

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).>

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