

# High Hedges (Scotland) Bill

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## Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

### Groupings of amendments

#### **Meaning of “high hedge”**

1, 2, 19

#### **Refund of application fee**

13, 16

#### **Dismissal of application**

14

#### **Procedure on applications and notices where hedges situated in National Parks**

3, 4, 5, 6, 7

#### **Persons appointed to determine appeals**

15

#### **Minor and technical amendments**

8, 9, 10, 11

#### **Consultation before issuing guidance**

17, 18

#### **Report on operation of Act**

12

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### Amendments in debating order

#### Meaning of “high hedge”

**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>

**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).>

#### Refund of application fee

**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).>

**Margaret Mitchell**

- 16 In section 25, page 11, line 8, after <expenses,> insert—
- <( ) any amount refunded to the applicant under section 4(4),>

#### Dismissal of application

**Margaret Mitchell**

- 14 In section 5, page 2, line 14, after <3(1),> insert—
- <( ) the application is without merit,>

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### Procedure on applications and notices where hedges situated in National Parks

#### **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.>

#### **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.>

#### **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.>

#### **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)>

### Persons appointed to determine appeals

#### **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,

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- (b) experience of dealing with land boundary disputes, and
- (c) experience of hearing and deciding appeals.>

### **Minor and technical amendments**

#### **Mark McDonald**

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

#### **Mark McDonald**

- 9 In section 20, page 9, line 6, after <and> insert <if necessary>

#### **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.>

#### **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.>

### **Consultation before issuing guidance**

#### **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,>

### **Report on operation of Act**

#### **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.

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- (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).>

