



Environment Act 1995

1995 CHAPTER 25

PART V

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Hedgerows etc.

97 Hedgerows.

- (1) The appropriate Ministers may by regulations make provision for, or in connection with, the protection of important hedgerows in England or Wales.
- (2) The question whether a hedgerow is or is not “important” for the purposes of this section shall be determined in accordance with prescribed criteria.
- (3) For the purpose of facilitating the protection of important hedgerows, regulations under subsection (1) above may also make provision in relation to other hedgerows in England or Wales.
- (4) Without prejudice to the generality of subsections (1) to (3) above, regulations under subsection (1) above may provide for the application (with or without modifications) of, or include provision comparable to, any provision contained in the planning Acts and may, in particular, make provision—
 - (a) prohibiting, or for prohibiting, the removal of, or the carrying out of prescribed acts in relation to, a hedgerow except in prescribed cases;
 - (b) for or with respect to appeals against determinations or decisions made, or notices given or served, under or by virtue of the regulations, including provision authorising or requiring any body or person to whom an appeal lies to consult prescribed persons with respect to the appeal in prescribed cases;
 - (c) for a person who contravenes, or fails to comply with, any prescribed provision of the regulations to be guilty of an offence;
 - (d) for a person guilty of an offence by virtue of paragraph (c) above which consists of the removal, in contravention of the regulations, of a hedgerow of a description prescribed for the purposes of this paragraph to be liable—

Status: Point in time view as at 26/05/2015.

Changes to legislation: Environment Act 1995, Section 97 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (ii) on conviction on indictment, to a fine;
 - (e) for a person guilty of any other offence by virtue of paragraph (c) above to be liable on summary conviction to a fine not exceeding such level on the standard scale as may be prescribed.
- (5) Regulations under this section may make different provision for different cases, including different provision in relation to different descriptions of hedgerow, different descriptions of person, different areas or localities or different circumstances.
- (6) Before making any regulations under this section the appropriate Ministers shall consult—
- (a) such bodies appearing to them to be representative of persons whose business interests are likely to be affected by the proposed regulations,
 - (b) such bodies appearing to them to be representative of the interests of owners or occupiers of land,
 - (c) such bodies appearing to them to be representative of the interests of local authorities,
 - (d) such bodies whose statutory functions include the provision to Ministers of the Crown of advice concerning matters relating to environmental conservation, and
 - (e) such bodies not falling within paragraphs (a) to (d) above,
- as the appropriate Ministers may consider appropriate.
- [^{F1}(6A) Subsection (6)(d) does not apply to regulations which apply only in relation to England.]
- (7) No statutory instrument containing regulations under this section shall be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (8) In this section—
- “the appropriate Ministers” means—
 - (a) as respects England, the Secretary of State and the Minister of Agriculture, Fisheries and Food;
 - (b) as respects Wales, the Secretary of State;
 - “environmental conservation” means conservation—
 - (a) of the natural beauty or amenity, or flora or fauna, of England or Wales; or
 - (b) of features of archaeological or historic interest in England or Wales;
 - “hedgerow” includes any stretch of hedgerow;
 - “local authority” means—
 - (a) the council of a county, county borough, district, London borough, parish or community;
 - (b) the Common Council of the City of London;
 - (c) the Council of the Isles of Scilly;
 - “the planning Acts” has the same meaning as it has in the ^{M1}Town and Country Planning Act 1990 by virtue of section 336(1) of that Act;
 - “prescribed” means specified, or of a description specified, in regulations;
 - “regulations” means regulations made by statutory instrument;

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“remove”, in relation to a hedgerow, means uproot or otherwise destroy, and cognate expressions shall be construed accordingly;

“statutory functions” means functions conferred or imposed by or under any enactment.

- (9) Any reference in this section to removing, or carrying out an act in relation to, a hedgerow includes a reference to causing or permitting another to remove, or (as the case may be) carry out an act in relation to, a hedgerow.

Textual Amendments

F1 S. 97(6A) inserted (E.) (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(l), [Sch. 22 para. 12](#)

Modifications etc. (not altering text)

C1 S. 97 explained (1.6.1997) by [S.I. 1997/1160](#), [reg. 4](#)

Marginal Citations

M1 [1990 c. 8](#).

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