



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VIII

SPECIAL CONTROLS

CHAPTER I

TREES

Consequences of tree removal, etc.

210 Penalties for non-compliance with tree preservation [^{F1}order][^{F1}regulations] .

- (1) If any person, in contravention of [^{F2}a tree preservation order][^{F2}tree preservation regulations] —
 - (a) cuts down, uproots or wilfully destroys a tree, [^{F3}or]
 - (b) wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it, [^{F4}or]
 - (c) causes or permits the carrying out of any of the activities in paragraph (a) or (b),]he shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) shall be liable [^{F5}on summary conviction, or on conviction on indictment, to a fine].
- (3) In determining the amount of any fine to be imposed on a person convicted ^{F6}. . . of an offence under subsection (1), the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.
- (4) If any person contravenes the provisions of [^{F7}a tree preservation order][^{F7}tree preservation regulations] otherwise than as mentioned in subsection (1), he shall be

Status: Point in time view as at 09/05/2024.

Changes to legislation: Town and Country Planning Act 1990, Section 210 is up to date with all changes known to be in force on or before 12 September 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)

guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

[^{F8}(4A) Proceedings for an offence under subsection (4) may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to the prosecutor's knowledge.

(4B) Subsection (4A) does not authorise the commencement of proceedings for an offence more than 3 years after the date on which the offence was committed.

(4C) For the purposes of subsection (4A), a certificate—

(a) signed by or on behalf of the prosecutor, and

(b) stating the date on which evidence sufficient in the prosecutor's opinion to justify the proceedings came to the prosecutor's knowledge,

is conclusive evidence of that fact.

(4D) A certificate stating that matter and purporting to be so signed is to be deemed to be so signed unless the contrary is proved.

(4E) Subsection (4A) does not apply in relation to an offence in respect of a tree in Wales.]

^{F9}(5)

Textual Amendments

- F1** Word in s. 210 side-note substituted (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), [Sch. 8 para. 13\(4\)](#) (with s. 226); S.I. 2012/601, art. 2(a)
- F2** Words in s. 210(1) substituted (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), [Sch. 8 para. 13\(2\)\(a\)](#) (with s. 226); S.I. 2012/601, art. 2(a)
- F3** Word in s. 210(1)(a) omitted (6.4.2012 for E.) by virtue of [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), [Sch. 8 para. 13\(2\)\(b\)](#) (with s. 226); S.I. 2012/601, art. 2(a)
- F4** S. 210(1)(c) and word inserted (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), [Sch. 8 para. 13\(2\)\(c\)](#) (with s. 226); S.I. 2012/601, art. 2(a)
- F5** Words in s. 210(2) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 18\(5\)](#) (with reg. 5(1))
- F6** Words in s. 210(3) repealed (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 23(6)(b), 84(6), [Sch. 19 Pt I](#) (with s. 84(5)); S.I. 1991/2905, art.3, [Sch. 2](#) (subject to art. 5)
- F7** Words in s. 210(4) substituted (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), [Sch. 8 para. 13\(3\)](#) (with s. 226); S.I. 2012/601, art. 2(a)
- F8** S. 210(4A)-(4E) inserted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 126(3), 240(2) (with ss. 126(5), 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)
- F9** S. 210(5) repealed (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 23(6)(c), 84(6), [Sch. 19 Pt. I](#) (with s. 84(5)); S.I. 1991/2905, art.3, [Sch. 2](#) (subject to art. 5)

Modifications etc. (not altering text)

- C1** S. 210: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3
- C2** S. 210: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), [Sch. 1](#)

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