

High Hedges (No. 2) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Office of the Deputy Prime Minister, with the consent of Mr. Stephen Pound, the Member in charge of the Bill, are published separately as Bill 28-EN.

High Hedges (No. 2) Bill

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B I L L

TO

To make provision for dealing with complaints about high hedges; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Introductory

1 Complaints to which this Act applies

- (1) This Act applies to a complaint which—
- (a) is made for the purposes of this Act by an owner or occupier of a domestic property; and 5
 - (b) alleges that his reasonable enjoyment of that property is being adversely affected by the height of a high hedge situated on land owned or occupied by another person.
- (2) This Act also applies to a complaint which—
- (a) is made for the purposes of this Act by an owner of a domestic property that is for the time being unoccupied, and 10
 - (b) alleges that the reasonable enjoyment of that property by a prospective occupier of that property would be adversely affected by the height of a high hedge situated on land owned or occupied by another person, as it applies to a complaint falling within subsection (1). 15
- (3) In relation to a complaint falling within subsection (2), references in sections 4 and 5 to the effect of the height of a high hedge on the complainant's reasonable enjoyment of a domestic property shall be read as references to the effect that it would have on the reasonable enjoyment of that property by a prospective occupier of the property. 20
- (4) This Act does not apply to complaints about the effect of the roots of a high hedge.
- (5) In this Act, in relation to a complaint —

“complainant” means—

- (a) a person by whom the complaint is made; or
- (b) if every person who made the complaint ceases to be an owner or occupier of the domestic property specified in the complaint, any other person who is for the time being an owner or occupier of that property;

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and references to the complainant include references to one or more of the complainants;

“the neighbouring land” means the land on which the high hedge is situated; and

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“the relevant authority” means the local authority in whose area that land is situated.

2 High hedges

- (1) In this Act “high hedge” means so much of a barrier to light or access as—
 - (a) is formed wholly or predominantly by a line of two or more evergreens; and
 - (b) rises to a height of more than two metres above ground level.
- (2) For the purposes of subsection (1) a line of evergreens is not to be regarded as forming a barrier to light or access if the existence of gaps significantly affects its overall effect as such a barrier at heights of more than two metres above ground level.
- (3) In this section “evergreen” means an evergreen tree or shrub or a semi-evergreen tree or shrub.

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3 Domestic property

- (1) In this Act “domestic property” means—
 - (a) a dwelling; or
 - (b) a garden or yard which is used and enjoyed wholly or mainly in connection with a dwelling.
- (2) In subsection (1) “dwelling” means any building or part of a building occupied, or intended to be occupied, as a separate dwelling.
- (3) A reference in this Act to a person’s reasonable enjoyment of domestic property includes a reference to his reasonable enjoyment of a part of the property.

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Complaints procedure

4 Procedure for dealing with complaints

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- (1) This section has effect where a complaint to which this Act applies—
 - (a) is made to the relevant authority; and
 - (b) is accompanied by such fee (if any) as the authority may determine.
- (2) If the authority consider—
 - (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 authority, or

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- (b) that the complaint is frivolous or vexatious,
the authority may decide that the complaint should not be proceeded with.
- (3) If the authority do not so decide, they 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 5
- (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.
- (4) If the authority decide under subsection (3) that action should be taken as mentioned in paragraph (b) of that subsection, they must as soon as is reasonably practicable – 10
- (a) issue a remedial notice under section 5 implementing their decision;
- (b) send a copy of that notice to the following persons, namely – 15
- (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 their decision.
- (5) If the authority –
- (a) decide that the complaint should not be proceeded with, or
- (b) decide either or both of the issues specified in subsection (3) otherwise than in the complainant’s favour, 20
- they must as soon as is reasonably practicable notify the appropriate person or persons of any such decision and of their 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 25
- (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.
- (7) A fee determined under subsection (1)(b) must not exceed the amount prescribed in regulations made – 30
- (a) in relation to complaints relating to hedges situated in England, by the Secretary of State; and
- (b) in relation to complaints relating to hedges situated in Wales, by the National Assembly for Wales. 35
- (8) A fee received by a local authority by virtue of subsection (1)(b) may be refunded by them in such circumstances and to such extent as they may determine.

