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Make provision for local authorities to remove graffiti from street furniture owned by statutory undertakers; to enable local authorities to recover costs from statutory undertakers; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Graffiti removal notices

- (1) Where there is graffiti to which this section applies in the area of a local authority on a surface to which this Act applies, if that authority consider it to be detrimental to the amenity of the area or offensive, they may—
 - (a) serve a removal notice on the owner of the structure, apparatus or plant which include the surface; or 5
 - (b) if after reasonable inquiry the identity of the owner cannot be ascertained, affix a removal notice to the surface.
- (2) A removal notice is a notice requiring the owner to remove or obliterate the graffiti within a period specified in the notice, being not less than 14 days after the service or affixation of the notice. 10
- (3) Subject to the right of appeal mentioned in section 2, if the person required by a removal notice to remove or obliterate graffiti fails to do so within the time specified in the notice, the local authority may themselves remove or obliterate the graffiti and they may recover from the said person the expenses reasonably incurred by them in so doing. 15
- (4) In proceedings by the local authority against the person served with the notice for the recovery of any expenses which the authority are entitled to recover from that person, it shall not be open to that person to raise any question which could have been raised on an appeal under section 2. 20
- (5) Sections 291 and 293 of the Public Health Act 1936 (c. 49) shall have effect as if references therein to that Act included references to this Act.

- (6) Graffiti to which this section applies includes any writing, letter, picture, device or representation, other than an advertisement within the meaning of the Act of 1990.

2 Appeals against graffiti removal notices

- (1) A person on whom a removal notice has been served under section 1(1)(a) above, or the owner of the structure, apparatus or plant which include a surface to which a removal notice has been affixed under section 1(1)(b) above may appeal to a magistrates' court on any of the following grounds –
- (a) that the graffiti is not detrimental to the amenity of the area and is not offensive; 10
 - (b) that the graffiti is not detrimental to the amenity of the area and is not offensive; or
 - (c) in the case of a removal notice under section 1(1)(a) above, that the notice should have been served on another person.
- (2) If and in so far as an appeal under this section is based on the ground of some informality, defect or error in, or in connection with, the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one. 15
- (3) Where the grounds upon which an appeal under this Act is brought include a ground specified in subsection (1) (c) above, the appellant shall serve a copy of his notice of appeal on each other person referred to in the notice of appeal. 20

3 Removal of graffiti at request of owner

- (1) Where there is graffiti to which this section applies in the area of a local authority on a surface to which this Act applies and the owner of the structure, apparatus or plant which includes that surface requests that authority to remove or obliterate that graffiti, the authority may do so and they may recover from the said owner the expenses reasonably incurred by them in so doing. 25
- (2) Graffiti to which this section applies includes any writing, letter, picture, device or representation, and any advertisement within the meaning of the Act of 1990, other than an advertisement for the display of which deemed or express consent has been granted under the Act of 1990 or regulations made thereunder. 30

4 Financial provision

There shall be paid out of money provided by Parliament –

- (a) *any expenditure of the Secretary of State under this Act; and* 35
- (b) *any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.*

5 Interpretation

- (1) In this Act –
- “the Act of 1990” means the Town and Country Planning Act 1990 (c. 8); 40
 - “local authority” means –
 - (a) in relation to England, a district council, a county council that is the council for a county in which there are no district councils,

a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly, and

(b) in relation to Wales, a county council or a county borough council;

“road” has the same meaning as in the Road Traffic Regulation Act 1984 (c. 27).

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(2) A surface to which this Act applies is the surface of any land owned, occupied or controlled by a statutory undertaker or of any building, structure, apparatus, plant or other object in or on any such land.

6 Short title and extent

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(1) This Act may be cited as the Street Furniture (Graffiti) Act 2003.

(2) This Act does not extend to Scotland and Northern Ireland.

Street Furniture (Graffiti) Bill

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*Ordered to be brought in by Siobhain McDonagh
Laura Moffatt, Barbara Follett,
Mr Barry Gardiner, Jeff Ennis, Mr Bob Blizzard,
Mr Tom Watson, Jonathan Shaw, John Mann,
Geraint Davies, Mr Gareth Thomas (Harrow
West) and Shona McIsaac.*

*Ordered, by The House of Commons,
to be Printed, 13th May 2003.*

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