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DRAFT STATUTORY INSTRUMENTS

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**2024 No.**

**The Management of Hedgerows (England) Regulations 2024**

**PART 3**

**Offences**

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7.—(1) Any person to whom the general maintenance requirements in regulation 5 apply who fails to comply with those requirements commits an offence.

(2) Any person who cuts or trims an important hedgerow or who causes or permits another person to cut or trim an important hedgerow in contravention of regulation 6 commits an offence.

(3) A person who commits an offence under paragraph (1) or (2) is liable, on summary conviction, to a fine.

(4) In determining the amount of any fine to be imposed on a person convicted of an offence under paragraph (1) or (2), the court must, in particular, have regard to any financial benefit which has accrued or appears likely to accrue to that person in consequence of the offence.

(5) Section 331 of the Town and Country Planning Act 1990<sup>(1)</sup> (offences by corporations) applies in relation to offences under paragraph (1) or (2) committed by a body corporate as it applies in relation to offences under that Act committed by a body corporate.

(6) Where the commission of an offence under paragraph (1) or (2) is due to the act or default of another person, that other person commits the offence and—

- (a) may be charged with and convicted of the offence, whether or not proceedings are taken against the first mentioned person; and
- (b) is liable, on summary conviction, to a fine under paragraph (3) which is to be determined by the court in accordance with paragraph (4).

(7) In these Regulations, a reference to an offence under paragraph (1) or (2) of this regulation is to be read as including an offence committed in circumstances to which paragraph (5) or (6) apply.

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<sup>(1)</sup> 1990 c. 8.