



High Hedges (Scotland) Act 2013

2013 asp 6

Appeals

12 Appeals

- (1) The applicant may appeal to the Scottish Ministers against—
 - (a) a decision by a relevant local authority under section 6(5)(a) that there is no adverse effect,
 - (b) a decision by a relevant local authority under section 6(5)(b) that no action should be taken in relation to the high hedge.
- (2) A person mentioned in subsection (3) may appeal to the Scottish Ministers against—
 - (a) the issuing by a relevant local authority of a high hedge notice, or
 - (b) the withdrawal or variation of a notice by a relevant local authority under section 10(1).
- (3) Those persons are—
 - (a) every owner and occupier of the domestic property identified in the high hedge notice, and
 - (b) every owner and occupier of the neighbouring land.
- (4) An appeal must be made before the end of the period of 28 days beginning with—
 - (a) in the case of an appeal under subsection (1), the date of the notification given by the authority under section 7,
 - (b) in the case of an appeal under subsection (2)(a), the date of the notification given by the authority under section 8(4),
 - (c) in the case of an appeal under subsection (2)(b), the date of the notification given by the authority under section 10(3) or (6).

13 Effect of appeal

- (1) This section applies during the period beginning with the making of an appeal and ending with its final determination, withdrawal or abandonment.
- (2) Where the appeal is made under section 12(2)(a), the high hedge notice has no effect.
- (3) Where the appeal is made under section 12(2)(b)—

- (a) the high hedge notice has no effect, and
- (b) the withdrawal or variation has no effect.

14 Determination of appeal

- (1) Where an appeal is made under section 12(1), the Scottish Ministers may—
 - (a) confirm the decision to which the appeal relates, or
 - (b) quash the decision of the authority under section 6(5)(a) or (b), with or without issuing a high hedge notice.
- (2) Where an appeal is made under section 12(2), the Scottish Ministers may—
 - (a) confirm the high hedge notice or decision to which the appeal relates,
 - (b) quash the high hedge notice or decision, or
 - (c) vary the high hedge notice issued under section 8(1) or, as the case may be, 10(6)(a).
- (3) A high hedge notice issued or varied under this section is to be treated as if issued or varied by the relevant local authority.

15 Person appointed to determine appeal

- (1) An appeal may be determined by a person appointed by the Scottish Ministers for that purpose instead of by the Scottish Ministers.
- (2) An appointed person has, in relation to the appeal, the same powers and duties as the Scottish Ministers have under this Act.
- (3) Where an appeal is determined by a person appointed by the Scottish Ministers, the decision is to be treated as if it were a decision of the Scottish Ministers.

16 Notice of determination

- (1) As soon as is reasonably practicable after determining an appeal the Scottish Ministers must—
 - (a) where they have made a determination in accordance with section 14(1)(b) and are to issue a high hedge notice—
 - (i) issue the high hedge notice,
 - (ii) give a copy of the high hedge notice to the persons mentioned in subsection (2), and
 - (iii) notify those persons of the reasons for their decision,
 - (b) where they have made a determination in accordance with section 14(2)(c)—
 - (i) issue a revised high hedge notice,
 - (ii) give a copy of the revised notice to the persons mentioned in subsection (2), and
 - (iii) notify those persons of the reasons for their decision,
 - (c) where they have made any other determination, notify the persons mentioned in subsection (2) of their decision and the reasons for their decision.
- (2) Those persons are—
 - (a) the relevant local authority,

- (b) every owner and occupier of the domestic property identified in the high hedge notice or, as the case may be, the revised high hedge notice, and
- (c) every owner and occupier of the neighbouring land.

17 Period for taking initial action following appeal

- (1) This section applies where an appeal under section 12(2) is—
 - (a) determined, or
 - (b) withdrawn or abandoned by the person making the appeal.
- (2) The compliance period for the initial action specified in the high hedge notice or revised high hedge notice is to be taken as beginning on—
 - (a) the day on which the appeal is determined, or
 - (b) such later day as is specified in the revised notice issued under section 16(1) (b).
- (3) Where the appeal is withdrawn or abandoned, the compliance period for the initial action specified in the high hedge notice is to be taken as beginning on the day on which the appeal is withdrawn or abandoned.