (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under section 43(1);
    - (b) any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform that function; and
    - (c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices,]
  - “local authority” means an authority in England and Wales which is a litter authority for the purposes of section 88 of the Environmental Protection Act 1990 (c. 43),
  - “racial group” and “religious group” have the meanings given by section 28(4) and (5) of the Crime and Disorder Act 1998 (c. 37).
- (2) Section 28(2) of the Crime and Disorder Act 1998 is to apply for the purposes of section 43(2)(b)(i) as it applies for the purposes of section 28(1)(a) of that Act.
- (3) The appropriate person may issue guidance—

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*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 47. (See end of Document for details)*

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- (a) about the exercise of the discretion to give notices under section 43(1), and
- (b) about the giving of such notices.

[<sup>F3</sup>(4) The appropriate person may by regulations prescribe conditions to be satisfied by a person before a parish or community council may authorise him in writing for the purpose of giving notices under section 43(1).]

#### Textual Amendments

- F1** Words in s. 47(1) inserted (6.3.2007 for E., 18.1.2008 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 108(1)(2), **Sch. 4 para. 15**; S.I. 2007/390, art. 2(b); S.I. 2007/3371, art. 2(a)
- F2** Words in s. 47(1) substituted (16.3.2006 for W. for specified purposes, 6.4.2006 for E. and 15.3.2007 for W. in so far as not already in force) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 30(1)**, 108(1), 108(2)(d); S.I. 2006/768, art. 3; S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 4(o)
- F3** S. 47(4) inserted (14.3.2006 for E., 16.3.2006 for W. for specified purposes and 15.3.2007 for W. in so far as not already in force) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 30(2)**, 108(1)(2)(d); S.I. 2006/795, art. 2(1), Sch. 1; S.I. 2006/768, art. 3; S.I. 2006/2797, art. 4(o)

#### Commencement Information

- I1** S. 47 in force at 31.3.2004 for W. by S.I. 2004/999, **art. 2(g)**
- I2** S. 47 in force at 31.3.2004 for E. by S.I. 2004/690, **art. 3(g)**

**Changes to legislation:**

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 47.