

*These notes refer to the High Hedges Act (Northern Ireland)
2011 (c.21) which received Royal Assent on 3 May 2011*

High Hedges Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 10 - Offences

Section 10 makes provision for any failure to comply with a remedial notice within the compliance period or the period specified for any preventative action to be undertaken, to be a criminal offence punishable on summary conviction by a fine not exceeding level 3 (currently £1,000) on the standard scale. Every owner or occupier of the neighbouring land will be guilty of the offence.

Possible defences for those guilty of an offence under subsection (1) will exist where such a person can demonstrate that they did everything that could be reasonably expected of them to comply with a notice. Furthermore subsection (4) provides another defence if the person can show that they were not sent a copy of the remedial notice and did not have knowledge of the notice.

If a person is the owner of the neighbouring land on which the hedge is situated and the remedial notice is registered as a statutory charge they will be assumed to have had knowledge of it.

Powers are also provided for the courts, in situations where non compliance with a remedial notice is continuing, with powers to order the person to take the necessary action to ensure compliance with the notice. This order may be in addition to any other punishment and will set a fixed period in which the steps should be taken. A person, without reasonable excuse, who fails to comply with the order, will be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale. Daily fines may be imposed (not exceeding one-twentieth of level 3 fine) if the requisite work continues to remain outstanding following the offence committed under subsection (8).