

## **HIGH HEDGES (SCOTLAND) ACT 2013**

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### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS**

##### ***Local authority enforcement action***

##### ***Section 22 – Power to take action***

51. This section gives the local authority the power to enter neighbouring land and take the action specified in the high hedge notice, where the owner or occupier of the land fails to comply with the notice. The costs of this work can be recovered from the owner under section 25.
52. The section also sets out what additional persons, materials and equipment can be taken onto the land in question. When exercising these powers the local authority must give 14 days' notice of its intended entry on to the land and must leave unoccupied land secured against unauthorised entry. This power may be used for entry where the building is occupied as a residence only if there is no other reasonably practicable means of access to the high hedge.
53. The power to enter land includes a power to enter buildings (including houses) by virtue of the definition of "land" in the Interpretation and Legislative Reform (Scotland) Act 2010, which includes buildings and other structures. This power may be used for entry where the building is occupied as a residence only if there is no other reasonably practicable means of access to the high hedge.