

**EXPLANATORY MEMORANDUM TO
THE TOWN AND COUNTRY PLANNING (TREES) (AMENDMENT NO.2)
(ENGLAND) REGULATIONS 2008**

2008 No. 3202

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 The purpose of this instrument is only to correct an error in the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 (SI 2008/2260) ('the 2008 Regulations'), which was reported by the JCSI (see below). The required correction is achieved by a further amendment to the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892) ('the 1999 Regulations') which were amended by the 2008 Regulations.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 This instrument is in response to the Joint Committee's 31st Report of 2007-8 which reported the 2008 Regulations for defective drafting. Regulation 5 of that statutory instrument substituted a new Part 4 in. New regulation 11(1), inserted into the text of the 1999 Regulations, erroneously referred to 'the date on which *these Regulations* come into force'. That was intended as a reference to the 2008 Regulations rather than the 1999 Regulations. The Committee suggested amendment of the 2008 Regulations to delete the text referring to the date, as regulation 1 of the 2008 Regulations already referred to the coming into force date.

4. **Legislative Context**

4.1 Section 199(2) of the Town and Country Planning Act 1990 authorises the making of regulations as to procedure applicable to tree preservation orders, while section 333 provides a general power to make regulations, by way of statutory instrument, for purposes under the Act. Reliance is placed also on section 14 of the Interpretation Act 1978, for the power to amend the 2008 Regulations.

5. **Territorial Extent and Application**

5.1 This instrument amends the 2008 Regulations, which apply in relation to England only.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

Not applicable, as the current regulations only make a technical drafting correction to the 2008 Regulations. The policy background to those regulations was explained in the Explanatory Memorandum which accompanied them and it has not changed.

8. Consultation outcome

8.1 Not applicable.

9. Guidance

9.1 Not applicable.

10. Impact

10.1 An Impact Assessment is not required for this instrument.

11. Regulating small business

11.1 Not applicable.

12. Monitoring & review

12.1 Not applicable.

13. Contact

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