

*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 5 - Remedial Notices

Section 5 specifies what detail may be contained in a Remedial Notice issued by a council. The remedial notice must specify the hedge it relates to; that the council has decided that the height of the hedge is adversely affecting the complainant's enjoyment of their property; what action is required to be taken in relation to the hedge in order to remedy the adverse effect and by when; what further action, if any, is required to prevent recurrence of the adverse effect; what date the notice takes effect; and the consequences of failure to comply with the requirements of the notice.

The action specified in a remedial notice may not involve reducing the height of the hedge below 2 metres, or its removal. A remedial notice will take effect from its operative date which will be specified in the notice and will be within 28 days of the issuing of the notice.

The operative date and compliance period of a remedial notice will cease to have their normal effect under circumstances where an appeal has been made or a remedial notice has been withdrawn or been relaxed with regard to certain requirements.

While the remedial notice is in force, the council will register it as a statutory charge on the property on which the hedge is situated. In addition, the notice is binding not only on whoever is the owner or occupier of the land at the time it is issued but also on their successors.