

*Status: Point in time view as at 31/01/2012. This version of this provision is not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the High Hedges Act (Northern Ireland) 2011, Section 3. (See end of Document for details)*



## 2011 CHAPTER 21

### *Complaints procedure*

VALID FROM 31/03/2012

#### **Procedure for dealing with complaints**

**3.—(1)** This section has effect where a complaint to which this Act applies—

- (a) is made to the council; and
- (b) is accompanied by such fee (if any) as the council may determine.

(2) If the council considers—

- (a) that the complainant has not taken all reasonable steps to resolve the matters complained of without proceeding by way of such a complaint to the council, or
- (b) that the complaint is frivolous or vexatious,

the council may decide that the complaint should not be proceeded with.

(3) If the council does not so decide, it must decide—

- (a) whether the height of the high hedge specified in the complaint is adversely affecting the complainant's reasonable enjoyment of the domestic property so specified; and
- (b) if so, what action (if any) should be taken in relation to that hedge, in pursuance of a remedial notice under section 5, with a view to remedying the adverse effect or preventing its recurrence.

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(4) If the council decides under subsection (3) that action should be taken as mentioned in paragraph (b) of that subsection, it must as soon as is reasonably practicable—

- (a) issue a remedial notice under section 5 implementing its decision;
- (b) send a copy of that notice to the following persons, namely—
  - (i) every complainant; and
  - (ii) every owner and every occupier of the neighbouring land; and
- (c) notify each of those persons of the reasons for its decision.

(5) If the council—

- (a) decides that the complaint should not be proceeded with, or
- (b) decides either or both of the issues specified in subsection (3) otherwise than in the complainant's favour,

it must as soon as is reasonably practicable notify the appropriate person or persons of any such decision and of the council's reasons for it.

(6) For the purposes of subsection (5)—

- (a) every complainant is an appropriate person in relation to a decision falling within paragraph (a) or (b) of that subsection; and
- (b) every owner and every occupier of the neighbouring land is an appropriate person in relation to a decision falling within paragraph (b) of that subsection.

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