

Draft Regulations laid before the Assembly under section 19(2) of the High Hedges Act (Northern Ireland) 2011 for approval.

DRAFT STATUTORY RULES OF NORTHERN
IRELAND

2012 No.

ENVIRONMENT

HIGH HEDGES

**The High Hedges (Fee Transfer) Regulations (Northern Ireland)
2012**

Made - - - -

Coming into operation -

31st March 2012

The Department of the Environment makes these Regulations in exercise of the powers conferred by section 4(4) of the High Hedges Act (Northern Ireland) 2011(a).

Citation and commencement

1. These Regulations may be cited as the High Hedges (Fee Transfer) Regulations (Northern Ireland) 2012 and come into operation on 31st March 2012.

Payment of fee

2.—(1) In relation to a case where section 4(3) of the High Hedges Act (Northern Ireland) 2011 applies, any person who is an occupier or owner of the neighbouring land shall pay to the council a fee of such amount (if any) as the council may determine.

(2) Where two or more persons are liable to pay the fee, those persons are jointly and severally liable.

Level of fee

3. The fee determined by the council in accordance with regulation 2 must not exceed the maximum amount specified in regulation 2 (maximum fee) of the High Hedges (Fee) Regulations (Northern Ireland) 2012(b).

Sealed with the Official Seal of the Department of the Environment on
A senior officer of the Department of the Environment

(a) 2011 c. 21 (N.I.)
(b) S.R. 2012 No. 33

EXPLANATORY NOTE

(This note is not part of the Regulations)

The High Hedges Act (Northern Ireland) 2011 gives local councils the power to deal with complaints about high hedges which are having an adverse impact on a neighbour's reasonable enjoyment of their property.

A complaint may be made by the owner or occupier of a domestic property if that person's reasonable enjoyment of the property is being adversely affected by the height of a hedge situated on land owned or occupied by another person.

A complaint must be made to the council in whose area the land on which the hedge is situated lies and must be accompanied by a fee determined by the local council (subject to a maximum amount prescribed in Regulations made by the Department of the Environment).

The local council will investigate the complaint and if it decides that the height of the hedge should be reduced, the council will issue a Remedial Notice specifying the action required to alleviate the problem and prevent its reoccurrence.

Once the remedial notice takes effect, after processing of any appeals, the council will refund the complainant's fee (if any has been charged) and may then levy a fee on the owner/occupier of the neighbouring land.

These Regulations make provision for this 'fee-transfer' process.

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