5 Remedial notices

- (1) For the purposes of this Act a remedial notice is a notice – 40
- (a) issued by the relevant authority in respect of a complaint to which this Act applies; and
- (b) stating the matters mentioned in subsection (2).
- (2) Those matters are –

- (a) that a complaint has been made to the authority under this Act about a high hedge specified in the notice which is situated on land so specified;
- (b) that the authority have decided that the height of that hedge is adversely affecting the complainant's reasonable enjoyment of the domestic property specified in the notice; 5
- (c) the initial action that must be taken in relation to that hedge before the end of the compliance period;
- (d) any preventative action that they consider must be taken in relation to that hedge at times following the end of that period while the hedge remains on the land; and 10
- (e) the consequences under sections 11 and 13 of a failure to comply with the notice.
- (3) The action specified in a remedial notice is not to require or involve—
- (a) a reduction in the height of the hedge to less than two metres above ground level; or 15
- (b) the removal of the hedge.
- (4) A remedial notice shall take effect on its operative date.
- (5) "The operative date" of a remedial notice is such date (falling at least 28 days after that on which the notice is issued) as is specified in the notice as the date on which it is to take effect. 20
- (6) "The compliance period" in the case of a remedial notice is such reasonable period as is specified in the notice for the purposes of subsection (2)(c) as the period within which the action so specified is to be taken; and that period shall begin with the operative date of the notice. 25
- (7) Subsections (4) to (6) have effect in relation to a remedial notice subject to—
- (a) the exercise of any power of the relevant authority under section 6; and
- (b) the operation of sections 7 to 9 in relation to the notice.
- (8) While a remedial notice has effect, the notice—
- (a) shall be a local land charge; and 30
- (b) shall be binding on every person who is for the time being an owner or occupier of the land specified in the notice as the land where the hedge in question is situated.
- (9) In this Act—
- "initial action" means remedial action or preventative action, or both; 35
- "remedial action" means action to remedy the adverse effect of the height of the hedge on the complainant's reasonable enjoyment of the domestic property in respect of which the complaint was made; and
- "preventative action" means action to prevent the recurrence of the adverse effect. 40

6 Withdrawal or relaxation of requirements of remedial notices

- (1) The relevant authority may—
- (a) withdraw a remedial notice issued by them; or
- (b) waive or relax a requirement of a remedial notice so issued.

- (2) The powers conferred by this section are exercisable both before and after a remedial notice has taken effect.
- (3) Where the relevant authority exercise the powers conferred by this section, they must give notice of what they have done to –
- (a) every complainant; and
 - (b) every owner and every occupier of the neighbouring land.
- (4) The withdrawal of a remedial notice does not affect the power of the relevant authority to issue a further remedial notice in respect of the same hedge.

Appeals

- 7 Appeals against remedial notices and other decisions of relevant authorities** 10
- (1) Where the relevant authority –
- (a) issue a remedial notice,
 - (b) withdraw such a notice, or
 - (c) waive or relax the requirements of such a notice,
- each of the persons falling within subsection (2) may appeal to the appeal authority against the issue or withdrawal of the notice or (as the case may be) the waiver or relaxation of its requirements. 15
- (2) Those persons are –
- (a) every person who is a complainant in relation to the complaint by reference to which the notice was given; and
 - (b) every person who is an owner or occupier of the neighbouring land.
- (3) Where the relevant authority decide either or both of the issues specified in section 4(3) otherwise than in the complainant’s favour, the complainant may appeal to the appeal authority against the decision.
- (4) An appeal under this section must be made before – 25
- (a) the end of the period of 28 days beginning with the relevant date; or
 - (b) such later time as the appeal authority may allow.
- (5) In subsection (4) “the relevant date” –
- (a) in the case of an appeal against the issue of a remedial notice, means the date on which the notice was issued; and
 - (b) in the case of any other appeal under this section, means the date of the notification given by the relevant authority under section 4 or 6 of the decision in question. 30
- (6) Where an appeal is duly made under subsection (1), the notice or (as the case may be) withdrawal, waiver or relaxation in question shall not have effect pending the final determination or withdrawal of the appeal. 35
- (7) In this Act “the appeal authority” means –
- (a) in relation to appeals relating to hedges situated in England, the Secretary of State; and
 - (b) in relation to appeals relating to hedges situated in Wales, the National Assembly for Wales. 40

