



High Hedges (Scotland) Act 2013

2013 asp 6

Expenses of enforcement action

25 Recovery of expenses from owner of land

- (1) A relevant local authority may recover from any person who is an owner of the neighbouring land—
 - (a) any expenses reasonably incurred by the authority in taking action under section 22,
 - (b) any administrative expenses (including registration fees) reasonably incurred by it in connection with recovering those expenses, and
 - (c) interest, at such reasonable rate as it may determine, in respect of the period beginning on a date specified by the authority until the whole amount is paid.
- (2) The date specified under subsection (1)(c) must be after the date on which a demand for payment is served by the authority.
- (3) Each owner of the neighbouring land is jointly and severally liable for the expenses and interest mentioned in this section.

26 Notice of liability for expense of local authority action

- (1) A relevant local authority may apply to register a notice (a “notice of liability for expenses”) specifying the matters mentioned in subsection (2).
- (2) The matters are—
 - (a) the amount of the expenses payable in accordance with section 25(1)(a) and (b),
 - (b) whether interest is payable under section 25(1)(c),
 - (c) the action taken under section 22 to which those expenses relate,
 - (d) a description of the neighbouring land in respect of which an owner is liable under section 25,
 - (e) the effect of section 27 in relation to a new owner of that land, and
 - (f) the name and address of the local authority.
- (3) For the purposes of subsection (2)(d) the description must—

- (a) in the case of land registered in the Land Register of Scotland, include the title number of the land,
- (b) in the case where the title to the land (or a larger area containing the land) is derived from a deed recorded in the General Register of Sasines, identify the land by reference to that deed.

27 Recovery of expenses from new owner of land

- (1) Subsection (2) applies where—
 - (a) a notice of liability for expenses is registered in relation to the land, and
 - (b) the notice was registered at least 14 days before the date on which a person (the “new owner”) acquires right to the neighbouring land.
- (2) The new owner is severally liable with any former owner of the neighbouring land for any expenses and interest for which the former owner is liable under section 25(1).

28 Continuing liability of former owner

- (1) An owner of the neighbouring land who is liable for expenses and interest under section 25 does not, by virtue only of ceasing to be such an owner, cease to be liable for the expenses and interest.
- (2) Where a new owner pays any expenses and interest for which a former owner of the land is liable, the new owner may recover the amount so paid from the former owner.
- (3) A person who is entitled to recover an amount under subsection (2) does not, by virtue only of ceasing to be the owner of the land, cease to be entitled to recover that amount.

29 Notice of discharge

- (1) This section applies where liability for expenses and interest to which a registered notice of liability for expenses relates has been discharged.
- (2) The relevant local authority must apply to register a notice (a “notice of discharge”) specifying the matters mentioned in subsection (3).
- (3) The matters are—
 - (a) the date of registration or recording of the notice of liability for expenses to which the notice of discharge relates,
 - (b) the action taken under section 22 to which that notice of liability relates,
 - (c) a description of the neighbouring land in respect of which an owner was liable under section 25,
 - (d) that the liability for the expenses and interest has been discharged,
 - (e) the name and address of the local authority.
- (4) For the purposes of subsection (3)(c) the description must—
 - (a) in the case of land registered in the Land Register of Scotland, include the title number of the land,
 - (b) in the case where the title to the land (or a larger area containing the land) is derived from a deed recorded in the General Register of Sasines, identify the land by reference to that deed.

- (5) On registration, the notice of discharge discharges the notice of liability for expenses to which it relates.

30 Receipt of notices by the Keeper

- (1) The Keeper of the Registers of Scotland is not required to investigate or determine whether the information contained in a notice of a type mentioned in subsection (2) which is submitted for registration is accurate.
- (2) The notices are—
- (a) a notice of liability for expenses,
 - (b) a notice of discharge.