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1984 No. 329 (S. 36)

TOWN AND COUNTRY PLANNING, SCOTLAND

**The Town and Country Planning (Tree Preservation Order and  
Trees in Conservation Areas) (Scotland) Amendment Regulations  
1984**

<i>Made - - - -</i>	<i>5th March 1984</i>
<i>Laid before Parliament</i>	<i>21st March 1984</i>
<i>Coming into Operation</i>	<i>11th April 1984</i>

In exercise of the 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 hereby 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 1984 and shall come into operation on 11th April 1984.

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

- (a) at the end of paragraph (c) of regulation 5 there shall be inserted the following words “except where this requirement has been waived by agreement between the planning authority and the Conservator of Forests so far as it affects his interest;”;
- (b) at the end of paragraph (a) of regulation 9 there shall be inserted the following words “The planning authority may agree with the Conservator of Forests to waive the requirements of this paragraph so far as it affects his interest;”;
- (c) in the Schedule, in the Form of Tree Preservation Order in place of article 1(1) there shall be substituted the following:—

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(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).

(b) S.I. 1975/1204, amended by S.I. 1981/1385.

“1.—(1) This Order may be cited as the Tree Preservation Order No [19—] and shall come into effect [on the date on which it is confirmed by the planning authority] [on the date specified in article 15 of this Order]<sup>3</sup>.”

New St Andrew's House,  
Edinburgh.  
5th March 1984.

*George Younger,*  
One of Her Majesty's  
Principal Secretaries of State.

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#### 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 as amended. The changes are—

- (i) the requirement for the Conservator of Forests to be sent a copy of a Tree Preservation Order and, later, to be informed of the planning authority's decision on it may be waived by agreement between both parties.
- (ii) a new article 1(1) in the Form of Tree Preservation Order has been inserted to remove an ambiguity arising from the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Amendment Regulations 1981.

SI 1984/329  
ISBN 0-11-046329-3