8 Appeals procedure

- (1) The appeal authority may by regulations make provision with respect to—
- (a) the procedure which is to be followed in connection with appeals to that authority under section 7, and
 - (b) other matters consequential on or connected with such appeals. 5
- (2) Regulations under this section may, in particular, make provision—
- (a) specifying the grounds on which appeals may be made;
 - (b) prescribing the manner in which appeals are to be made;
 - (c) requiring persons making appeals to send copies of such documents as may be prescribed to such persons as may be prescribed; 10
 - (d) requiring local authorities against whose decisions appeals are made to send to the appeal authority such documents as may be prescribed;
 - (e) specifying, where a local authority are required by virtue of paragraph (d) to send the appeal authority a statement indicating the submissions which they propose to put forward on the appeal, the matters to be included in such a statement; 15
 - (f) prescribing the period within which a requirement imposed by the regulations is to be complied with;
 - (g) enabling such a period to be extended by the appeal authority;
 - (h) for a decision on an appeal to be binding on persons falling within section 7(2) in addition to the person by whom the appeal was made; 20
 - (i) for incidental or ancillary matters, including the awarding of costs.
- (3) Where an appeal is made to the appeal authority under section 7 the appeal authority may appoint a person to hear and determine the appeal on its behalf.
- (4) The appeal authority may require such a person to exercise on its behalf any functions which— 25
- (a) are conferred on the appeal authority in connection with such an appeal by section 7 or 9 or by regulations under this section; and
 - (b) are specified in that person’s appointment;
- and references to the appeal authority in section 7 or 9 or in any regulations under this section shall be construed accordingly. 30
- (5) *The appeal authority may pay a person appointed under subsection (3) such remuneration as it may determine.*
- (6) Regulations under this section may provide for any provision of Schedule 20 to the Environment Act 1995 (c. 25) (delegation of appellate functions) to apply in relation to a person appointed under subsection (3) with such modifications (if any) as may be prescribed. 35
- (7) In this section, “prescribed” means prescribed by regulations made by the appeal authority.

9 Determination or withdrawal of appeals 40

- (1) On an appeal under section 7 the appeal authority may allow or dismiss the appeal, either in whole or in part.
- (2) Where the appeal authority decides to allow such an appeal to any extent, it may do such of the following as it considers appropriate—
- (a) quash a remedial notice or decision to which the appeal relates; 45

- (b) vary the requirements of such a notice; or
 - (c) in a case where no remedial notice has been issued, issue on behalf of the relevant authority a remedial notice that could have been issued by the relevant authority on the complaint in question.
- (3) On an appeal under section 7 relating to a remedial notice, the appeal authority may also correct any defect, error or misdescription in the notice if it is satisfied that the correction will not cause injustice to any person falling within section 7(2). 5
- (4) Once the appeal authority has made its decision on an appeal under section 7, it must, as soon as is reasonably practicable – 10
- (a) give a notification of the decision, and
 - (b) if the decision is to issue a remedial notice or to vary or correct the requirements of such a notice, send copies of the notice as issued, varied or corrected,
- to every person falling within section 7(2) and to the relevant authority. 15
- (5) Where, in consequence of the appeal authority’s decision on an appeal, a remedial notice is upheld or varied or corrected, the operative date of the notice shall be –
- (a) the date of the appeal authority’s decision; or
 - (b) such later date as may be specified in its decision. 20
- (6) Where the person making an appeal under section 7 against a remedial notice withdraws his appeal, the operative date of the notice shall be the date on which the appeal is withdrawn.
- (7) In any case falling within subsection (5) or (6), the compliance period for the notice shall accordingly run from the date which is its operative date by virtue of that subsection (and any period which may have started to run from a date preceding that on which the appeal was made shall accordingly be disregarded). 25

Powers of entry

- 10 Powers of entry for the purposes of complaints and appeals** 30
- (1) Where, under this Act, a complaint has been made or a remedial notice has been issued, a person authorised by the relevant authority may enter the neighbouring land in order to obtain information required by the relevant authority for the purpose of determining –
- (a) whether this Act applies to the complaint; 35
 - (b) whether to issue or withdraw a remedial notice;
 - (c) whether to waive or relax a requirement of a remedial notice;
 - (d) whether a requirement of a remedial notice has been complied with.
- (2) Where an appeal has been made under section 7, a person authorised – 40
- (a) by the appeal authority, or
 - (b) by a person appointed to determine appeals on its behalf,
- may enter the neighbouring land in order to obtain information required by the appeal authority, or by the person so appointed, for the purpose of determining an appeal under this Act.

