Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 8

HIGH HEDGES

Introductory

65   Complaints to which this Part applies

(1) This Part applies to a complaint which—
   (a) is made for the purposes of this Part by an owner or occupier of a domestic property; and
   (b) alleges that his reasonable enjoyment of that property is being adversely affected by the height of a high hedge situated on land owned or occupied by another person.

(2) This Part also applies to a complaint which—
   (a) is made for the purposes of this Part by an owner of a domestic property that is for the time being unoccupied, and
   (b) alleges that the reasonable enjoyment of that property by a prospective occupier of that property would be adversely affected by the height of a high hedge situated on land owned or occupied by another person,

as it applies to a complaint falling within subsection (1).

(3) In relation to a complaint falling within subsection (2), references in sections 68 and 69 to the effect of the height of a high hedge on the complainant's reasonable enjoyment of a domestic property shall be read as references to the effect that it would have on the reasonable enjoyment of that property by a prospective occupier of the property.

(4) This Part does not apply to complaints about the effect of the roots of a high hedge.

(5) In this Part, in relation to a complaint —
   "complainant" means—
      (a) a person by whom the complaint is made; or

    (b) if every person who made the complaint ceases to be an owner or occupier of the domestic property specified in the complaint, any other person who is for the time being an owner or occupier of that property;

and references to the complainant include references to one or more of the complainants;

"the neighbouring land" means the land on which the high hedge is situated; and

"the relevant authority" means the local authority in whose area that land is situated.