



# High Hedges (Scotland) Act 2013

## 2013 asp 6

### *Local authority enforcement action*

#### **22 Power to take action**

- (1) A person authorised by a relevant local authority (referred to in this section as an “authorised person”) may—
  - (a) enter the neighbouring land,
  - (b) take any initial action or preventative action which—
    - (i) is required to be taken by a high hedge notice, and
    - (ii) has not been taken in accordance with the high hedge notice,
  - (c) take onto the land such other persons and such materials and equipment (including vehicles) as may be reasonably required for the purposes of assisting the authorised person to take the required action, and
  - (d) do anything else which is reasonably required for the purpose of taking the required action.
- (2) The relevant local authority must give every owner and occupier of the neighbouring land at least 14 days’ notice of the intended entry by the authorised person.
- (3) An authorised person may enter a building which is for the time being occupied as a residence only if there is no other reasonably practicable means of access to the high hedge.
- (4) An authorised person must on request produce written evidence of the authorisation.
- (5) On leaving neighbouring land which is unoccupied or from which all of the occupiers are temporarily absent, an authorised person must ensure that the land is as effectively secured against unauthorised entry as it was when the person entered it.

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

- (1) The sheriff or a justice of the peace may by warrant authorise any person entitled to enter the neighbouring land under section 22 to enter the land and if necessary to use reasonable force in doing so.
- (2) A warrant may be granted only if the sheriff or justice is satisfied, by evidence on oath—

- (a) that there are reasonable grounds for entering the land concerned,
  - (b) that—
    - (i) entry to the land has been refused,
    - (ii) such a refusal is reasonably expected, or
    - (iii) the land is unoccupied, and
  - (c) that the relevant local authority has complied with the notice requirements imposed by section 22(2).
- (3) A warrant must not authorise—
- (a) entry to a building which is for the time being occupied as a residence unless there is no other reasonably practicable means of access to the high hedge,
  - (b) the use of force against an individual.
- (4) A warrant expires—
- (a) when it is no longer required for the purpose for which it is granted, or
  - (b) on the expiry of such period as may be specified in it.

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

- (1) It is an offence intentionally to prevent or obstruct a person authorised by a relevant local authority under section 22 from doing anything which that person is authorised to do by virtue of this Act.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.