- (3) A person shall not enter land in the exercise of a power conferred by this section unless at least 24 hours' notice of the intended entry has been given to every occupier of the land.
- (4) A person authorised under this section to enter land –
- (a) shall, if so required, produce evidence of his authority before entering; and
 - (b) shall produce such evidence if required to do so at any time while he remains on the land.
- (5) A person who enters land in the exercise of a power conferred by this section may –
- (a) take with him such other persons as may be necessary;
 - (b) take with him equipment and materials needed in order to obtain the information required;
 - (c) take samples of any trees or shrubs that appear to him to form part of a high hedge.
- (6) If, in the exercise of a power conferred by this section, a person enters land which is unoccupied or from which all of the persons occupying the land are temporarily absent, he must on his departure leave it as effectively secured against unauthorised entry as he found it.
- (7) A person who intentionally obstructs a person acting in the exercise of the powers under this section is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Enforcement powers etc.

11 Offences

- (1) Where –
- (a) a remedial notice requires the taking of any action; and
 - (b) that action is not taken in accordance with that notice within the compliance period or (as the case may be) by the subsequent time by which it is required to be taken,
- every person who, at a relevant time, is an owner or occupier of the neighbouring land is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (2) In subsection (1) “relevant time” –
- (a) in relation to action required to be taken before the end of the compliance period, means a time after the end of that period and before the action is taken; and
 - (b) in relation to any preventative action which is required to be taken after the end of that period, means a time after that at which the action is required to be taken but before it is taken.
- (3) In proceedings against a person for an offence under subsection (1) it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.
- (4) In any such proceedings against a person, it shall also be a defence for him to show, in a case in which he –

- (a) is not a person to whom a copy of the remedial notice was sent in accordance with a provision of this Act, and
- (b) is not assumed under subsection (5) to have had knowledge of the notice at the time of the alleged offence,
- that he was not aware of the existence of the notice at that time. 5
- (5) A person shall be assumed to have had knowledge of a remedial notice at any time if at that time –
- (a) he was an owner of the neighbouring land; and
- (b) the notice was at that time registered as a local land charge.
- (6) Section 198 of the Law of Property Act 1925 (c. 20) (constructive notice) shall be disregarded for the purposes of this section. 10
- (7) Where a person is convicted of an offence under subsection (1) and it appears to the court –
- (a) that a failure to comply with the remedial notice is continuing, and
- (b) that it is within that person’s power to secure compliance with the notice, 15
- the court may, in addition to or instead of imposing a punishment, order him to take the steps specified in the order for securing compliance with the notice.
- (8) An order under subsection (7) must require those steps to be taken within such reasonable period as may be fixed by the order. 20
- (9) Where a person fails without reasonable excuse to comply with an order under subsection (7) he is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (10) Where a person continues after conviction of an offence under subsection (9) (or of an offence under this subsection) to fail, without reasonable excuse, to take steps which he has been ordered to take under subsection (7), he is guilty of a further offence and shall be liable, on summary conviction, to a fine not exceeding one-twentieth of that level for each day on which the failure has so continued. 25
- 12 Power to require occupier to permit action to be taken by owner 30**
- Section 289 of the Public Health Act 1936 (c. 49) (power of court to require occupier to permit work to be done by owner) shall apply with any necessary modifications for the purpose of giving an owner of land to which a remedial notice relates the right, as against all other persons interested in the land, to comply with the notice. 35
- 13 Action by relevant authority**
- (1) This section applies where –
- (a) a remedial notice requires the taking of any action; and
- (b) that action is not taken in accordance with that notice within the compliance period or (as the case may be) after the end of that period when it is required to be taken by the notice. 40
- (2) Where this section applies –
- (a) a person authorised by the relevant authority may enter the neighbouring land and take the required action; and

- (b) the relevant authority may recover any expenses reasonably incurred by that person in doing so from any person who is an owner or occupier of the land.
- (3) Expenses recoverable under this section shall be a local land charge and binding on successive owners of the land and on successive occupiers of it. 5
- (4) Where expenses are recoverable under this section from two or more persons, those persons shall be jointly and severally liable for the expenses.
- (5) A person shall not enter land in the exercise of a power conferred by this section unless at least 7 days' notice of the intended entry has been given to every occupier of the land. 10
- (6) A person authorised under this section to enter land –
- (a) shall, if so required, produce evidence of his authority before entering; and
 - (b) shall produce such evidence if required to do so at any time while he remains on the land. 15
- (7) A person who enters land in the exercise of a power conferred by this section may –
- (a) use a vehicle to enter the land;
 - (b) take with him such other persons as may be necessary;
 - (c) take with him equipment and materials needed for the purpose of taking the required action. 20
- (8) If, in the exercise of a power conferred by this section, a person enters land which is unoccupied or from which all of the persons occupying the land are temporarily absent, he must on his departure leave it as effectively secured against unauthorised entry as he found it. 25
- (9) A person who wilfully obstructs a person acting in the exercise of powers under this section to enter land and take action on that land is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- 14 Offences committed by bodies corporate** 30
- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
- (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity,
- he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly. 35
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate. 40

