

# **HIGH HEDGES (SCOTLAND) ACT 2013**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Local authority enforcement action***

##### ***Section 22 – Power to take action***

51. This section gives the local authority the power to enter neighbouring land and take the action specified in the high hedge notice, where the owner or occupier of the land fails to comply with the notice. The costs of this work can be recovered from the owner under section 25.
52. The section also sets out what additional persons, materials and equipment can be taken onto the land in question. When exercising these powers the local authority must give 14 days' notice of its intended entry on to the land and must leave unoccupied land secured against unauthorised entry. This power may be used for entry where the building is occupied as a residence only if there is no other reasonably practicable means of access to the high hedge.
53. The power to enter land includes a power to enter buildings (including houses) by virtue of the definition of "land" in the Interpretation and Legislative Reform (Scotland) Act 2010, which includes buildings and other structures. This power may be used for entry where the building is occupied as a residence only if there is no other reasonably practicable means of access to the high hedge.

##### ***Section 23 – Warrant authorising entry by local authority***

54. This section contains similar provisions to those found in section 20, but relates to the right of the local authority to enter land to take action. The warrant must not authorise entry to a building being occupied as a residence unless there is no other reasonably practicable means of access to the high hedge.

##### ***Section 24 – Local authority action: offence***

55. This section creates a similar obstruction offence (punishable in the same way) to that created in section 21 except it relates to the power to enter neighbouring property for the purpose of the local authority taking initial or preventative action required under a high hedge notice.