High Hedges (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 38 Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Anne McTaggart
Supported by: Christine Grahame

1 In section 1, page 1, line 7, after <more> insert <deciduous,>

Christine Grahame

2 In section 1, page 1, line 8, leave out <or shrubs> and insert <, shrubs or plants>

Section 4

Margaret Mitchell

13 In section 4, page 2, line 10, at end insert—

<(5) An authority must publish information on the circumstances in which and the extent to which it may normally be considered appropriate for a fee paid to the authority to be refunded under subsection (4).

(6) When publishing information in accordance with subsection (5), an authority must have regard to any guidance on the refund of application fees issued by the Scottish Ministers under section 31(1).>

Section 5

Margaret Mitchell

14 In section 5, page 2, line 14, after <3(1),> insert—

<( ) the application is without merit,>

Section 6

Mark McDonald

3 In section 6, page 3, line 24, at end insert—
Where the high hedge which is the subject of the application is situated on land which has been designated as a National Park, the authority must—

(a) before making a decision under subsection (5)(b), consult the National Park authority for the National Park, and

(b) in making its decision under that subsection, take into account any representations made by that National Park authority.

Section 7

Mark McDonald

4 In section 7, page 3, line 38, at end insert—

<( ) Where the high hedge which is the subject of the application is situated on land which has been designated as a National Park and subsection (1)(b) applies, the authority must notify the National Park authority for the National Park of its decision.>

Section 8

Mark McDonald

5 In section 8, page 4, line 29, at end insert—

<( ) Where the high hedge to which a high hedge notice relates is situated on land which has been designated as a National Park, the authority must give the National Park authority for the National Park a copy of the high hedge notice.>

Section 10

Mark McDonald

6 In section 10, page 5, line 22, at end insert—

<(7A) Where the high hedge to which a high hedge notice relates is situated on land which has been designated as a National Park, the authority must—

(a) where it withdraws the high hedge notice under subsection (1)(a), give the National Park authority for the National Park notice of the withdrawal,

(b) where it varies the high hedge notice under subsection (1)(b), give the National Park authority for the National Park a copy of the revised notice.>

Mark McDonald

7 In section 10, page 5, line 23, leave out <(7)> and insert <(7A)>

Section 15

Margaret Mitchell

15 In section 15, page 7, line 3, at end insert—

<( ) The Scottish Ministers must not appoint a person under subsection (1) unless that person appears to them to have—>
(a) knowledge of the law of Scotland, including the law relating to land, planning and environmental matters,
(b) experience of dealing with land boundary disputes, and
(c) experience of hearing and deciding appeals.

Section 17
Mark McDonald
8 In section 17, page 7, line 33, leave out <varied> and insert <revised>

Section 20
Mark McDonald
9 In section 20, page 9, line 6, after <and> insert <if necessary>

Section 25
Margaret Mitchell
16 In section 25, page 11, line 8, after <expenses,> insert—

<(  ) any amount refunded to the applicant under section 4(4),>

Section 26
Mark McDonald
10 In section 26, page 11, leave out lines 29 and 30 and insert—

<(  ) in the case where the title to the land (or a larger area containing the land) is derived from a deed recorded in the General Register of Sasines, identify the land by reference to that deed.>

Section 29
Mark McDonald
11 In section 29, page 12, leave out lines 25 and 26 and insert—

<(  ) in the case where the title to the land (or a larger area containing the land) is derived from a deed recorded in the General Register of Sasines, identify the land by reference to that deed.>

Section 31
Margaret Mitchell
17 In section 31, page 12, line 38, after <may> insert <, after consulting such persons as they consider appropriate,>
Margaret Mitchell

18 In section 31, page 13, line 1, after <may> insert <, after consulting such persons as the authority considers appropriate,>

After section 31

Stuart McMillan

12 After section 31, insert—

<Report on operation of Act

(1) The Scottish Parliament must make arrangements for one of its committees or sub-committees to report to the Scottish Parliament on the operation of this Act during the review period.

(2) In this section, the “review period” means the period—

(a) beginning on the day on which section 2 comes into force, and

(b) ending 5 years after that day or on such earlier date as may be determined by the committee or sub-committee making the report under subsection (1).

(3) A report under subsection (1)—

(a) may be made in such form and manner as the committee or sub-committee considers appropriate, but

(b) must be made no later than 18 months after the end of the review period.

(4) The Scottish Parliament must publish a report made under subsection (1).>

Section 34

Margaret Mitchell

19 In section 34, page 14, line 33, at end insert <by—

(a) adding a type of tree or shrub to, or removing a type of tree or shrub from, section 1(1)(a),

(b) increasing or reducing the height above ground level specified in section 1(1)(b) and (2),

(c) modifying or adding to the effect of a hedge specified in section 1(1)(c).>