



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 4

#### COMMUNITY PROTECTION

#### CHAPTER 1

##### COMMUNITY PROTECTION NOTICES

##### *Failure to comply with notice*

#### **47 Remedial action by local authority**

- (1) Where a person issued with a community protection notice (“the defaulter”) fails to comply with a requirement of the notice, the relevant local authority may take action under subsection (2) or subsection (3) (or both).
- (2) The relevant local authority may have work carried out to ensure that the failure is remedied, but only on land that is open to the air.
- (3) As regards premises other than land open to the air, if the relevant local authority issues the defaulter with a notice—
  - (a) specifying work it intends to have carried out to ensure that the failure is remedied,
  - (b) specifying the estimated cost of the work, and
  - (c) inviting the defaulter to consent to the work being carried out,the authority may have the work carried out if the necessary consent is given.
- (4) In subsection (3) “the necessary consent” means the consent of—
  - (a) the defaulter, and

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**Changes to legislation:** Anti-social Behaviour, Crime and Policing Act 2014, Section 47 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (b) the owner of the premises on which the work is to be carried out (if that is not the defaulter).

Paragraph (b) does not apply where the relevant authority has made reasonable efforts to contact the owner of the premises but without success.

- (5) A person authorised by a local authority to carry out work under this section may enter any premises to the extent reasonably necessary for that purpose, except that a person who is only authorised to carry out work under subsection (2) may only enter land that is open to the air.
- (6) If work is carried out under subsection (2) or (3) and the relevant local authority issues a notice to the defaulter—
  - (a) giving details of the work that was carried out, and
  - (b) specifying an amount that is no more than the cost to the authority of having the work carried out,
 the defaulter is liable to the authority for that amount (subject to the outcome of any appeal under subsection (7)).
- (7) A person issued with a notice under subsection (6) may appeal to a magistrates' court, within the period of 21 days beginning with the day on which the notice was issued, on the ground that the amount specified under subsection (6)(b) is excessive.
- (8) A magistrates' court hearing an appeal under subsection (7) must—
  - (a) confirm the amount, or
  - (b) substitute a lower amount.
- (9) In this section “the relevant local authority” means—
  - (a) the local authority that issued the community protection notice;
  - (b) if the community protection notice was not issued by a local authority, the local authority (or, as the case may be, one of the local authorities) that could have issued it.

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**Commencement Information**

**II** S. 47 in force at 20.10.2014 by S.I. 2014/2590, art. 3(c)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(2)(ba) inserted by [2022 c. 32 Sch. 11 para. 35\(2\)\(a\)](#)