



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Subordinate Legislation Committee**

**22nd Report, 2013 (Session 4)**

**High Hedges (Scotland) Bill as  
amended at Stage 2**

**Published by the Scottish Parliament on 26 March 2013**

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website -  
[www.scottish.parliament.uk](http://www.scottish.parliament.uk)



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Subordinate Legislation Committee**

### **Remit and membership**

#### **Remit:**

The remit of the Subordinate Legislation Committee is to consider and report on—

- (a)
  - (i) subordinate legislation laid before the Parliament;
  - (ii) any Scottish Statutory Instrument not laid before the Parliament but classed as general according to its subject matter;

and, in particular, to determine whether the attention of Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

*(Standing Orders of the Scottish Parliament, Rule 6.11)*

#### **Membership:**

Nigel Don (Convener)  
Jim Eadie  
Mike MacKenzie  
Hanzala Malik  
John Pentland  
John Scott  
Stewart Stevenson (Deputy Convener)

**Committee Clerking Team:**

**Clerk to the Committee**

Euan Donald

**Assistant Clerk**

Elizabeth White

**Support Manager**

Daren Pratt



The Scottish Parliament  
Pàrlamaid na h-Alba

## Subordinate Legislation Committee

### 22nd Report, 2013 (Session 4)

#### High Hedges (Scotland) Bill as amended at Stage 2

The Committee reports to the Parliament as follows—

1. At its meeting on 26 March 2013, the Subordinate Legislation Committee considered the delegated powers provisions in the High Hedges (Scotland) Bill<sup>1</sup>, as amended at Stage 2. The Committee submits this report to the Parliament under Rule 9.7.9 of Standing Orders.
2. The High Hedges (Scotland) Bill is a Member's Bill introduced by Mark McDonald MSP on 2 October 2012. Mr McDonald was assisted in introducing the Bill by the Scottish Government.
3. Mr McDonald has provided the Parliament with a supplementary delegated powers memorandum<sup>2</sup> on the new provisions in the Bill.

#### Delegated Powers Provisions

4. At Stage 1 of the Bill, the Committee reported that it did not need to draw the attention of the Parliament to the delegated powers in sections 31 (guidance) and 35 (ancillary provision).
5. **After Stage 2, the Committee reports that it does not need to draw the attention of the Parliament to the substantially amended powers in sections 31 (guidance) and 34 (power to modify meaning of “high hedge”).**
6. **The Committee welcomes the fact that section 34 has been amended in order to address its concerns, and the concerns of the lead Committee, as regards the scope of the power.**

---

<sup>1</sup> High Hedges (Scotland) Bill as amended at stage 2 is available here:  
[http://www.scottish.parliament.uk/S4\\_Bills/High%20Hedges%20Bill%20\(Scotland\)%20Bill/b16as4-stage2.pdf](http://www.scottish.parliament.uk/S4_Bills/High%20Hedges%20Bill%20(Scotland)%20Bill/b16as4-stage2.pdf)

<sup>2</sup> High Hedges (Scotland) Bill Supplementary Delegated Powers Memorandum is available here:  
[http://www.scottish.parliament.uk/S4\\_Bills/High\\_Hedges\\_SDPM\\_-\\_Final.pdf](http://www.scottish.parliament.uk/S4_Bills/High_Hedges_SDPM_-_Final.pdf)

Members who would like a printed copy of this *Numbered Report* to be forwarded to them should give notice at the Document Supply Centre.

---

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by APS Group Scotland

All documents are available on  
the Scottish Parliament website at:

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

For details of documents available to  
order in hard copy format, please contact:  
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

---

ISBN 978-1-78307-761-8

---