
 S T A T U T O R Y I N S T R U M E N T S

1981 No. 1385 (S. 134)

TOWN AND COUNTRY PLANNING, SCOTLAND
**The Town and Country Planning (Tree Preservation Order and
Trees in Conservation Areas) (Scotland) Amendment
Regulations 1981**
*Made - - - - 15th September 1981**Laid before Parliament 6th October 1981**Coming into Operation 27th October 1981*

In the exercise of powers conferred on me by sections 58(5), and 273 of the Town and Country Planning (Scotland) Act 1972 (a) and of all other powers enabling me in that behalf I make the following regulations:—

1. These regulations may be cited as the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Amendment Regulations, 1981 and shall come into operation on 27th October 1981.

2. The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 1975 (b) are hereby amended as follows:—

(a) in regulation 5

(i) in paragraph (d)(iii) for the words “the Secretary of State” there shall be substituted the words “the planning authority”;

(ii) paragraph (d)(iv) shall be omitted;

(b) regulation 6 shall be omitted;

(c) in regulation 7

(i) in paragraph (1) for the words “the Secretary of State” there shall be substituted “the planning authority” and there shall be omitted the words “the name of the planning authority who made the order” and “and shall be sent to the Scottish Development Department, New St. Andrew’s House, St. James Centre, Edinburgh EH1 3SZ”;

(ii) in paragraph (2) for the words “the Secretary of State” there shall be substituted the words “the planning authority”;

(d) regulation 8—

(i) in the heading for the words “the Secretary of State” there shall be substituted the words “the planning authority”;

(ii) paragraph (1) shall be omitted;

(iii) in paragraph (2) the number “(2)” shall be deleted and for the words “the Secretary of State” there shall be substituted the words “the planning authority” and for the words “and if he has caused a local inquiry to be held” there shall be substituted “if a local inquiry is held”;

(a) 1972 c. 52; section 58(5) was amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23) section 25 and Schedule 2 paragraph 22(1)(b). Section 273(5) was amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23) section 40 Schedule 3 paragraph 23.

(b) S.I. 1975/1204.

(e) regulation 9—

(i) in the heading for the words “*Action on receipt of the Secretary of State's decision*” there shall be substituted “*Action following planning authority's decision*”;

(ii) there shall be substituted the following regulation—

“9. The planning authority shall, as soon as practicable after reaching a decision on the order—

(a) inform the Conservator of Forests, the Keeper of the Registers of Scotland, and the persons on whom Notice has been served in accordance with the provisions of regulation 5(d) hereof, of their decision. In addition where the order has been confirmed subject to modifications, the planning authority shall serve on every such person a copy of the order and the map as confirmed.

(b) give notice by advertisement of their decision and where the order is confirmed with or without modification state in such notice the place or places where and the hours within which a certified copy of the order and map may be inspected.”

(f) In regulation 10 the words “whether by the planning authority or by the Secretary of State” shall be omitted.

(g) In the Schedule in the Form of Tree Preservation Order

(i) at Article 1(i) the first square bracket shall be deleted and the words from “under section 58(5)(c)” to the end of the paragraph shall be deleted,

(ii) at Article 15 the words “or the Secretary of State” shall be deleted.

George Younger,

New St. Andrew's House,
Edinburgh.
15th September 1981.

One of Her Majesty's
Principal Secretaries
of State

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 1975 to reflect amendments made to the Town and Country Planning (Scotland) Act 1972 by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981.

The amendments effected by the regulations take account of the fact that, as from the operative date of the regulations, planning authorities will alone be responsible for confirming tree preservation orders, and the Secretary of State will have no function in that respect apart from transitional arrangements.

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