



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 8

HIGH HEDGES

Appeals

72 Appeals procedure

- (1) The appeal authority may by regulations make provision with respect to—
 - (a) the procedure which is to be followed in connection with appeals to that authority under section 71; and
 - (b) other matters consequential on or connected with such appeals.
- (2) Regulations under this section may, in particular, make provision—
 - (a) specifying the grounds on which appeals may be made;
 - (b) prescribing the manner in which appeals are to be made;
 - (c) requiring persons making appeals to send copies of such documents as may be prescribed to such persons as may be prescribed;
 - (d) requiring local authorities against whose decisions appeals are made to send to the appeal authority such documents as may be prescribed;
 - (e) specifying, where a local authority are required by virtue of paragraph (d) to send the appeal authority a statement indicating the submissions which they propose to put forward on the appeal, the matters to be included in such a statement;
 - (f) prescribing the period within which a requirement imposed by the regulations is to be complied with;
 - (g) enabling such a period to be extended by the appeal authority;
 - (h) for a decision on an appeal to be binding on persons falling within section 71(2) in addition to the person by whom the appeal was made;
 - (i) for incidental or ancillary matters, including the awarding of costs.

Status: This is the original version (as it was originally enacted).

- (3) Where an appeal is made to the appeal authority under section 71 the appeal authority may appoint a person to hear and determine the appeal on its behalf.
- (4) The appeal authority may require such a person to exercise on its behalf any functions which—
- (a) are conferred on the appeal authority in connection with such an appeal by section 71 or 73 or by regulations under this section; and
 - (b) are specified in that person’s appointment;
- and references to the appeal authority in section 71 or 73 or in any regulations under this section shall be construed accordingly.
- (5) The appeal authority may pay a person appointed under subsection (3) such remuneration as it may determine.
- (6) Regulations under this section may provide for any provision of Schedule 20 to the Environment Act 1995 (c. 25) (delegation of appellate functions) to apply in relation to a person appointed under subsection (3) with such modifications (if any) as may be prescribed.
- (7) In this section, “prescribed” means prescribed by regulations made by the appeal authority.