*Supplementary provisions***15 Orders and regulations**

- (1) Every power conferred by this Act on the Secretary of State or on the National Assembly for Wales to make an order or regulations shall be exercisable by statutory instrument. 5
- (2) A statutory instrument containing regulations made by the Secretary of State under this Act (other than regulations under section 18 or 20) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No regulations under section 18 or 20 shall be made by the Secretary of State (whether alone or with other provisions) unless a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament. 10
- (4) Any order or regulations under this Act may –
- (a) contain such consequential, incidental, supplementary or transitional provisions or savings as the person making the order or regulations considers appropriate; and 15
 - (b) make different provision for different cases.
- (5) Provision made by virtue of subsection (4)(a) may, in particular, include provision applying (with or without modifications) provision contained in an enactment. 20

16 Service of documents

- (1) A notification or other document required to be given or sent to a person by virtue of this Act shall be taken to be duly given or sent to him if served in accordance with the following provisions of this section.
- (2) Such a document may be served – 25
- (a) by delivering it to the person in question;
 - (b) by leaving it at his proper address; or
 - (c) by sending it by post to him at that address.
- (3) Such a document may –
- (a) in the case of a body corporate, be served on the secretary or clerk of that body; 30
 - (b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business.
- (4) For the purposes of this section and of section 7 of the Interpretation Act 1978 (c. 30) (service of documents by post) in its application to this section, a person's proper address shall be his last known address, except that – 35
- (a) in the case of a body corporate or their secretary or clerk, it shall be the address of the registered or principal office of that body; and
 - (b) in the case of a partnership or person having the control or the management of the partnership business, it shall be the principal office of the partnership. 40
- (5) For the purposes of subsection (4) the principal office of –
- (a) a company registered outside the United Kingdom, or
 - (b) a partnership carrying on business outside the United Kingdom,

shall be their principal office within the United Kingdom.

- (6) If a person has specified an address in the United Kingdom other than his proper address within the meaning of subsection (4) as the one at which he or someone on his behalf will accept documents of a particular description, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 (c. 30) as his proper address in connection with the service on him of a document of that description. 5
- (7) Where—
- (a) by virtue of this Act a document is required to be given or sent to a person who is an owner or occupier of any land, and 10
 - (b) the name or address of that person cannot be ascertained after reasonable inquiry,
- the document may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land. 15

17 Documents in electronic form

- (1) A requirement of this Act—
- (a) to send a copy of a remedial notice to a person, or
 - (b) to notify a person under section 4(4) of the reasons for the issue of a remedial notice, 20
- is not capable of being satisfied by transmitting the copy or notification electronically or by making it available on a web-site.
- (2) The delivery of any other document to a person (the “recipient”) may be effected for the purposes of section 16(2)(a)—
- (a) by transmitting it electronically, or 25
 - (b) by making it available on a web-site,
- but only if it is transmitted or made available in accordance with subsection (3) or (5).
- (3) A document is transmitted electronically in accordance with this subsection if— 30
- (a) the recipient has agreed that documents may be delivered to him by being transmitted to an electronic address and in an electronic form specified by him for that purpose; and
 - (b) the document is a document to which that agreement applies and is transmitted to that address in that form. 35
- (4) A document which is transmitted in accordance with subsection (3) by means of an electronic communications network shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which it is transmitted.
- (5) A document is made available on a web-site in accordance with this subsection if— 40
- (a) the recipient has agreed that documents may be delivered to him by being made available on a web-site;
 - (b) the document is a document to which that agreement applies and is made available on a web-site; 45
 - (c) the recipient is notified, in a manner agreed by him, of—

