1. I wish to make one academic observation about the above Bill, in a wholly personal capacity.

2. Without wishing to doubt the practical advantages of proceeding as proposed, it should be noted in passing that in some ways it presents an unusual way to approach this issue. Disputes over hedges are in essence a conflict between the rights of neighbouring owners and as a matter of principle, the resolution of disputes over private rights is a judicial task, to be entrusted to a court rather than to a governmental body such as a local authority and the Scottish Ministers. The issue is one of private, not public amenity, and such matters are not usually the responsibility of public authorities.

3. In particular it seems unusual for appeals in such matters to be directed to the Ministers, not the courts (and indeed there may be scope for arguing that the outcome of the statutory procedure entails a determination of “civil rights” such as to invoke article 6 of the ECHR and thus the need for access to an “independent and impartial tribunal” at some stage in the proceedings).

4. The court system at present may not offer any wholly appropriate and proportionate mechanism for handling such disputes, but the recent Scottish Civil Courts Review and reforms to the tribunal system may open up new opportunities for such very local judicial tasks.