



# High Hedges (Scotland) Act 2013

## 2013 asp 6

### *Local authority enforcement action*

#### **23 Warrant authorising entry by local authority**

- (1) The sheriff or a justice of the peace may by warrant authorise any person entitled to enter the neighbouring land under section 22 to enter the land and if necessary to use reasonable force in doing so.
- (2) A warrant may be granted only if the sheriff or justice is satisfied, by evidence on oath—
  - (a) that there are reasonable grounds for entering the land concerned,
  - (b) that—
    - (i) entry to the land has been refused,
    - (ii) such a refusal is reasonably expected, or
    - (iii) the land is unoccupied, and
  - (c) that the relevant local authority has complied with the notice requirements imposed by section 22(2).
- (3) A warrant must not authorise—
  - (a) entry to a building which is for the time being occupied as a residence unless there is no other reasonably practicable means of access to the high hedge,
  - (b) the use of force against an individual.
- (4) A warrant expires—
  - (a) when it is no longer required for the purpose for which it is granted, or
  - (b) on the expiry of such period as may be specified in it.

#### **Annotations:**

#### **Commencement Information**

**II** S. 23 in force at 1.4.2014 by S.S.I. 2014/54, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the High Hedges (Scotland) Act 2013, Section 23.