



# High Hedges (Scotland) Act 2013

## 2013 asp 6

### *High hedge notices*

#### **10 High hedge notice: withdrawal and variation**

- (1) After a relevant local authority issues a high hedge notice, it may—
  - (a) withdraw the notice, or
  - (b) vary the notice.
- (2) Before withdrawing or varying a notice under subsection (1), the authority must have regard to all the circumstances of the case, including in particular—
  - (a) whether, after the proposed withdrawal or variation, the height of the high hedge would adversely affect the enjoyment of the domestic property which an occupant of that property could reasonably expect to have, and
  - (b) the matters mentioned in section 6(7).
- (3) Where an authority withdraws a high hedge notice under subsection (1)(a), it must give the persons mentioned in subsection (4) notice of—
  - (a) the withdrawal,
  - (b) the reasons for the withdrawal, and
  - (c) the right to appeal under section 12(2)(b).
- (4) Those persons are—
  - (a) every owner and occupier of the domestic property identified in the notice, and
  - (b) every owner and occupier of the neighbouring land.
- (5) The withdrawal of a high hedge notice under subsection (1)(a) does not of itself prevent the issuing of a further high hedge notice in respect of the same hedge.
- (6) Where an authority varies a high hedge notice under subsection (1)(b), it must—
  - (a) issue a revised high hedge notice stating the date on which the revised notice takes effect,
  - (b) give a copy of the high hedge notice to the persons mentioned in subsection (4),
  - (c) notify those persons of the reasons for its decision, and
  - (d) notify those persons of the right to appeal under section 12(2)(b).

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*Changes to legislation: There are currently no known outstanding effects for the High Hedges (Scotland) Act 2013, Section 10. (See end of Document for details)*

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- (7) The date referred to in subsection (6)(a) must be at least 28 days after the date on which the revised notice is given.
- (8) Where the high hedge to which a high hedge notice relates is situated on land which has been designated as a National Park, the authority must—
- (a) where it withdraws the high hedge notice under subsection (1)(a), give the National Park authority for the National Park notice of the withdrawal,
  - (b) where it varies the high hedge notice under subsection (1)(b), give the National Park authority for the National Park a copy of the revised notice.
- (9) Subsections (1) to (8) apply in relation to a revised high hedge notice issued by the authority under subsection (6)(a) as they apply in relation to a high hedge notice.

**Annotations:**

**Commencement Information**

**I1** [S. 10](#) in force at 1.4.2014 by [S.S.I. 2014/54](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the High Hedges (Scotland) Act 2013, Section 10.