



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART VII

#### SPECIAL CONTROLS

#### CHAPTER I

#### TREES

#### *Tree preservation orders*

#### **161 Form of and procedure applicable to orders.**

[<sup>F1</sup>(1) Subject to section 249, a tree preservation order—

- (a) takes effect on such date as may be specified in the order, but
- (b) expires 6 months after it is made unless it has, within that period, been confirmed by the planning authority.

(1A) An order may be confirmed under subsection (1)(b) without modification or subject to such modifications as the planning authority consider expedient.]

(2) As soon as a tree preservation order is confirmed, the planning authority shall record it in the appropriate Register of Sasines or, as the case may be, register it in the Land Register of Scotland.

(3) Provision may be made by regulations with respect to—

- (a) the form of tree preservation orders, and
- (b) the procedure to be followed in connection with the confirmation of such orders.

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**Status:** Point in time view as at 01/04/2017.

**Changes to legislation:** Town and Country Planning (Scotland) Act 1997, Section 161 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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- (4) Without prejudice to the generality of subsection (3), the regulations may make provision—
- (a) that, before a tree preservation order is confirmed by the planning authority, notice of the making of the order shall be given to the owners, lessees and occupiers of land affected by the order and to such other persons, if any, as may be specified in the regulations,
  - (b) that objections and representations with respect to the order, if duly made in accordance with the regulations, shall be considered before the order is confirmed by the planning authority, and
  - (c) that copies of the order, when confirmed by the authority, shall be served on such persons as may be specified in the regulations.

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#### Textual Amendments

- F1** S. 161(1)(1A) substituted for s. 161(1) (1.2.2011) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 28(3), 59(2)** (with [S.S.I. 2010/431](#), arts. 1(1), 2); [S.S.I. 2010/400](#), art. 3, sch.

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