



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 8

HIGH HEDGES

Complaints procedure

68 Procedure for dealing with complaints

- (1) This section has effect where a complaint to which this Part applies—
 - (a) is made to the relevant authority; and
 - (b) is accompanied by such fee (if any) as the authority may determine.
- (2) If the authority consider—
 - (a) that the complainant has not taken all reasonable steps to resolve the matters complained of without proceeding by way of such a complaint to the authority, or
 - (b) that the complaint is frivolous or vexatious,the authority may decide that the complaint should not be proceeded with.
- (3) If the authority do not so decide, they must decide—
 - (a) whether the height of the high hedge specified in the complaint is adversely affecting the complainant's reasonable enjoyment of the domestic property so specified; and
 - (b) if so, what action (if any) should be taken in relation to that hedge, in pursuance of a remedial notice under section 69, with a view to remedying the adverse effect or preventing its recurrence.
- (4) If the authority decide under subsection (3) that action should be taken as mentioned in paragraph (b) of that subsection, they must as soon as is reasonably practicable—
 - (a) issue a remedial notice under section 69 implementing their decision;
 - (b) send a copy of that notice to the following persons, namely—
 - (i) every complainant; and

Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 68. (See end of Document for details)

- (ii) every owner and every occupier of the neighbouring land; and
 - (c) notify each of those persons of the reasons for their decision.
- (5) If the authority—
 - (a) decide that the complaint should not be proceeded with, or
 - (b) decide either or both of the issues specified in subsection (3) otherwise than in the complainant’s favour,they must as soon as is reasonably practicable notify the appropriate person or persons of any such decision and of their reasons for it.
- (6) For the purposes of subsection (5)—
 - (a) every complainant is an appropriate person in relation to a decision falling within paragraph (a) or (b) of that subsection; and
 - (b) every owner and every occupier of the neighbouring land is an appropriate person in relation to a decision falling within paragraph (b) of that subsection.
- (7) A fee determined under subsection (1)(b) must not exceed the amount prescribed in regulations made—
 - (a) in relation to complaints relating to hedges situated in England, by the Secretary of State; and
 - (b) in relation to complaints relating to hedges situated in Wales, by the National Assembly for Wales.
- (8) A fee received by a local authority by virtue of subsection (1)(b) may be refunded by them in such circumstances and to such extent as they may determine.

Commencement Information

- I1** S. 68 in force at 31.12.2004 for W. by [S.I. 2004/3238](#), [art. 2](#)
- I2** S. 68 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 68.