



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 8

#### HIGH HEDGES

##### *Powers of entry*

#### **74 Powers of entry for the purposes of complaints and appeals**

- (1) Where, under this Part, a complaint has been made or a remedial notice has been issued, a person authorised by the relevant authority may enter the neighbouring land in order to obtain information required by the relevant authority for the purpose of determining—
  - (a) whether this Part applies to the complaint;
  - (b) whether to issue or withdraw a remedial notice;
  - (c) whether to waive or relax a requirement of a remedial notice;
  - (d) whether a requirement of a remedial notice has been complied with.
- (2) Where an appeal has been made under section 71, a person authorised—
  - (a) by the appeal authority, or
  - (b) by a person appointed to determine appeals on its behalf,may enter the neighbouring land in order to obtain information required by the appeal authority, or by the person so appointed, for the purpose of determining an appeal under this Part.
- (3) A person shall not enter land in the exercise of a power conferred by this section unless at least 24 hours' notice of the intended entry has been given to every occupier of the land.
- (4) A person authorised under this section to enter land—
  - (a) shall, if so required, produce evidence of his authority before entering; and
  - (b) shall produce such evidence if required to do so at any time while he remains on the land.

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*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 74. (See end of Document for details)*

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- (5) A person who enters land in the exercise of a power conferred by this section may—
- (a) take with him such other persons as may be necessary;
  - (b) take with him equipment and materials needed in order to obtain the information required;
  - (c) take samples of any trees or shrubs that appear to him to form part of a high hedge.
- (6) If, in the exercise of a power conferred by this section, a person enters land which is unoccupied or from which all of the persons occupying the land are temporarily absent, he must on his departure leave it as effectively secured against unauthorised entry as he found it.
- (7) A person who intentionally obstructs a person acting in the exercise of the powers under this section is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

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**Commencement Information**

**I1** S. 74 in force at 31.12.2004 for W. by [S.I. 2004/3238](#), [art. 2](#)

**I2** S. 74 in force at 1.6.2005 for E. by [S.I. 2005/710](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 74.