High Hedges (Scotland) Act 2013

2013 asp 6

General

34 Interpretation

(1) In this Act, unless the context otherwise requires—

"applicant" has the meaning given by section 2(1),

"compliance period" has the meaning given by section 6(6)(a),

"domestic property" means—

(a) any part of a building in Scotland which is occupied or intended to be occupied as a separate dwelling, and

(b) a yard, garden, garage or outhouse in Scotland which belongs to such a building or is usually enjoyed with it,

"high hedge" has the meaning given by section 1,

"high hedge notice" has the meaning given by section 8(2),

"initial action" has the meaning given by section 6(5)(b),

"neighbouring land", in relation to a high hedge, means the land on which the high hedge is situated,

"new owner" has the meaning given by section 27(1),

"notice of discharge" has the meaning given by section 29,

"notice of liability for expenses" has the meaning given by section 26,

"office-holder in the Scottish Administration" is to be construed in accordance with section 126(7) of the Scotland Act 1998 (c.46),

"owner" in relation to any property, means a person who has right to the property whether or not that person has completed title; but if, in relation to the property (or, if the property is held pro indiviso, in relation to any pro indiviso share in it) more than one person comes within that description of owner, then "owner" means such person as most recently acquired such right,

"preventative action" has the meaning given by section 6(6)(b),

"register", in relation to a notice of liability for expenses and a notice of discharge, means register the information contained in the notice in question in the Land Register of Scotland or, as the case may be, record the notice in question in the General Register of Sasines; and "registered" and other related expressions are to be construed accordingly,

"relevant local authority" means the local authority in whose area the high hedge is situated,

"tree preservation order" has the meaning given by section 160(1) of the Town and Country Planning (Scotland) Act 1997 (c.8),

"vary", in relation to a high hedge notice, means—

(a) remove initial action or preventative action from the notice,

(b) amend initial action, the compliance period or preventative action in the notice,

(c) add further initial action (with a compliance period) or preventative action to the notice,

(d) correct a defect, error or misdescription in the notice.

(2) References in this Act to a high hedge include references to part of a high hedge.

(3) References in this Act to enjoyment of domestic property include references to enjoyment of part of the property.

(4) Where domestic property is for the time being unoccupied, references in this Act to the reasonable enjoyment of that property are to be read as if they were references to the reasonable enjoyment of an occupant of the property if the property were occupied.