- (i) the presence of the document on the web-site;
 - (ii) the address of the web-site; and
 - (iii) the place on the web-site where the document may be accessed.
- (6) A document made available on a web-site in accordance with subsection (5) shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which the recipient is notified in accordance with subsection (5)(c). 5
- (7) In this section –
- “electronic address” includes any number or address used for the purposes of receiving electronic communications; 10
 - “electronic communication” means an electronic communication within the meaning of the Electronic Communications Act 2000 (c. 7) the processing of which on receipt is intended to produce writing;
 - “electronic communications network” means an electronic communications network within the meaning of the Communications Act 2003 ; 15
 - “electronically” means in the form of an electronic communication;
 - “working day” means a day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80). 20

18 Power to make further provision about documents in electronic form

- (1) Regulations may amend section 17 by modifying the circumstances in which, and the conditions subject to which, the delivery of a document for the purposes of section 16(2)(a) may be effected by –
- (a) transmitting the document electronically; or 25
 - (b) making the document available on a web-site.
- (2) Regulations may also amend section 17 by modifying the day on which and the time at which documents which are transmitted electronically or made available on a web-site in accordance with that section are to be treated as having been delivered. 30
- (3) Regulations under this section may make such consequential amendments of this Act as the person making the regulations considers appropriate.
- (4) The power to make such regulations shall be exercisable –
- (a) in relation to documents relating to complaints about hedges situated in England, by the Secretary of State; and 35
 - (b) in relation to documents relating to complaints about hedges situated in Wales, by the National Assembly for Wales.
- (5) In this section “electronically” has the meaning given in section 17.

19 Interpretation

- In this Act – 40
- “the appeal authority” has the meaning given by section 7(7);
 - “complaint” shall be construed in accordance with section 1;
 - “complainant” has the meaning given by section 1(5);
 - “the compliance period” has the meaning given by section 5(6);

- “domestic property” has the meaning given by section 3;
- “high hedge” has the meaning given by section 2;
- “local authority”, in relation to England, means –
- (a) a district council,
 - (b) a county council for a county in which there are no districts, 5
 - (c) a London borough council, or
 - (d) the Common Council of the City of London;
- and, in relation to Wales, means a county council or a county borough council;
- “the neighbouring land” has the meaning given by section 1(5); 10
- “occupier”, in relation to any land, means a person entitled to possession of the land by virtue of an estate or interest in it;
- “the operative date” shall be construed in accordance with sections 5(5) and 9(5) and (6);
- “owner”, in relation to any land, means a person (other than a mortgagee not in possession) who, whether in his own right or as trustee for any person – 15
- (a) is entitled to receive the rack rent of the land, or
 - (b) where the land is not let at a rack rent, would be so entitled if it were so let; 20
- “preventative action” has the meaning given by section 5(9)
- “the relevant authority” has the meaning given by section 1(5);
- “remedial notice” shall be construed in accordance with section 5(1);
- “remedial action” has the meaning given by section 5(9).
- 20 Power to amend sections 1 and 2** 25
- (1) Regulations may do one or both of the following –
 - (a) amend section 1 for the purpose of extending the scope of complaints relating to high hedges to which this Act applies; and
 - (b) amend section 2 (definition of “high hedge”).
 - (2) The power to make such regulations shall be exercisable – 30
 - (a) in relation to complaints about hedges situated in England, by the Secretary of State; and
 - (b) in relation to complaints about hedges situated in Wales, by the National Assembly for Wales.
 - (3) Regulations under this section may make such consequential amendments of this Act as the person making the regulations considers appropriate. 35
- 21 Financial provisions**
- There shall be paid out of money provided by Parliament –*
- (a) any expenses incurred by the Secretary of State in consequence of this Act; and
 - (b) any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act. 40
- 22 Crown application**
- (1) This Act and any provision made under it bind the Crown.

- (2) This section does not impose criminal liability on the Crown.
- (3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.

23 Short title, commencement and extent

- (1) This Act may be cited as the High Hedges Act 2003. 5
- (2) This Act (except this section) shall come into force –
 - (a) in relation to complaints about hedges situated in England, on such day as the Secretary of State may appoint by order, and
 - (b) in relation to complaints about hedges situated in Wales, on such day as the National Assembly for Wales may appoint by order, 10and different days may be so appointed for different purposes.
- (3) This Act extends to England and Wales only.

High Hedges (No. 2) Bill

A

B I L L

To make provision for dealing with complaints about high hedges; and for connected purposes.

*Presented by Mr Stephen Pound
supported by
Mr Martin Salter, Mr Tony Clarke,
Paul Clark, Mr Andrew Dismore,
Mr Jim Cunningham, Mr John Randall
Mrs Cheryl Gillan, Richard Younger-Ross,
Matthew Green, James Purnell
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